

# Beyond Delimitation: Legal Bases for Ongoing Cooperation in the Arctic Ocean

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of an Ice-Diminishing Arctic on Naval and Maritime Operations  
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**The CCGS Louis S. St.-Laurent breaks ice for the USCGC Healy  
Arctic Ocean, September 2008 -  
Photograph courtesy Steve Roberts, UCAR/LDEO  
Heli-view courtesy Canadian Coast Guard**



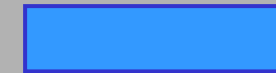
## Article 76 Collateral Benefits:

- Science driver
- Diplomatic driver

# THE ARCTIC OFFSHORE: MARITIME ZONES



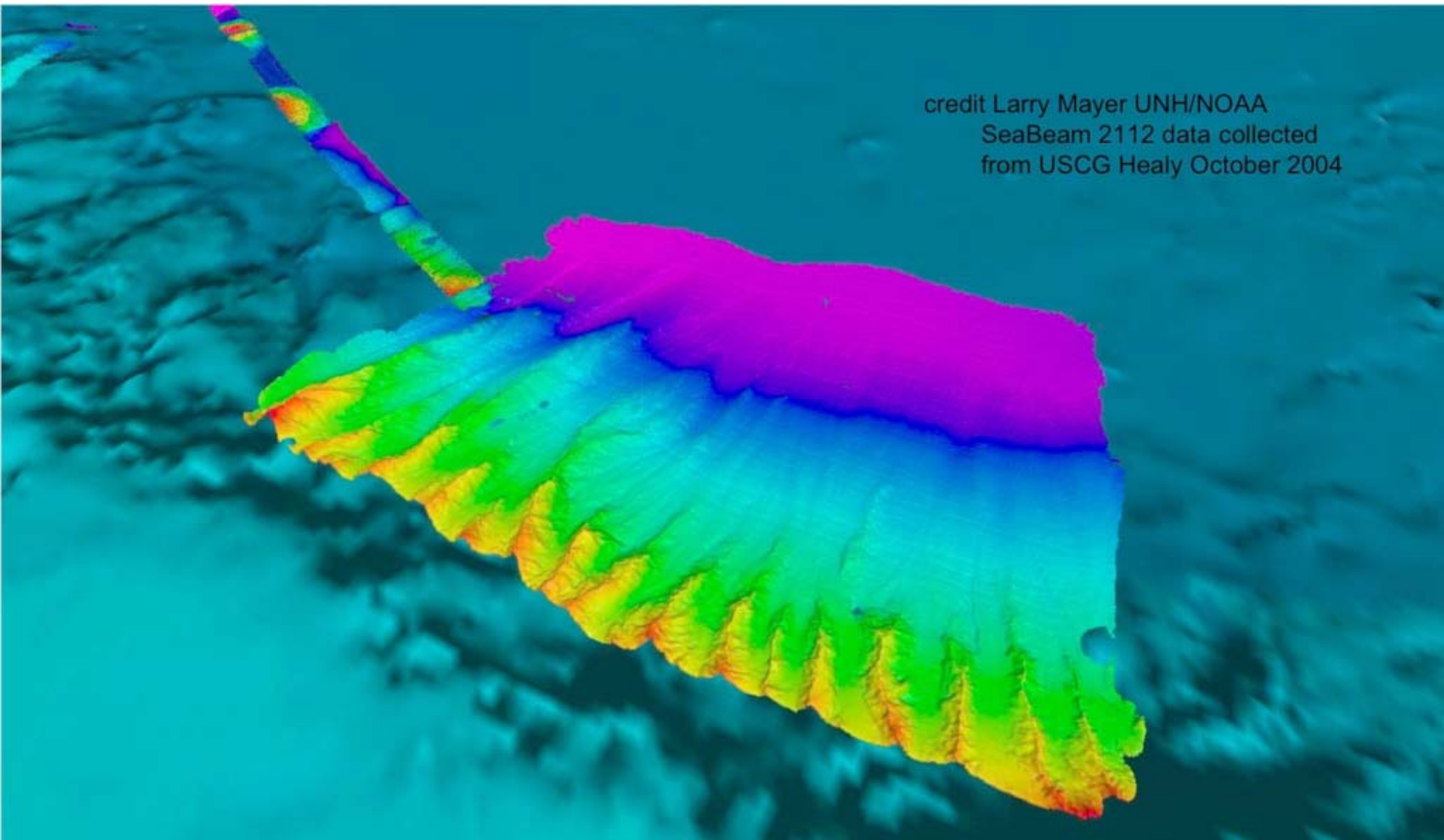
Exclusive Economic Zones: full coastal state rights to resources of the seabed and subsoil



