

# Arctic waters and global governance institutions:

China and UNCLOS §234/IMO's Polar Code

Iselin Stensdal 5 April 2022, High North Dialogue, Bodø/online

*Photo: Pexels*



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# China's Arctic Policy (2018)

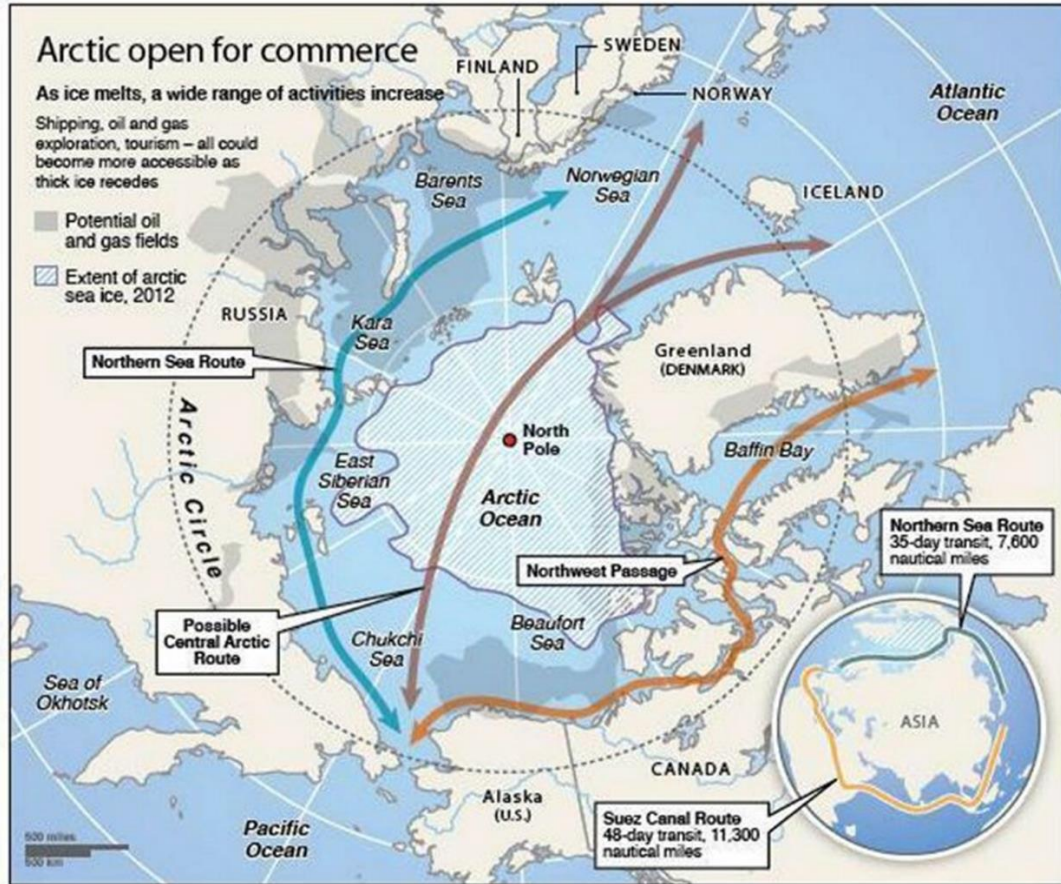
## *Goals:*

- To understand the Arctic → research
- To protect the Arctic → climate change & environment
- To develop the Arctic → transport, technology & resources
- To participate in Arctic governance → international cooperation

