



# Protecting the Polar Marine Environment

Law and Policy for Pollution  
Prevention



edited by  
DAVOR VIDAS

# Protecting The Polar Marine Environment Law And Policy For Pollution Prevention

**M. Habibur Rahman**



## **Protecting The Polar Marine Environment Law And Policy For Pollution Prevention:**

*Protecting the Polar Marine Environment* Davor Vidas, 2000-11-23 How can we best protect the polar marine environment against pollution Leading scholars on environmental law the law of the sea and Arctic and Antarctic affairs here examine this important question To what extent do existing global instruments of environmental protection apply to the Arctic Ocean and the Southern Ocean Can the arrangements adopted at regional sub regional and national levels provide adequate protection This book examines and compares various levels of regulation in protecting the marine environment of the Arctic and Antarctic with specific attention to land based activities radioactive waste dumping and shipping in ice covered waters Developments since the establishment of the Arctic Council in 1996 and the entry into force of the Protocol on Environmental Protection to the Antarctic Treaty in 1998 are also discussed This is a volume that will appeal to polar specialists and to all those interested in environmental law and policy

*Research Handbook on International Marine Environmental Law* Rosemary Rayfuse, 2015-10-30 This authoritative Handbook examines the current state of and the future challenges for international law in addressing the key activities that pose threats to the marine environment It provides a critical analysis of and constructive solutions for the international legal regime for the protection of the marine environment and identifies areas of vital research need for the future The in depth chapters written by emerging and established experts in their fields explore the legal framework for protection of the marine environment and look at issues such as pollution seabed activities and climate change as well as discussing the protection of marine biodiversity and considering regional approaches to the protection of the marine environment Each chapter goes beyond a survey of existing law to identify the shortcomings in the legal regime and areas of critical research needed to address these shortcomings This timely book provides significant insights into contemporary issues surrounding the efficacy of the regime created by the 1982 Law of the Sea Convention and details the further work needed to ensure the design and implementation of effective regulation and management of human activities that affect the marine environment Students and academics researching in the law of the sea and environmental law will find the Handbook central to their subject areas The analyses and reform proposals are an invaluable resource for government and policy practitioners as well as IGOs and NGOs involved in marine environmental issues

**The Law of the Sea and Polar Maritime Delimitation and Jurisdiction** Alex G. Oude Elferink, Donald R. Rothwell, 2021-10-18 The climate and other characteristics of the polar regions have been major factors in shaping the legal regime applicable to the polar oceans In Antarctica states have had to grapple with the question of how to account for developments in the law of the sea while preserving the compromise over sovereignty contained in the Antarctic Treaty The Arctic also has presented challenges for the law of the sea as illustrated by the continued attention given to special rules for polar shipping The 1982 United Nations Convention on the Law of the Sea has led to substantial agreement on the legal regime of ocean spaces The present volume explores the impact the Convention has had on the polar regions in this respect

including after its entry into force in 1994 To this end it looks at a number of issue areas in the field of maritime delimitation baselines maritime zones delimitation of maritime zones between neighboring states and jurisdiction environmental protection navigation and fisheries from a bipolar perspective It is strongly suggested that the legal regime of the polar oceans will be further elaborated to more effectively deal with existing activities or to accommodate new activities It is likely that the United Nations Convention on the Law of the Sea will continue to provide the basic legal framework for this exercise and that states will be careful not to unravel the delicate balance contained in it

**The Shipping Industry, Ocean Governance and Environmental Law in the Paradigm Shift** Tafsir Johansson, Patrick Donner, 2014-11-21 This book examines the corpus of status quo environmental legal regime geographical issues and redundant stakeholder claims which persist in the Arctic It examines multifarious theories relating not only to conflicting and opposing interests but also to parties to whom the shipping industry should be accountable The unique aspect of this book is the Corporate Social responsibility analysis pertaining to the Arctic and alternatives that strike a balance between the increased commercialization of the shipping industry and the laws and concepts of ocean governance The book relevantly puts forward the concept of ocean governance and to what extent it can be addressed in terms of the Arctic What distinguishes this book from others is the fact that it is not limited to examining the effects of climate change and how it is reshaping the way scholars assume the Arctic will be in the near future Rather it creates a transparent nexus between opposing claims and increasing commercial interests and proceeds to scrutinize the efforts of the Arctic Council and individual Arctic coastal states In this context the book follows a given equation based on initial theories and how the opposing claims and increasing commercialization side of the equation can be balanced with the appropriate legal norm It also reflects on the critical aspects of hard law and soft law which are two opposite ends of the legal pole and core elements of any legal spectrum The book after reflecting on those two elements finally proposes a new Arctic legal regime which is intricate and detailed and is basically a hierarchy based on logic and reasoning In doing so it imports a pristine theory for a pristine territory