Outer Continental Shelves: exclusive sovereign coastal state rights to explore and exploit resources of the seabed and subsoil



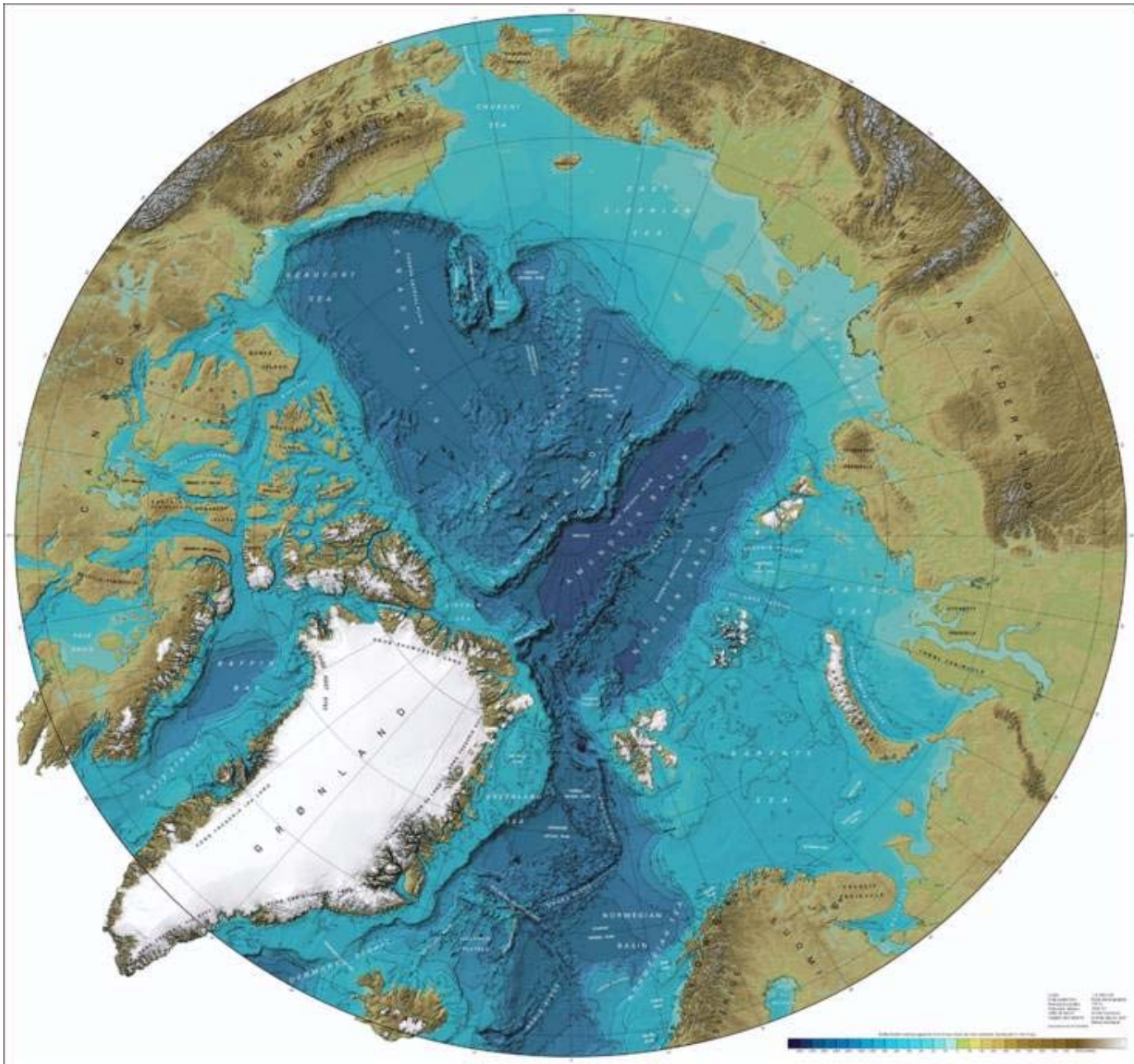
The Area: no inherent rights to resources of the seabed and subsoil



