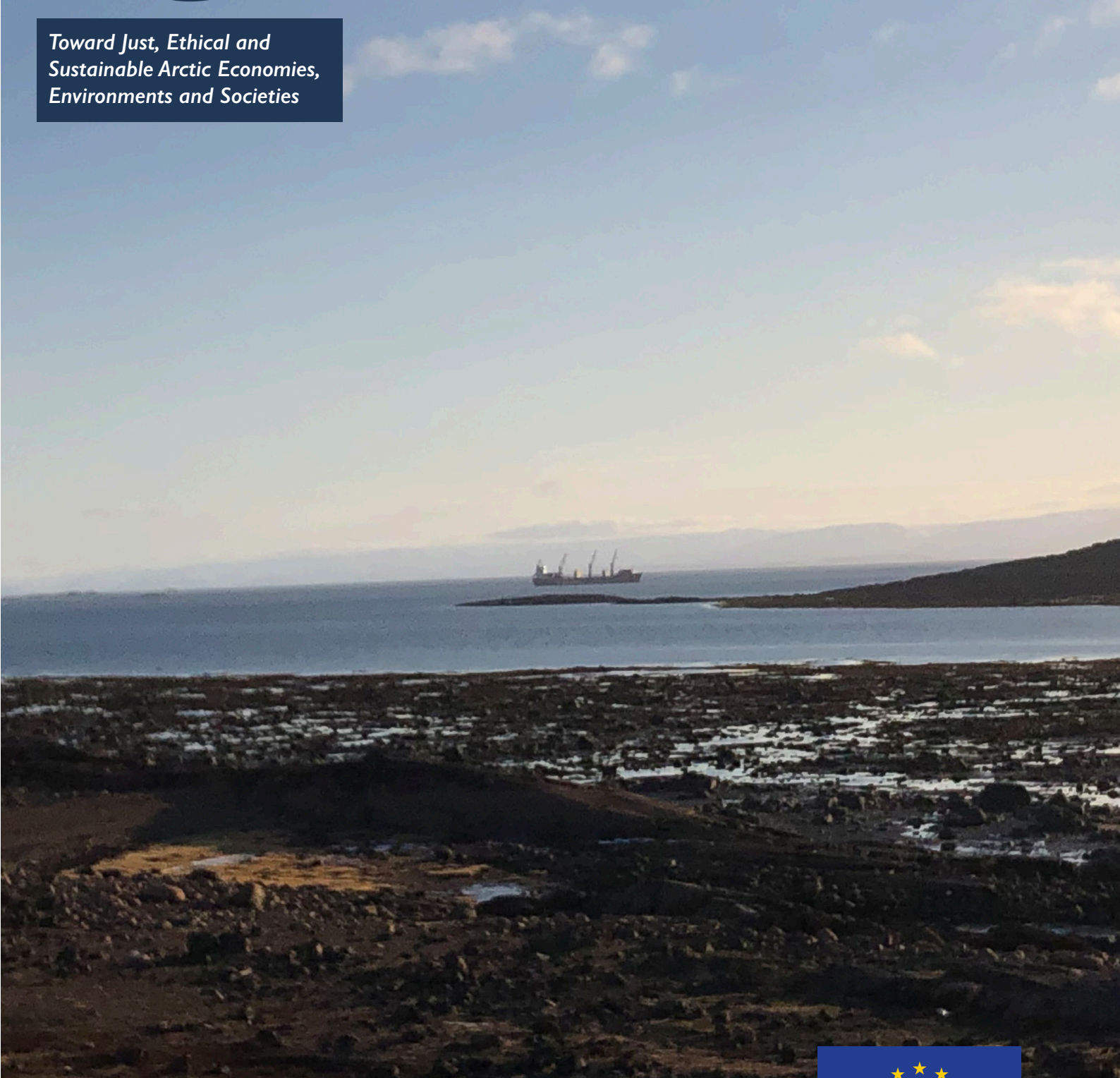




Toward Just, Ethical and Sustainable Arctic Economies, Environments and Societies

Key Challenge 6: Governance of Overlapping Maritime Activities



This project has received funding from the European Union's Horizon 2020 research and innovation programme under grant agreement No 869327



KEY CHALLENGES IN SERIES

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An increasingly retreating Arctic sea ice means that new maritime routes through the region are being opened or considered. These pose serious sustainability and infrastructure challenges. An adequate and sustainable charting should be ensured with responsible maritime traffic and exclusion zones being high priorities in order to protect both human and ecological Arctic habitats. The EU could take a leading role in this regard in the European Circumpolar North. For jurisdictional, economic and geographical reasons, the EU cannot unilaterally decide on rules for maritime activities involving both EU and non-EU countries as well as other international actors. However, it can promote a reduction of maximum boat speed and a prohibition of heavy fuel oil in the Arctic region as to reduce impacts on marine life and to reduce contamination.

