

The Arctic Challenge: UNCLOS and a new climate generated Arctic regime?

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With the melting sea ice opening up the Arctic Ocean new opportunities and challenges emerge for the existing application of UNCLOS. Increasing areas of open water create new possibilities for commercial fishing, exploitation of hydrocarbon reserves beneath the sea floor and marine transportation routes. The special Arctic environment will challenge UNCLOS in questions such as:

- Drawing baselines in ice and partly ice covered areas
- Regime of innocent passage in one of the most weather and ice hazardous areas as well as the most environmental sensitive.
- Regime of international straits and the special status of the North West and the North East passage. A special Arctic straits regime could develop.
- The ongoing extensions of the continental shelf regime to a 350-mile limit.
- Regime of high sea. The new intensified commercial activities could conflict with the hitherto undisturbed military uses of this vital area for international security.

Arctic states might chose to address the new challenges in a special treaty regime. Whatever the outcome, the estimated existence of some of largest oil reserves of the world could create a serious clash of vital interests not easily balanced by the UNCLOS.

The presentation will outline the issues involved, including the adaption of the existing rules of the UNCLOS to this new arena of law of the sea. Some solutions will be suggested as basis for a discussion.