



THE ARCTIC COUNCIL AND THE POLAR CODE

The retreat of Arctic sea ice due to global warming is rapidly opening up the Arctic to increased international and intra-Arctic shipping. It is now possible, and may soon be common, to ship goods from Asia to Europe and eastern North America via the Northern Sea Route around the top of Russia or via the Northwest Passage through Bering Strait, across the top of North America, and out through Baffin Bay and Davis Strait. The same routes, of course, can be used in reverse.

The increasing industrialization of the Arctic is also a major factor in the growth of Arctic shipping. Many people are aware of efforts to find and develop oil and gas reserves off the coast of Alaska, Russia, Greenland and Norway. Less well known is the extensive mining activity that is already taking place in the Arctic, including the Red Dog mine in Alaska, which ships zinc and other ores south through Bering Strait; coal mining in Spitzbergen; and the nickel, copper and palladium mines of Norilsk Nickel on Russia's Kola Peninsula and in the Norilsk region northeast of Moscow. There are also active proposals for major coal and iron mines on Canada's Baffin and Ellesmere islands and uranium mining within Canada's Inuit-controlled Nunavut Territory and Greenland.

Increased Arctic shipping brings with it increased risks to the productivity and resilience of Arctic species and ecosystems already stressed by global warming. These risks include groundings and collisions; spills of heavy oil – either used as fuel or in transport – and other potentially toxic cargo; problems of waste disposal; noise, which affects the behavioral patterns of marine mammals and fisheries; and the unwanted effects on the Native peoples and communities of the Arctic and their traditional and future use of their homelands.

In 2009 the foreign ministers of the eight member states of the Arctic Council approved the Council's Arctic Marine Shipping Assessment and called upon the International Maritime Organization to formulate and adopt mandatory international standards for ships operating in Arctic waters, called the Polar Code. The AMSA report and the ministers stressed that the new Polar Code must protect not only the ships, their crews, passengers and cargo from the unique dangers of Arctic shipping but also protect Arctic peoples and the environment from the risks of shipping.

The IMO began working on the mandatory Polar Code in 2010, primarily through its Subcommittee on Design and Equipment. Unfortunately, that committee has focused almost exclusively on issues relating to ship design and construction and very little on the impacts of ships and shipping on Arctic peoples and the Arctic marine environment; indeed, it is possible that the IMO lacks both the experience and structure to address the broader concerns of the Council and ministers. In this situation it is imperative that the Arctic Council ministers

- take clear, identifiable steps to ensure that their governments' representatives to the relevant IMO committees advance the recommendations of the AMSA report to adopt a mandatory Polar Code that protects Arctic peoples and the Arctic marine environment as well as ships and their crews
- designate members of their delegations to the Arctic Council to serve on their delegations to all IMO meetings related to the Polar Code
- work with Permanent Participants to the Arctic Council to conduct a survey of indigenous uses of the Arctic marine environment and the impacts of shipping on indigenous peoples
- charge a task force or working group of the Arctic Council to identify actions related specifically to ships and shipping that could be taken outside the IMO to protect Arctic peoples and the Arctic marine environment.