Credit: L. Mayer - Canyons in the Beaufort Sea - **data collected in ice-free waters**, slide B. Coakley

# IBCAO

International  
Bathymetric  
Chart of the  
Arctic Ocean

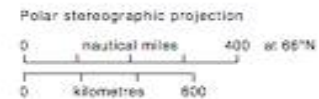


## LOS Convention Art. 76(9)

“The provisions of this article are without prejudice to the question of delimitation of the continental shelf between States with opposite or adjacent coasts.”

## LOS Convention Art. 83(1)

Delimitation of the continental shelf between States with opposite or adjacent coasts “shall be ... by agreement on the basis of international law, ... in order to achieve a equitable solution.”



- |  |  |   |
|--|--|---|
|  Internal waters                                  |  Norway claimed continental shelf beyond 200 nm |  Straight baselines  |
|  Canada territorial sea and EEZ                   |  Russia territorial sea and EEZ                 |  Agreed boundary   |
|  Potential Canada continental shelf beyond 200 nm |  Russia claimed continental shelf beyond 200 nm |  Median line   |
|  Denmark territorial sea and EEZ                  |  Overlapping Norway / Russia EEZ                |  350 nm from baselines                                     |
|  |  |  100 nm from 2500 m isobath (beyond 350 nm from baselines) |