## *Principles:*

- Respect
- Cooperation
- Win-win results
- Sustainability

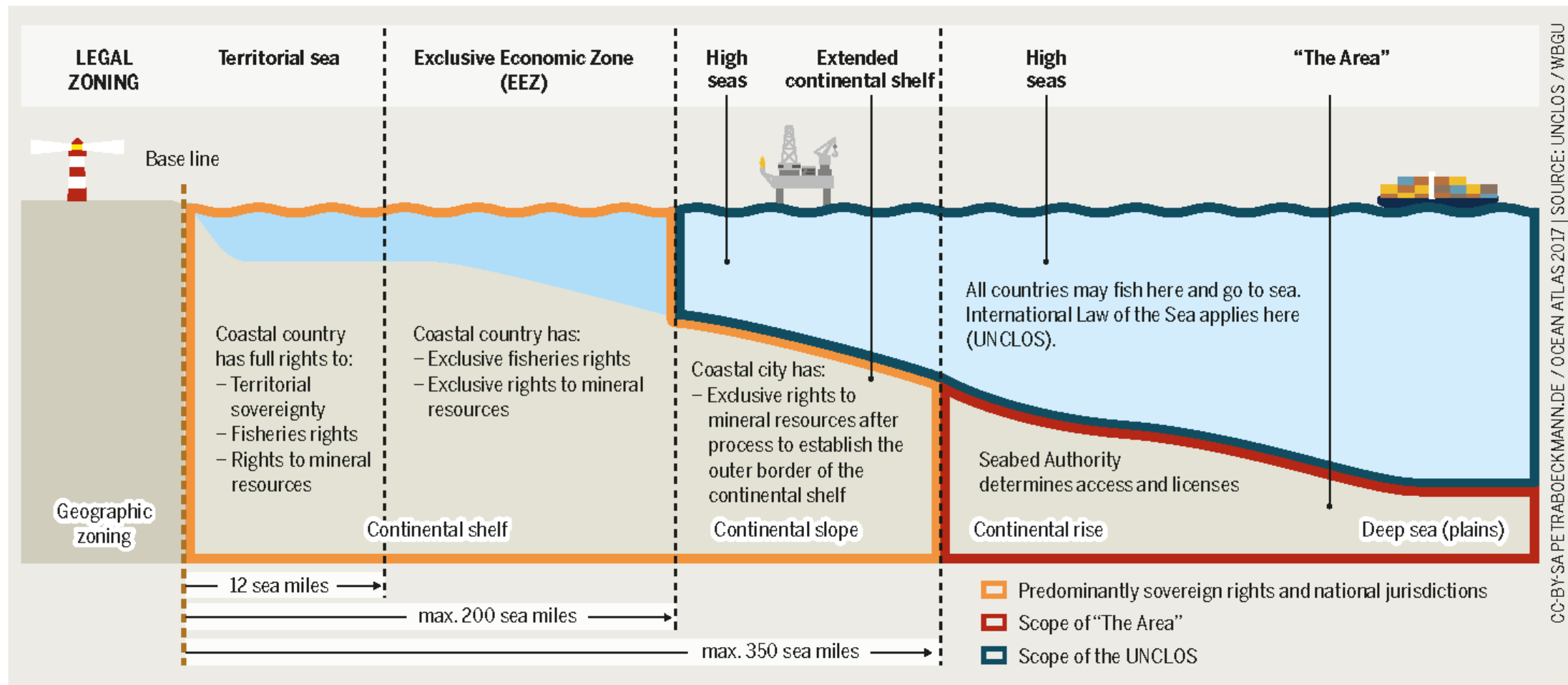
# Shipping in the Arctic/BRI



# Who/what governs the Arctic?

- The Arctic countries!
- Arctic Council
- Regional mechanisms:
  - Barents Euro-Arctic Council (BEAC)
- Topical international agreements & international law:
  - UN Convention on the Law of the Sea (UNCLOS)
  - International Maritime Organization (IMO)
  - on Law of UN Framework Convention for Climate Change (UNFCCC)

## How the Lawyers Think—Maritime Zones and the International Law of the Sea



Today, humanity's inheritance is solely limited to the mineral resources of the parts of the seafloor that lie beyond national jurisdictions ("the Area"), which is administered by the Seabed Authority.

The UN Convention on the Law of the Sea (UNCLOS), together

with its existing implementing conventions, defines the framework for ocean governance. The regional fisheries management organizations (RFMO) organize the cultivation of the fish stocks in the high seas as well as the trans-territorial and far-ranging fish stocks in the Exclusive Economic Zones (EEZ).

# LOSC



**Freedom of navigation  
vs.  
Costal State's jurisdiction**

**§ 234 Ice-covered areas:  
navigation  
vs.  
pollution prevention**

# Article 234

Coastal States have the right to adopt and enforce non-discriminatory laws and regulations for the prevention, reduction and control of marine pollution from vessels in ice-covered areas *within the limits of the exclusive economic zone,*

where particularly severe climatic conditions and the presence of ice covering such areas for most of the year create obstructions or exceptional hazards to navigation, and pollution of the marine environment could cause major harm to or irreversible disturbance of the ecological balance. Such laws and regulations shall have due regard to navigation and the protection and preservation of the marine environment based on the best available scientific evidence.



# Polar Code: standards for commercial ships in polar waters

Polar Code went into effect:

2017: new ships

2018: old ships

generally accepted international rules  
and standards

**IMO**



# Questions:

- How does China view the role of UNCLOS and the Polar Code in the Arctic?
- Where is the sphere of influence for China in regards UNCLOS (esp. §234) and the Polar Code?
- What are the *effects* of this influence on governance?