**Arctic Legal Regime for Environmental Protection** Linda Nowlan, 2001 For many years concerns have been expressed about environmental issues in the Arctic While the Arctic region unlike Antarctica has been inhabited for thousands of years it is under unique threat because of its vulnerability toward resource exploitation and the deposition of various airborne pollutants With its varied populations and with eight Nations asserting territorial interests the Arctic needs a careful approach to its protection and development This report describes the current Arctic environmental legal regime It also discusses the possibility of negotiating a sustainability treaty for the Arctic with high standards of environmental protection similar to those in the 1991 Protocol on Environmental Protection to the Antarctic Treaty It is hoped that this review of the legal and policy contrasts between the Arctic and Antarctic can help in the consideration of future directions for the Arctic legal regime

Environmental Impact Assessment (EIA) in the Arctic Timo Koivurova, 2017-11-22 This title was first

published in 2002 This volume examines the norms of international law that apply to the planning stage of large scale activities such as hydrocarbon exploitation mineral extraction and forestry These stationary activities those that remain at a single location for a period of time pose grave risks to the Arctic environment since the development of technology has made it profitable to exploit natural resources even in such harsh regions Legal Regime of Marine Environment in the Bay of Bengal M. Habibur Rahman, 2007 There Is A Growing Concern About The Change In Composition Of The Atmosphere Depletion Of The Ozone Shield Pollution Of Marines And Rapid Population Growth Leading To Alarming Imbalance Between Population And Resources Concerted Efforts Are Being Made Across The World To Curb The Environmental Degradation The Un Conference On The Human Environment Held In Stockholm In 1972 Marked The Beginning Of The Development Of International Environmental Law By Soft Law Mechanism With The Un Convention On The Law Of The Sea 1982 The State Parties Have Been Made Obligatory To Protect The Marine Environment Including All The Resources Therein The Present Book Is A Treatise On The Legal Regime Of The Marine Environment In The Bay Of Bengal It Provides A Comprehensive Description And Assessment Of The Legal Regime Governing This Particular Maritime Area It Focuses On Its Protection Preservation And Development It Deals With Fisheries As Well As The Protection Of The Environment Against Pollution And The Discharge Of Waste From Land Beginning With The Study Of Fisheries Management In The Bay Of Bengal The Book Includes In Its Study The Major Agreements And Protocols International Documents On Marine Environment Seabed Mining And Its Consequences Settlement Of Environmental Disputes And The Present Day Socio Economic Condition In The Bay Of Bengal Region The Book Also Provides A Bibliography To Enable The Readers To Pursue Their Study Further The Index That Completes The Book Would Prove A Useful Study Aid To All Readers Since The Study Is Embedded In The Global Perspective Of The Protection Of The Marine Environment It Shall Be Of Significant Use To All Those In Coastal And Naval Services Government Executives Planners And Policy Makers Concerned With The Protection Of The Marine Environment For The Scholars And Teachers Of International Law It Is An Ideal Reference Book **Implementing the Environmental**

**Protection Regime for the Antarctic** D. Vidas, 2012-12-06 When the Protocol on Environmental Protection to the Antarctic Treaty entered into force on 14 January 1998 a new phase commenced for the Antarctic Treaty System The parties to the Protocol are today confronting issues related to the implementation of a complex international environmental protection regime both in international and domestic contexts Several crucial implementation questions need to be solved in order to enhance and make possible the implementation of the Protocol What would be the consequences for the parties of a possible failure in resolving the pending implementation issues on what premises can the solutions be based and what then are the options available This book provides a systematic overview of the implementation issues in sections on jurisdiction control and enforcement in the Antarctic Part I institutional support to the implementation of the Protocol Part II normative support to the implementation of the Protocol an Antarctic liability regime Part III relationship with other international instruments

