Legal, Economic & Political Governance of the Resource Exploitation in the Arctic

– The materials for each lecture are available at Blackboard in good time before the lectures

Monday 14 July 2014 – 4 hours

This lecture will be focused on:

Introduction to the course and to the materials that we will use

Presentation of the actors and legal sources governing the development in the Arctic and the protection of the Arctic environment

- Presentation of the Arctic States, the non-Arctic State actors, the regional organisations and others that have impact on the development and environmental protection
- The most important international environmental conventions and principles

Teachers: Sandra Cassotta and Ellen Margrethe Basse

Reading:


Document, Europena Observatory Network Territorial Development and Cohesion (EPSON), ESaTDOR European Seas and Territorial Development, Opportunities and

Declarations, documents on decision-making and EU-communications etc. of relevance

The Stockholm Declaration (1972)

The Rio Declaration (1992)

The Arctic Environmental Protection Strategy, Rovaniemi, Finland, 1996

The Ottawa Declaration, Declaration on the Establishment of the Arctic Council (1996) &
- The Joint Statement of the Governments of the Arctic Countries, 1996
- The Terms of Reference for a Sustainable Development Program, 1998
- The Framework Document (Chapeau) for Sustainable Development Programme, 2000
- The Arctic Council Observer Manual for Subsidiary Bodies, 2011

The Ilulissat Declaration (May 2008)

A Circumpolar Inuit Declaration on Sovereignty in the Arctic (November 2008)

A Circumpolar Inuit Declaration on Resource Development Principles in Inuit Nunaat (2011)

The Arctic Council’s Nuuk Declaration of 12 May 2011

Communication from the Commission to the European Parliament and the Council - The European Union and the arctic region (COM/2008/0763 final)

Joint statement on EU’s observer status, 2013

Conventions of relevance:
The Aarhus Convention (1998)
The United Nations Framework Convention on Climate Change (UNFCCC – 1992)
The Convention for the Protection of the Marine Environment (OSPAR), 1992
The International Convention for the Prevention of Pollution from Ships (MARPOL 73/78)
The International Convention on Oil Pollution Preparedness, Response, and Co-operation (OPRC), 1990
The 1983 Canada-Denmark Agreement
The 1993 Agreement between Denmark, Finland, Norway, and Sweden

Suggested supplementary readings:

Joint Statement by EU High Representative Catherine Ashton and the EU Commissioner Maria Damanaki regarding Arctic Council decision on EU’s Observer Status, Brussels, 15 May 2013, A 255/13, p. 1

Opinion of the European Economic and Social Committee on “EU Arctic Policy to address globally emerging interests in the region – a view of civil society”, Rapporteur Mr. Hamro-Drotz, Brussels, 17 April 2013 REX/371 EU Arctic Policy, pp. 1-10

EU Press Release on Arctic Policy of the EU, CES/13/7, 1 February 2013, p. 1.
This lecture will be focused on:

**Ocean Regulatory Governance and Environmental Protection**

- Sovereignty and jurisdictions
- The different zones at the sea as established by the UNCLOS
- Cooperation and/or conflict between coastal states – the perspectives of each State involved in the disputes
- Protection of the Arctic Ocean against pollution

**Teachers:** Sandra Cassotta and Ellen Margrethe Basse

Christopher C. Joyner, “The Legal Regime for the Arctic Ocean”, Journal of Transnational Law & Policy, 2009, Vol. 18.2, pp. 201-205 (it is Part II); pp. 212-229 (Part III C part IV.A-B)


**Suggested supplementary readings:**

**Conventions of relevance:**
The United Nations Framework Convention on Climate Change (UNFCCC – 1992)
The United Nations Convention on Biological Diversity (1992)
The Convention for the Protection of the Marine Environment (OSPAR), 1992
The International Convention for the Prevention of Pollution from Ships (MARPOL 73/78)
The International Convention on Oil Pollution Preparedness, Response, and Co-operation (OPRC), 1990
The 1983 Canada-Denmark Agreement
The 1993 Agreement between Denmark, Finland, Norway, and Sweden
The Convention on Wetlands of International Importance (Ramsar Convention), 1971

IMO Resolution A. 672 (16) 1989 Guidelines and Standards for the Removal of Offshore Installations and Structures on the Continental Shelf and In the Exclusive Economic Zone
Monday 21 July 2014 – 4 hours

The first two hours of this lecture will be focused on:

Human Rights of Indigenous People in the Arctic including
- The ILO Convention N. 169
- The UN Declaration of 2007
- The UN Institutions (HRC and Art. 27 of the ICCPR)
- The Circumpolar Inuit Declaration on Resource Development Principles in Inuit Nunaat 2011

Teacher: Sandra Cassotta

Reading:

Conventions and declarations
International Convention on Civil and Political Rights (ICCPR), 1966
ILO Convention no. 169 - Indigenous and Tribal People Convention
UN Declaration on the Rights of Indigenous People (2007)
The Circumpolar Inuit Declaration on Resource Development Principles in Inuit Nunaat (2011)

Suggested supplementary readings:

The next two hours of the lecture will be focused on:

Modern Regulatory Tools on Environmental Decision-Making
- Environmental Impact Assessment (EIA) under the Espoo Convention
- Social Impact Assessment (SIA)
- Impact Benefit Agreement (IBA)

Teacher: Sandra Cassotta
Readings:


Convention and protocol:
The UNECE Convention on Environmental Impact Assessment (Espoo Convention) 1991; and
This lecture will be focused on:

Contracts on Investments and Extraction between the Multinational Companies and the Relevant Authorities

- The role of Companies and Contractors in the Arctic
- Contracts in host states by investors investing in resources exploitation on oil, gas and mining

- Types of contracts such as concession agreements, production sharing contracts, services contracts, concession model contracts, tax or royalties model contracts, license model contracts, clean-up contracts, etc.