**Figure 3: Beaufort Sea**



*IBRU Boundary and Security Bulletin Autumn 1997 ©*

**David H. Gray, Canada's Unresolved  
Maritime Boundaries, IBRU Boundary and Security  
Bulletin, Autumn 1997, p.63**

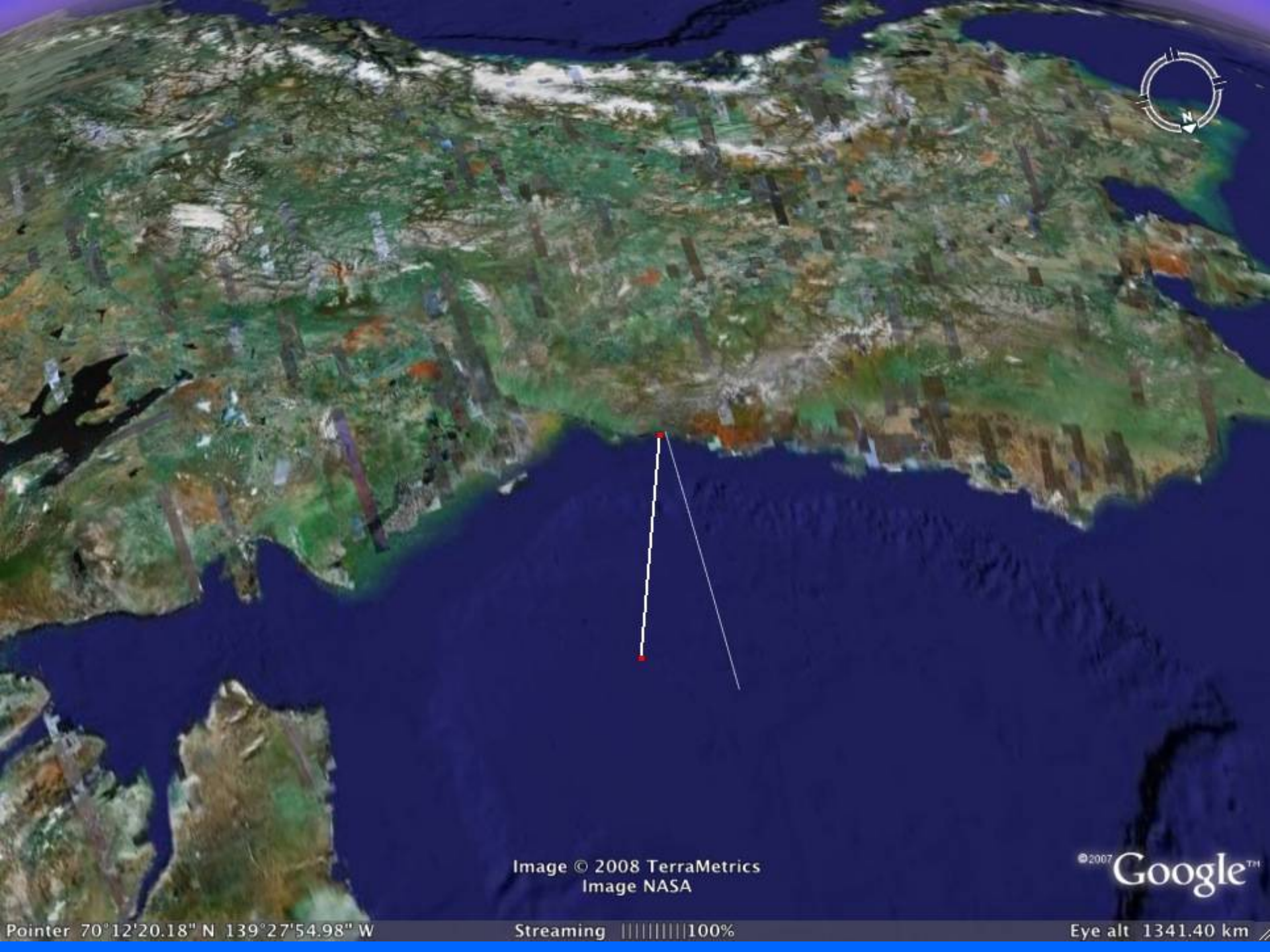


Image © 2008 TerraMetrics  
Image NASA

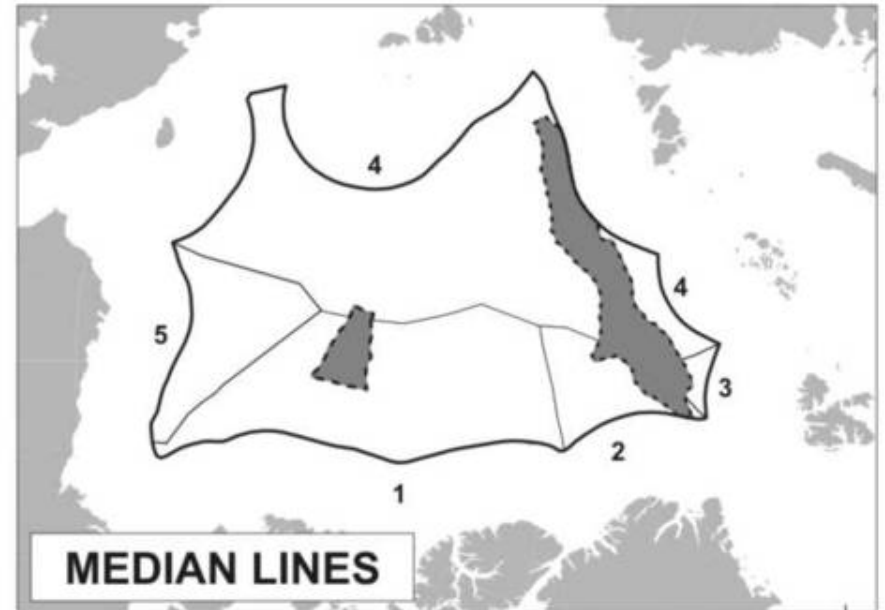
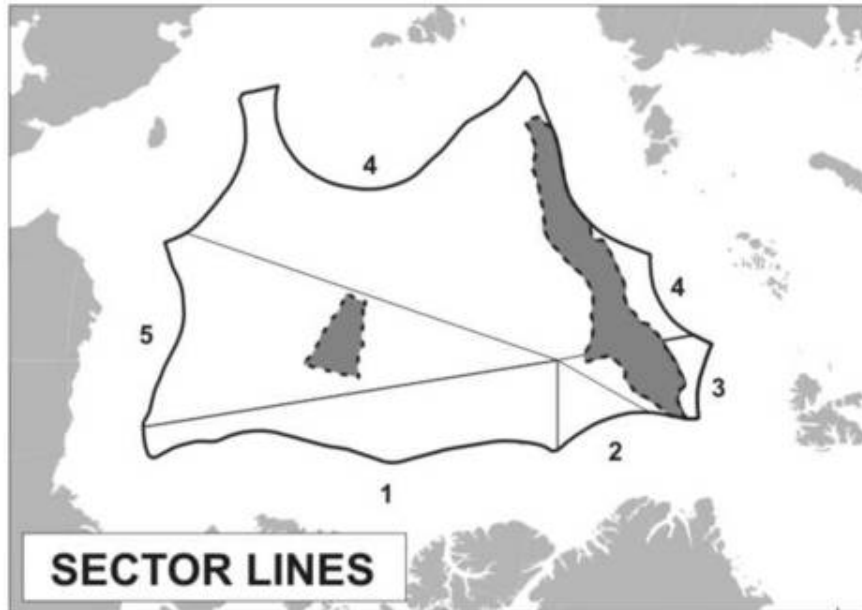
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Pointer 70°12'20.18" N 139°27'54.98" W