and arrangements Part IV and through a series of selected case studies issues involved in domestic implementation of the Protocol Part V This is a book that will appeal to Antarctic specialists and to all those interested in environmental law and policy *International Governance of the Arctic Marine Environment* Lilly Weidemann, 2014-04-09 The Arctic is particularly affected by climate change over the past few decades temperatures in this area have risen twice as fast as the mean global rate The most prominent effect of global climate change in the region is the melting sea ice in the Arctic Ocean which enables a multitude of ocean uses to be initiated and extended such as shipping fishing and oil and gas extraction Unlike in the Antarctic there is currently no single comprehensive legal regime for governance of the Arctic Instead the region is regulated by a patchwork of international treaties above all the United Nations Convention on the Law of the Sea UNCLOS various regional and sub regional agreements national laws and soft law agreements This treatise provides an evaluation of the governance regime that regulates the use of the Arctic marine environment and its readiness to protect these fragile ecosystems in light of the consequences of climate change International Cooperation and Arctic Governance Olav Schram Stokke, Geir Hønneland, 2006-12-05 A new exploration of the impacts of Arctic regimes in such vital areas as pollution biodiversity indigenous affairs health and climate change The post Cold War era has seen an upsurge in interest in Arctic affairs With new international regimes targeting Arctic issues at both the global and regional levels the Northern areas seem set to play an increasingly prominent role in the domestic and foreign policies of the Arctic states and actors not least Russia the USA and the EU This volume clearly distinguishes between three key kinds of impact effectiveness defined as mitigation or removal of specific problems addressed by a regime political mobilization highlighting changes in the pattern of involvement and influence in decision making on Arctic affairs region building understood as contributions by Arctic institutions to denser interactive or discursive connectedness among the inhabitants of the region Empirically the main focus is on three institutions the Arctic Council the Barents Euro Arctic Region and the Council of the Baltic Sea States *International Cooperation and Arctic Governance* is essential reading for all students with an interest in Arctic affairs and their impact on global society **Arctic Marine Governance** Elizabeth Tedsen, Sandra Cavalieri, R. Andreas Kraemer, 2013-10-01 The Arctic region plays an important role in regulating the world's climate and is also highly impacted by climate change with average temperatures rising almost twice as fast as the rest of the world and sea ice melting much faster than previously predicted These rapid changes will have significant impacts on human activity in the region and on the Arctic marine environment This book draws on the results of the 2008 2009 Arctic TRANSFORM project funded by the European Commission's Directorate General of External Relations which engaged experts in a transatlantic discussion on the roles of the European Union and United States in light of the Arctic's changing climate and political and legal complexities The book addresses the significant changes and developments in the marine Arctic with descriptions and recommendations reflecting the current governance environment A comprehensive overview of environmental governance and sustainable

