

Harvard Law School's Program on Negotiation's Arctic Fisheries Devising Seminar: Themes and Questions

Stakeholder	6. Oil spill prevention and response ("Oil Spills")	7. Are new treaty arrangements necessary? ("Treaty")
National Governments	<ul style="list-style-type: none"> Oil and gas drilling currently limited due to ice packs Arctic Council has developed a protocol for cooperation on oil spills Transboundary spill response exercises underway Oil spill clean up in the Arctic is a technological challenge Greenland, Iceland, and Norway cooperate on oil-related issues Do not have necessary means to effectively respond to an oil spill in the Arctic Oil spills present a considerable risk to the Arctic environment Exploratory activities may present greatest risk to fish Need to figure out how to respond to oil in ice filled waters Need to figure out how to respond to oil spills on top of ice Questions about how an oil spill would affect Arctic fisheries and ecosystems Vessels can also cause oil spills Infrastructure to manage a large oil spill does not exist in the Arctic An agreement about oil spill response and resource sharing is needed Invest resources in prevention Oil spill treaty signed by the Arctic Council last year is a good step forward Could be competition and/or interaction among fisheries and oil and gas industry 	<ul style="list-style-type: none"> More understanding of the Arctic is needed before considering an agreement Build on existing agreements International community should take a precautionary approach Create a treaty based on science, not commercial fisheries Arctic Council does not have mandate to deal with fisheries issues Arctic Council is not the appropriate organization for managing fisheries RFMO should be established if new fisheries emerge There is no need to establish and RFMO now Coordination is key An international treaty is needed to oversee central Arctic waters Once agreement is in place, non-A5 countries should be invited to join Binding treaty unlikely given geopolitics Create agreement around using ecosystem-based management in the Arctic Supplementary treaties might suffice Participation in new agreement should be defined by "real interests" If central Arctic cannot sustain fish stocks, bilateral and trilateral treaties should suffice More cooperation is needed among Arctic states Focus on regional management Focus on sectoral management
Fishing Industry	<ul style="list-style-type: none"> Need better technology for protecting against and managing oil spills in the Arctic Need international rules and regulations for better coordination on and response to oil spills Fishing vessels should have monitoring and warning systems Fishing industry needs to cooperate with oil industry Oil spill is potential risk but should not entirely prevent drilling 	<ul style="list-style-type: none"> Effectively manage new fisheries Any new agreement needs to be flexible with self-executing mechanisms Focus on sectoral regulation Impose sanctions on parties that do not follow international standards International cooperation is important
Indigenous/Human Rights	<ul style="list-style-type: none"> Questions about what the impacts of a spill in the Arctic would be Communities in parts of the Arctic are being trained to respond to oil spills Concern about "mysterious oil" that has washed up on the shore in Alaska 	<ul style="list-style-type: none"> New agreement should at least be considered Indigenous input should be included in any new management arrangement
Oil and Gas Industry	<ul style="list-style-type: none"> The Arctic can be divided in many regions based on temperature, ice-conditions, wave-height, ecosystem sensitivities, and ecosystem services Confidence in the capacity of the oil and gas industry to manage spills Considerable attention has been paid to spill-response planning The leading oil and gas companies can operate in select areas of the Arctic in a safe, environmentally responsible, and operationally efficient way Icebreakers are a major concern Prevention must be a core value of industry in the Arctic Net environmental Benefit Analysis decision-making tool being used widely to guide spill response Ice containment can be beneficial Dispersants can reduce impacts on ecosystems Responders need flexibility and ability to access many tools for clean up Pre-permitting recovery mechanisms is a good idea Natural oil seeps from the seafloor are the largest source of oil entering the oceans 	<ul style="list-style-type: none"> Compliance with regulations is important to industry Indigenous people should have say in policies and management arrangements Stable governance regimes are important for long term investments
Multilaterals	<ul style="list-style-type: none"> Valuable marine environments should be considered when planning oil and gas projects Pessimism about ability of industry to clean up spills in the Arctic and elsewhere Concern about impacts of a spill on fisheries and the Arctic ecosystem Concern about impacts of a spill on traditional fisheries and livelihoods Create safety zones where oil and gas development are not allowed Protect sensitive cultural areas Risk of oil spills not a concern at this time 	<ul style="list-style-type: none"> New RFMO should be created New management arrangements, but not necessarily a treaty, needed for emerging fisheries Time will tell if a new treaty is needed
NGO/Environmental	<ul style="list-style-type: none"> Oil spills are a considerable risks for the Arctic environment Some organizations are trying to prevent oil development from occurring in the Arctic Some organizations are negotiating with countries around oil and gas development Spill could be catastrophic Existing technologies are not sufficient There should not be any drilling in the Arctic until technology is sufficient to prevent and manage spills 	<ul style="list-style-type: none"> Create a sanctuary in the Arctic Many paths through which the fisheries in the Arctic can be managed Create marine protected areas, including in EEZs Learn from the Antarctic treaty experience Arctic Council should be stronger Create an RFMO before fisheries are exploited Non-Arctic fishing countries should be part of an agreement
Science	<ul style="list-style-type: none"> Spill would be destructive for Arctic ecosystem Ocean currents could transport spills to other sensitive areas Questions about effects of an oil spill on trophic levels over time Noise from seismic activity, development, and shipping could have negative impacts on fisheries Oil companies and countries should work together to develop mechanisms for protecting Arctic ecosystems 	<ul style="list-style-type: none"> New treaty arrangements are necessary Need regulation in areas that were previously covered in ice RFMO should be immediately negotiated for emerging areas Make use of existing intergovernmental panels to strengthen the Authority of the Arctic Council