

MULTI-SOURCE OIL POLLUTION RISKS IN THE ARCTIC OCEAN AND POTENTIAL LONG-TERM EFFECTS ON COASTAL COMMUNITIES

AN INTERNATIONAL LAW APPROACH

MarSafeNet International Conference
New Challenges Facing the Arctic Ocean and other Fragile Seas

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1 INTRODUCTION

- Arctic Ocean
 - High Fragility
 - Increasing Economic and Political Interest
- Threat: Oil Spills
 - Multiple Sources
 - Long Term Effects on Coastal Communities
- International Law ?

2 OIL TANKERS

- International Convention on Civil Liability for Oil Pollution Damage - CLC (1992)
 - Insurance requirement
 - Maximum liability approx. 111.65 million EUR per incident
 - Compensation Fund
- *Prestige* (2002), *Erika* (1999)
- *Exxon Valdez* (1989)
 - Fisheries are still not back to normal after more than 25 years

3 BUNKER OIL

- Relatively small amounts but still risk of significant damage
 - *Cosco Busan* (2007), *Selendang Ayu* (2004)
- Bunker Oil Convention - BC (2001)
- Insurance Requirement for Ships 1,000 gross tons or bigger
- Not only bunker fuel but also other oils covered

4 OIL DRILLING

- Relatively new but increasing role in the Arctic
- Risk of major damage
- *Deepwater Horizon* (2010)
 - Mobile Offshore Drilling Unit: CLC & BC
- Limited international law regulation
 - Environmental rules under general Int'l Law of the Sea *re* Exclusive Economic Zone, Continental Shelf
 - Limited benefits for local coastal communities, but e.g. International Human Rights Law

5 OIL TRANSPORT IN CONTAINERS

- (Hydraulic etc.) Oil Transport in Bladder Tanks in Containers
- Risk of Fires etc.: *BBC Arizona* fire (2013)
- Insufficient Documentation?
- Not covered by BC, not CLC required for non-tanker cargo vessels
- Nairobi Convention on the Removal of Wrecks - Entry into Force: 14 April 2015
 - Potentially Useful Tool for Coastal Communities
 - Insurance and Removal Scheme
 - Not dependent on Flag States but on Coastal States
- International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea (HNS) - Entry into Force: unclear

6 CONCLUDING REMARKS

- Rules exist, but they are not sufficient to protect coastal communities
- Arctic Sanctuary required
 - No Political Will
 - Universal Maritime Pollution Prevention and Compensation Scheme unlikely anytime soon
- Potential Voluntary Approach: Agree to Limited Use of Arctic Resources through an Arctic Ocean Protection Charter
 - Similar to Dolphin-Friendly Tuna Fishing
 - Non-binding Soft Law, but Factual Effects Possible

THANK YOU FOR YOUR
ATTENTION.

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