development in the Arctic is created Chapters explore impacts and activities by sector looking at fisheries shipping and offshore hydrocarbon in the Arctic and at policy options and strategies for improving marine governance in the region A particular focus is given to the roles of the European Union and United States and opportunities for cooperation to enhance Arctic environmental governance *Global Challenges in the Arctic Region* Elena Conde,Sara Iglesias Sánchez,2016-08-05 Bringing together interconnected discussions to make explicit the complexity of the Arctic region this book offers a legal discussion of the ongoing territorial disputes and challenges in order to frame their impact into the viability of different governance strategies that are available at the national regional and international level One of the intrinsic features of the region is the difficulty in the determination of boundaries responsibilities and interests Against this background sovereignty issues are intertwined with environmental and geopolitical issues that ultimately affect global strategic balances and international trade and at the same time influence national approaches to basic rights and organizational schemes regarding the protection of indigenous peoples and inhabitants of the region This perspective lays the ground for further discussion revolving around the main clusters of governance focusing on the Arctic Council and the European Union with the particular roles and interest of Arctic and non Arctic states and the impact on indigenous populations environment including the relevance of national regulatory schemes and the intertwinement with concerns related to energy or migration strategy concentrating in geopolitical realities and challenges analysed from different perspectives and focusing on different actors and covering security and climate change related challenges This collection provides an avenue for parallel and converging research of complex realities from different disciplines through the expertise of scholars from different latitudes **The Estonian Straits** Alexander Lott,2018-04-03 In *The Estonian Straits* Alexander Lott establishes the interrelations between the main legal categories of straits Through this detailed and exceptional account he provides legal classifications for the Viro Strait in the Gulf of Finland as well as the Irbe Strait and the Sea of Straits in the Gulf of Riga Consequently the passage rights of foreign ships and aircrafts in the northeastern part of the Baltic Sea are determined The author demonstrates that the legal regime of the Estonian Straits has been and continues to be determined by such factors as the outer limits of maritime zones treaties islands maritime boundary delimitation domestic law on internal waters and baselines as well as geopolitical implications particularly the concept of State continuity **Emerging Legal Orders in the Arctic** Akiho Shibata,Leilei Zou,Nikolas Sellheim,Marzia Scopelliti,2019-04-11 More than ever before the changing environmental and political landscape in the Arctic requires stability and foreseeability based on resilient common norms The emerging legal orders in the Arctic cannot be legitimately created or effectively implemented unless all relevant actors are involved Simultaneously it must always be based on respect for the sovereign rights of the eight Arctic states in the region as well as the tradition and cultural livelihood of the local communities It is this delicate balance between Arctic and non Arctic interests that is the core probl matique for the emerging legal orders in the Arctic *Emerging Legal Orders in the Arctic*

critically examines the role of non Arctic actors in this advancement of the shape and scope of the Arctic legal order. Discussing the admittance and participation of Observer states and organisations in the Arctic Council including task force meetings where new treaties are negotiated it details the issues and successes this can result in. Setting up the context of the current legal orders in the Arctic the book discusses Asian indigenous and European perspectives amongst others. There is a strong focus on the groundbreaking fisheries agreement of November 2017 in the Central Arctic Ocean CAO and the impact on both Arctic and non Arctic actors. Interests in marine living resources scientific cooperation and the Arctic shipping regimes and governance are also thoroughly discussed from multiple perspectives. The book combines the expertise of academics and practitioners in the fields of international law and Arctic governance uniquely focusing on Asian actors in the Arctic legal order making The resulting study is a fascinating insight into the interplay between non Arctic actors and the Arctic legal order and will be invaluable to academics in the field of Arctic and international law

**Geopolitics and Security in the Arctic** Rolf Tamnes, Kristine Offerdal, 2014-07-11 Written by a group of leading experts on Arctic affairs this book offers a historically informed and comprehensive study of the geopolitics and security challenges of the Arctic. The key aim of the work is to identify the conditions for cooperation stability and peace in the Arctic and to reach beyond simple description and expectation in order to explore in depth some of the main factors that will determine the future of international relations in the region. Furthermore it addresses key topics such as the geopolitical significance of the Arctic and the importance of oil and gas resources in the Arctic. The book also investigates what the main characteristics of governance in the Arctic are and how institutions and regimes can promote stability and security in the region. The volume maintains two layers of focus. The first relates to the dynamics within the Arctic and the second to developments outside the region highlighting that we cannot understand the Arctic in isolation from global developments such as energy markets security conflicts and NATO Russian antagonism. This book will be of much interest to students of Arctic politics security studies geopolitics Russian and Scandinavian politics and international relations in general

Global Environment Outlook 2000 United Nations Environment Programme (Unep), 2013-11-05 The continued poverty of the majority of the planet's inhabitants and excessive consumption by the minority are the two major causes of environmental degradation. The present course is unsustainable and postponing action is no longer an option. Inspired political leadership and intense cooperation across all regions and sectors will be needed to put both existing and new policy instruments to work. From the Synthesis Global Environment Outlook 2000 GEO 2000 is a comprehensive and authoritative review and analysis of environmental conditions around the world. It is the flagship publication of the world's leading environmental organization the United Nations Environment Programme UNEP and is based on information provided by more than 30 regional and international collaborating centres. The book presents a region by region analysis of the state of the world's environment highlighting key global concerns and making recommendations for policy action. The regions covered include Africa Asia and the Pacific



