

PAME II - 2014 Agenda Item 4.6(a)
AMSA Recommendation II (D) - Specially Designated Arctic Marine Areas

Background

The following Record of Decision (RoD) was issued by the Protection of the Arctic Marine Environment (PAME) Working Group during its first meeting of 2014:

*“PAME welcomes the valuable contribution of the final AMSA II (D) report and requests the Secretariat to post it to the PAME website related to background documents. **PAME invites member governments to submit to PAME II-2014 their views on the report recommendations. As part of these views, member governments are invited to indicate whether, and if so how, international protection for the high seas area of the Central Arctic Ocean might be pursued by Arctic States at IMO.**”*

In particular, the three identified AMSA II (D) report recommendations are as follows:

Recommendation 1

Designate the Arctic high seas area a Particularly Sensitive Sea Area (PSSA) in its entirety within which a Vessel Traffic System (VTS) and Ship Reporting System (SRS) to monitor traffic and enforce a mandatory Area To Be Avoided (ATBA) would be established. This ATBA is proposed to be “dynamic” with its boundaries reflecting the movement of the ice edge.

Recommendation 2

Designate the Arctic high seas area a PSSA in its entirety. A VTS with SRS are established within the PSSA to monitor traffic and offer guidance and advise to mariners though *without* an accompanying ATBA.

Recommendation 3

Designate one or more “core sea ice areas” of the Arctic high seas as a PSSA and establish enforceable ATBA’s overtop these areas.

In reviewing all three proposed recommendations Canada notes the following views for PAME’s consideration:

- Pursuant to Recommendations 1 and 2, designating the *entire* Arctic High Seas a PSSA is thought to be difficult if not unlikely given IMO PSSA designation criteria and the need to generate consensus amongst all Arctic

coastal states, whereas the designation of a more discrete area or areas (Recommendation 3) has a greater probability of galvanizing support.

- Regarding the issue of a dynamic ATBA to reflect the changing ice edge (Recommendation 1), PSSA designation criteria does allow for the inclusion of a buffer zone contiguous to site-specific features (i.e. core sea ice areas). The applicability of this buffer zone feature to delimit wide parameters inclusive of changing sea ice is deserving of further exploration.
- Inasmuch as the Arctic high seas must meet ecological, social or cultural criteria for PSSA designation (note: it need not meet *all* criteria), there must also be a clearly articulated risk from shipping activity. Documenting this risk may be difficult given the relative lack of traffic in the area. While probability is but one component of determining risk, it will nevertheless be critical to have detailed (empirical) information to provide to IMO on all aspects of risk, threats and vulnerabilities if/when submitting a PSSA application.
- On the other hand, there is the argument that it could be “easier” to have a PSSA approved by IMO within the high seas area of the Arctic well before (or if) any substantial vessel traffic occurs and corresponding interests become entrenched. Establishing a PSSA in this fashion also adheres to principles of precaution and prevention.
- While no existing PSSA’s are located *entirely* within any high seas area, it is worth noting that there is precedent for a PSSA to extend beyond a delimited EEZ into the high seas (i.e. the Strait of Bonifacio PSSA). Clarity should therefore be sought on whether a PSSA application is required to include at least some waters falling under the responsibility of a coastal state.
- For all recommendations proposed, the issue of compliance and enforcement (and the distribution of resources required to maintain an effective Arctic high seas PSSA) is of critical importance.

Recommendation

All three Recommendations would be challenged to strike a balance between freedoms of navigation and protection of the marine environment and careful attention must be paid to those issues (and others). It is therefore recommended that before any action is taken on the AMSA II D report further consideration be given towards the use and applicability of buffer zones, identifying risks in areas of low traffic volume, and whether PSSA designation can occur entirely within high seas areas.