**Teacher:** René Franz Henschel

**Readings:**


*René Franz Henschel “Contract and Compliance Management in an Arctic Context”, to be published on the Blackboard*
This lecture will be focused on:

Preparedness, prevention and cleaning up (following up on Lecture 2) & Liability Regimes at International Level as part of Securing Investors in the Arctic

- Liability Regimes of relevance for compensation and the cleaning of the damaged environment caused by pollution in the Arctic Seas
- International and region funds connected to the environmental liability regimes or established especially for the protection of the Arctic Ocean

Legal Instruments of Relevance for Responsibility and Liability at the Sea and on Land National Level: the European, Danish and Greenlandic Levels

Teacher: Sandra Cassotta

Readings:

ITOPF, Regional Profiles, a Summary of the Risk of Oil Spills & State of Preparedness in UNEP Regional Seas Regions, “North East Atlantic”, pp. 1-4

ClientEarth, Justice for the Planet, “Legal Background Paper: Environmental Regulation of Oil Rigs in EU Waters and Potential Accidents”, pp. 1-14


Conventions:
- The International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Causation, 1969 – with the 1973 Protocol on Substances other than Oil
- The International Convention on Oil Pollution Preparedness, Response and Cooperation (OPRC),
- The International Convention on Civil Liability for Oil Pollution Damage (CLC), 1969
- The International Convention on the Establishment of an International Fund Convention, 1971
- The Agreement on Marine Oil Pollution Preparedness and Response of the 20 of May 2013 between the Arctic States

**Suggested supplementary readings:**


The Agreement on Marine Oil Pollution Preparedness and Response of the 20 of May 2013 - including Appendix IV Operational Guidelines
The first two hours of the lecture will be focused on:

The marine spatial planning as an important instrument used to reduce accidents and environmental damage

Teacher: Ellen Margrethe Basse

Readings:

The next two hours of the lecture will be focused on:

Balancing Different Interests applied to Natural Resource Extraction Activities both of the Land and Sea in Greenland
- The Power of Greenland’s Parliament (Inatsisartut) and its Government (Naalakkersuisut) - and the role of Denmark in the international community and the Legal Status and Competence of Greenland as a Case
- Procurement Conditions and Licensing Activities and Conditions (One-Stop-Shop Principle) applied on the most important selected Greenlandic Acts

Teacher: Ellen Margrethe Basse

Readings:


Relevant legislation
Suggested supplementary readings:

KPMG Grønland Statsautoriseret Revisionspartskab’s Report: “Cutting through Complexity, Greenland update Greenland passes bill on large scale project”, 10 December 2012, pp. 1-6

Wednesday 30 July 2014 – 4 hours

This lecture will be focused on:

Case studies on the Subject Matter of the Course

- Strategic Environmental Assessment (SEA)
- General introduction to concrete examples on mining, large scale industry and impact assessments in Greenland
- The Maniitsoq Aluminium Project SEA 2007-2010.

Teacher: Klaus Georg Hansen

Readings:


Hansen, Klaus Georg, "Greenlandic perspectives on offshore oil and gas activities – An illustration of changes in the legitimacy related to the democratic decision processes" in Journal of Rural and Community Development, under publication. No URL available at the moment.

Suggested supplementary readings:

“To the Benefit of Greenland” – The Committee for Greenlandic Mineral Resources to the Benefit of Society”, University of Ilisimatusarfik and University of Copenhagen, January 2014.


This lecture will be focused on:

The Greenlandic Economy
   - Characteristics of an Arctic Economy
   - Economic Challenges
   - Natural Resources and a Self-Sustaining Economy

Teacher: Torben M. Andersen

Reading:

**This lecture will be focus on:**

**A New Security Architecture for the Arctic: An American Perspective**

**The Reawakening of the Arctic Strategic Importance:**

- Historical discussion of key military events in the Arctic from World War II through the Cold War, with special emphasis on Greenland

**The Confluence: Energy Security and Climate Change:**

- Analysing the key drivers of global energy security
- Discuss implications of climate change on national (and international) security
- The Arctic case study: analyse the impacts of energy and climate change

**National Policies:**

- Review national Arctic strategies (including defence policies), discussing trends and areas of regional cooperation
- Identify common security trends, including domain awareness, transport issues, and energy security

**Discussion: Arctic Cooperation or Military conflict ahead?**

- Analyse domestic and international law which may hinder/encourage regional cooperation

**Teacher: Edward Canuel**

**Reading:**


This lecture will be focused on:

- *The connections between the lectures of this course,*
- *Presentation and discussion of Students synopsis if there are any*
- *Answers concerning the exam and exam questions*

**Teacher:** Sandra Cassotta and Ellen Margrethe