Europe and Central Asia Latin America and the Caribbean North America West Asia and the Polar Areas Chapter 1 Global Perspectives describes the main drivers of environmental change such as the economy population growth political organization and regionalization as well as potential impacts of recent global developments including the growth of the consumer culture trade and international debt Chapter 2 The State of the Environment provides a global and region by region overview of the environment at the end of the second millennium The chapter covers global issues such as ozone climate change El Nifio and nitrogen loading and universal issues of land and food forests biodiversity freshwater marine and coastal areas atmosphere and urban areas Chapter 3 Policy Responses reviews the broad range of policy instruments and responses being used to address environmental issues including multilateral environmental agreements and analyses the difficulties of compliance implementation and assessment Chapter 4 Future Perspectives looks at environmental issues that will require priority attention in the 21st century and some alternative policy options that could be used in the regions Chapter 5 Outlook and Recommendations makes recommendations for future action based on the environmental legacy left by past and present policy and management systems GEO 2000 will be the benchmark reference and guide to the state of the global environment Written in clear non technical language and supported throughout by informative graphics and tables it is essential reading for all those involved in environmental policy making implementation and assessment and for researchers and students of regional and global environmental issues Originally published in 1999 **Global Environment Outlook**

**2000** United Nations Environment Programme,1999 This volume provides a comprehensive and detailed analysis of the conditions of the global environment highlighting key global concerns and making recommendations for policy action

Canada and the Changing Arctic Franklyn Griffiths,Rob Huebert,P. Whitney Lackenbauer,2011-11-01 Global warming has had a dramatic impact on the Arctic environment including the ice melt that has opened previously ice covered waterways State and non state actors who look to the region and its resources with varied agendas have started to pay attention Do new geopolitical dynamics point to a competitive and inherently conflictual race for resources Or will the Arctic become a region governed by mutual benefit international law and the achievement of a widening array of cooperative arrangements among interested states and Indigenous peoples As an Arctic nation Canada is not immune to the consequences of these transformations In Canada and the Changing Arctic Sovereignty Security and Stewardship the authors all leading commentators on Arctic affairs grapple with fundamental questions about how Canada should craft a responsible and effective Northern strategy They outline diverse paths to achieving sovereignty security and stewardship in Canada s Arctic and in the broader circumpolar world The changing Arctic region presents Canadians with daunting challenges and tremendous opportunities This book will inspire continued debate on what Canada must do to protect its interests project its values and play a leadership role in the twenty first century Arctic Forewords by Senator Hugh Segal and former Minister of Foreign Affairs and of National Defence Bill Graham **Marine Protected Areas Network in the South China Sea** Vu

Hai Dang,2014-01-09 The once pristine and rich marine environment of the South China Sea is degrading at an alarming rate due to the rapid socioeconomic development of the region Despite this and due mainly to complicated sovereignty and maritime disputes coastal States have not been able to develop effective regional cooperation to safeguard the shared marine environment Marine Protected Areas Network in the South China Sea discusses legal and political measures to support the development of a network of marine protected areas in the South China Sea Such a network if properly developed would not only help to protect the marine environment and resources of the region but also contribute to decreasing the tension among its coastal States These measures are suggested in accordance with international law based on the specific geopolitical context of the South China Sea region and take into consideration experiences in developing regional networks of marine protected areas from other marine regions

**Improving Global Environmental Governance** Norichika Kanie,Steinar Andresen,Peter M. Haas,2013-10-30 The experience of environmental governance is approached in Improving Global Environmental Governance from the unique perspective of actor configuration and embedded networks of actors which are areas of emerging importance The chapters look at existing Multilateral Environmental Agreements MEAs and the broader constellation of partially networked institutions to better understand the involvement of individual actors and how to deepen the networks that include them to generate more effective governance The book covers a wide range of issues pertaining to environmental governance including trans boundary air pollution marine pollution biodiversity and ozone depletion It also examines partnerships as a hybrid case of emerging modes of environmental governance These partnerships are a recent form of actor configuration that warrant attention for dealing with global environmental threats in order to better understand the full potential of actor configurations in the absence of state involvement In order to test applicability to on going but stalled processes the book applies the approach to one of the most difficult issues we face climate change By addressing key questions in this important area the book provides new perspectives in the nexus between agency and architecture in environmental governance in the twenty first century

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