In conjunction with the International Maritime Organisation (IMO), the EU could lead the way to take the existing Polar Code even further. For now, the Code is limited to merchant and passenger vessels over 500 GT. A reduction of this limit and the inclusion of fishing vessels – thus far following the Code only on a voluntary basis – would have a significant impact on maritime safety across the Arctic and would reinforce the protection of its marine ecosystems. In this regard, in November 2022, the IMO's Maritime Safety Committee approved the first draft amendment to the Polar Code, commonly referred to as the second phase of the Polar Code. These amendments introduce regulations applicable to non-SOLAS vessels, including fishing vessels over 24 metres in

length, yachts, and cargo vessels with a gross tonnage exceeding 300. It is noteworthy that all EU member states supported these amendments. Consequently, the EU can take the initiative to promote their final adoption within the SOLAS Convention. Concurrently, the EU can maintain its efforts toward implementing the provisions of the Polar Code that became effective in 2017.

Tourism is a sector growing rapidly in many Arctic regions. While it represents important economic opportunities, it also comes with threats to environmental sustainability and to traditional cultures and practices. Besides, the presence of global operators – especially in the cruise sector – often means little regard for local social and economic sustainability. Over-tourism and short windows of activity due to seasonal changes lead to unsustainable competitive practices and to a search for reducing costs with problematic effects. For instance, precarious employment conditions and the lowering of pollution and safety standards and measures have been observed in maritime tourism. Across the different JUSTNORTH case studies, several tourism stakeholders called for measures oriented to prevent a race to the bottom regarding the standards of tourism services. Stronger EU certification practices for tourism operators could complement local guidelines and laws to ensure local benefits and the development of an eco-consciousness across the tourism industry and tourists themselves.

Finally, Arctic transborder maritime spatial planning would be beneficial for the governance of the multiple economic

activities happening in the fragile coastal and marine Arctic space. This would allow a more effective and coordinated approach between the different EU and non-EU states with jurisdictional powers in the region. Both the EU and the Arctic Council have demonstrated considerable interest in the concept of ecosystem-based management and in the demarcation of large marine ecosystems. Such developments could be integrated as cornerstones of maritime spatial planning. Additionally, inclusive decision-making should be made key and local authorities should be especially empowered in terms of planning powers given their first-hand knowledge of local circumstances and stakeholders. The

values of nature preservation and social responsibility contained in the EU tourism policy could be made central. Such transborder planning is key in tackling the issues derived from conflicting uses of maritime space and in harmonising them around economic, environmental and social considerations. As a coordinated approach derived from inclusive design and consultation, an Arctic transborder maritime spatial planning may be a way to overcome the divergent priorities identified across stakeholders in the JUSTNORTH research.



Photo: Corine Wood-Donnelly

RECOMMENDATIONS

R1

Take an active role in the design and management of new trans-Arctic maritime routes

R2

Influence the design and implementation of global maritime rules in the region

R3

Promote an expansion of the Polar Code's scope to include more vessels under its commitments

R4

Implement EU certifications and/or licences to operate to tourism operators according to certain standards established in collaboration with national and local Arctic authorities and interests

R5

Develop an Arctic transborder maritime spatial planning between the EU, its Arctic members and non-member Arctic states

R6

Lift taxes on purchase and/or import of search and rescue equipment for NGOs and community organisations

Risks, Challenges and Barriers to Implementation and Effectiveness

Local and traditional knowledge should be given adequate consideration (R1; R2; R5).

The EU position will need to be accepted by and coordinated with member states. However, interests and political will may differ depending on the importance of the polar maritime sector in specific national economies (R2; R3; R4).

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Resistance from tourism operators and/or maritime operators with currently Polar Code-exempt vessels is expectable due to adaptation costs (i.e. material and training costs) (R3; R4).

The geopolitical situation involving Arctic and non-Arctic states may hinder cooperation in maritime spatial planning (R6).

Opportunities and Facilitators for Implementation and Effectiveness

The EU is already active in the IMO and could build on this participation to develop its own maritime commitments and influence other actors (R1; R2; R3; R4; R5).

The second phase of the Polar Code is already in advanced negotiation process, creating space for the EU diplomacy promoting the adoption of new rules (R2; R3).

The proposed policy orientations would have limited costs as they would mainly consist in a lobbying and advocating work to sway IMO members and Arctic states towards enacting changes in Arctic maritime governance (R1; R2; R3; R4; R5).

Financial aid could be envisaged to help support transition to Code compliance for smaller vessels (R3).

The EU Maritime Spatial Planning policy (Directive 2014/89/EU) could be used as a source of inspiration and basis for the development of an Arctic transborder maritime spatial planning (R5).

The ongoing work on ecosystem-based management and large marine ecosystems in the EU, Arctic Council, OSPAR and CBD forms an important basis for the future transborder spatial planning initiatives (R5).

A tax exemption can act as a catalyst for fostering innovation and the integration of advanced technologies into search and rescue equipment, enhancing the efficiency and effectiveness of operations (R6).

These policy orientations and recommendations would lead to improvement in regard to the following justice considerations:

- In terms of distributive justice, an Arctic transborder maritime spatial planning would be a potentially efficient tool to ensure an equitable distribution of burdens and benefits across the diverse and overlapping maritime uses deployed in the region.
- The collaboration with national and local Arctic authorities and interests in designing potential EU certifications for Arctic tourism operators is key in asserting procedural justice as the adequate consideration of localised values and aspirations in decision-making and policy implementation processes. If the experience and knowledge of marginalised, vulnerable or under-represented Arctic stakeholders such as Indigenous or rural communities is adequately incorporated, this would also contribute to the enhancement of recognition justice in maritime governance.





Integrated Arctic Policy Analysis Report and Recommendations - Key Challenges



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