Streaming ██████████ 100%

Eye alt 1341.40 km

# PARTITIONING THE OUTER CONTINENTAL SHELF IN THE ARCTIC OCEAN: TWO GEOMETRIC APPROACHES



200 nautical miles ———

Sector or median lines ———

Outer shelf limits - - - - -

Hypothetical partitioning of the Outer Continental Shelves of the five Arctic coastal States:  
Canada (1), Denmark (2), Norway (3), Russian Federation (4), United States (5)

Credit: Neto/Van de Poll



Lack of baseline data in Arctic Ocean

Need for more scientific research and access for research

Joint mapping efforts (and joint submissions?); a foundation for other forms of collaboration

Possibility of a research arrangement for the Arctic Ocean - not a comprehensive treaty



Image NASA  
Image © 2008 TerraMetrics  
Image © 2008 DigitalGlobe

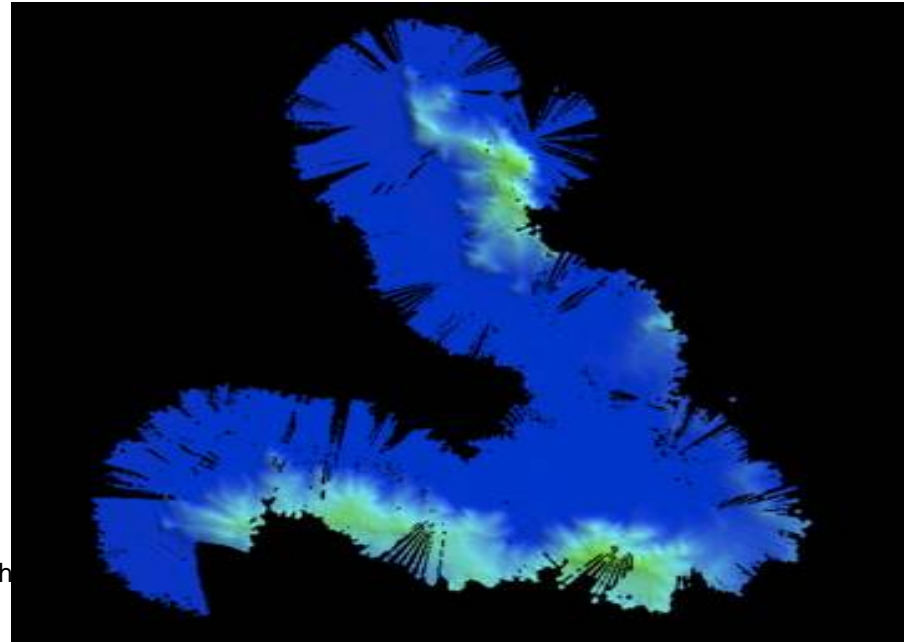
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## LOS Convention Article 243

- “States and competent international organizations shall cooperate, through the conclusion of bilateral and multilateral agreements, to create favourable conditions for the conduct of marine scientific research in the marine environment ...”.

# Marine Scientific Research (MSR) - Hydrographic Surveys?

- MSR not defined in LOS Convention
- Hydrographic surveying not explicitly identified as MSR in Part XIII
- Clarify by thorough joint mapping of disputed areas?



What might we expect from the article 76  
process?

New forms of cooperation between arctic  
states, present  
and future;

Legal certainty as to extended  
continental shelves and maritime  
boundaries;

*not* conflict Cooperation,