

Analysis of the Adequacy and Effectiveness of Existing Arrangements and Agreements

Developed by **EPPR**
The Emergency Prevention, Preparedness and Response
Working Group
of the **Arctic Council**
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BACKGROUND

In the Rovaniemi Declaration of the Arctic Council it was agreed to provide a framework for future cooperation in responding to the threat of environmental emergencies. The EPPR Working Group was originally established as an experts' forum with two main objectives:

- to review existing bilateral and multilateral arrangements in order to evaluate the adequacy of the geographical coverage of the Arctic regions by co-operative arrangements; and
- to consider and recommend the necessary system of cooperation within the EPPR mandate.

The objectives and mandate of the EPPR were further developed by the AEPS ministerial meeting. One of the tasks given in the Inuvik Declaration (1996) was

- analyzing of the adequacy and effectiveness of existing international agreements and other arrangements in the Arctic within EPPR's area of expertise.

APPROACH

The overall approach taken to meet these objectives:

- identified activities posing high risks in the Arctic¹;
- determined which existing arrangements and agreements related to these activities posing high risks;
- identified coverage and gaps via a questionnaire, and
- identified ongoing deliberations that will address activities posing high risks not presently covered by existing agreements and arrangements.

Countries answered a detailed questionnaire based on their self-identified Arctic risks.

IDENTIFIED RISKS

The EPPR Working Group developed a risk analysis as a means of systematically analyzing the level of protection afforded to the Arctic from trans-boundary pollution incidents. To assess the level of protection for each activity occurring in the Arctic area, the EPPR Working Group categorized and then inventoried the activities, and the potential threats and impacts of discharges from the activities which might have a trans-boundary impact. Each country then determined the level of risk for each activity in their country.

Several types of human activities in the arctic have the potential of resulting in a pollution incident that would require emergency response. The activities vary in type and extent from country to country. With the exception of Finland, all of the countries bordering the Arctic area have oil terminals, or major transportation routes of oil or hazardous materials supporting communities in their Arctic areas. Other human activities include the exploitation of petroleum and mineral resources. The greatest threat to the Arctic from a release of a pollutant requiring emergency response is from the transportation and storage of oil. However, the threat from oil is more local in nature for any one activity.

¹ Environmental Risk Analysis of Arctic Activities, EPPR working group report. The revised version was presented at the Iqaluit Ministerial Meeting 1998. Can be found at the EPPR website: <http://eppr.arctic-council.org>

There are hazardous materials waste sites, and several nuclear sites and radioactive waste sites in its Arctic area. Nuclear sites, although assessed as less of a threat overall, pose the potential of impacting larger areas. A major release of radioactive contaminants from a nuclear activity could require emergency response actions within all the Arctic countries.

Human activities in the Arctic having the potential of resulting in a pollution incident requiring an emergency response pose unique and difficult challenges. The design, management, and operational measures to prevent incidents must withstand the Arctic's extreme environmental variations which includes light and temperature variations, short summers, extensive snow and ice cover in winter, and large areas of permafrost. There are also significant challenges associated with access and logistics. Preparing for and responding to an environmental emergency in the extreme Arctic conditions is also uncommon, and thus emergency response forces are usually not experienced for

EPPR concluded in its risk analysis that, despite the coverage by domestic, regional, and international instruments, the ability to prevent, prepare for, and respond to pollution incidents can vary considerably between the Arctic countries due to technical, social and economic factors.

EXISTING AGREEMENTS

EPPR identified agreements and arrangements that relate to activities posing high risks in the Arctic. These agreements are: in force; cover at least part of the Arctic; pertain to emergency prevention, preparedness or response; and address at least one of the risks identified in the Risk Analysis. Bi-lateral and regional agreements are not included. They are described in the Arctic Guide². Arrangements and agreements examined related to activities posing high risks include:

- International Convention for the Prevention of Pollution from Ships (MARPOL 73/78)
- International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties (1969) and Protocol Relating to Intervention on the High Seas in Case of Pollution by Substances other than Oil (1973)
- United Nations Convention on the Law of the Sea (UNCLOS)
- International Convention on Oil Pollution Preparedness, and Response and Cooperation (OPRC 1990)
- Convention on Early Notification of a Nuclear Accident (Notification Convention 1986) together with Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency (Assistance Convention)
- Convention on Nuclear Safety
- Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management (not yet in force)
- Convention on the Trans-boundary Effects of Industrial Accidents (ECE Convention 1992)
- International Convention on Salvage 1989

² Arctic Guide, EPPR working group publication. The Arctic Guide was presented at the Alta Ministerial Conference 1997. Can be found at the EPPR website: <http://eppr.arctic-council.org>

COUNTRIES' FINDINGS

Considering activities posing high risk for which arrangements/agreement are not in place the main gaps which countries identified at the time the questionnaire was filled out were:

- the management hazardous substances;
- control of vessel traffic in the arctic seas; and
- abandoned ships/wreck removal.

EPPR notes that these issues are being dealt with in other fora through other arrangements, respectively:

- International Convention on Liability and Compensation for Damage in connection with the Carriage of Hazardous and Noxious Substances by Sea (HNS Convention 1996) and the
- Protocol on the Preparedness, Response and Cooperation on Pollution Incidents by Hazardous and Noxious Substances (OPRC-HNS Protocol 2000);
- Polar Navigation Guidelines (under development within IMO); and
- Wreck Removal Convention (under development within IMO).

Some countries have identified gaps in existing bi-lateral agreements. These countries are currently reviewing and updating these documents.

Additional activities raised by some countries are: the need for obligatory navigational corridors; prohibited sailing areas; and the obligatory use of pilots when sailing ships in Arctic waters. These issues may be raised within EPPR for future consideration.

EPPR'S FINDINGS AND CONCLUSIONS

International cooperation in the field of emergency prevention, preparedness and response is based primarily on the provisions of international conventions and multi-lateral and bi-lateral agreements and arrangements. The EPPR Working Group completed a review of existing bilateral and multilateral agreements and arrangements to evaluate the adequacy of geographical coverage of the Arctic regions. Based on this review, the EPPR working group finds that the international agreements and arrangements currently in force, agreed to, or under consideration appear to address the present needs for trans-Arctic cooperation in these fields.

Several countries identified shortcomings in existing bi-lateral or regional agreements that were under review by responsible national authorities. EPPR endorses the process of reviewing bi-lateral and multi-lateral agreements by the countries involved. EPPR will continue to facilitate information sharing on such agreements.

Some countries also raised additional activities: the need for obligatory navigational corridors; prohibited sailing areas; and the obligatory use of pilots when sailing ships in Arctic waters. The EPPR working group finds that the necessary legal framework and international forum, i.e. the International Maritime Organization, exists to examine the need for additional measures. These issues may be raised within EPPR for future consideration.

It is important to note that the Arctic states participate in international emergency cooperation as members of the United Nations and its specialized organizations such as the International Atomic Energy Agency (IAEA), International Maritime Organization (IMO), the United

Nations Environment Program (UNEP), and the United Nations Economic Commission for Europe (UNECE). This allows these states to bring the Arctic dimension to these other fora.