

Arctic Environmental Protection: an Analysis based on the 234th Article of the United Nations Convention on the Law of the Sea

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Abstract: The global warming and the melting of the Arctic ice sheet, which makes it possible for the north to open a shipping route. At the same time, the increase in the number of shipping in the Arctic seas has accelerated the process of climate change, which directly affects the living environment of human beings. So the protection of the Arctic marine environment has become an urgent and realistic task. The 234th article of the United Nations Convention on the law of the sea is the only one in terms of the Arctic, which is of great significance to the protection of the Arctic marine environment. This paper analyzes the development process and content of the 234th article of the Convention, and puts forward the problems existing in the application of this provision in the Arctic environment protection, as well as the future of the Arctic environmental protection is worthy of reference.

Keywords: International law; International environmental law; Arctic environmental protection; The 234th article of the Convention

1. Introduction

The Arctic region is a region of about 26 million 400 thousand square kilometers, with an area of 10 square kilometers, which is made up of the Arctic Ocean and its islands, North America, Asia, and Northern Europe. In the past 30 years, the Arctic has become an important geopolitical region. The Arctic is composed of 8 coastal States, which are the United States, Canada, Iceland, Norway, Sweden, Denmark, Finland and Russia[1].

The vast majority of the Arctic Ocean is the ocean, so in this paper we call the Arctic region "Ocean and Seas Arctic". In 1953, the International Hydrographic Organization defined Arctic waters as: "the United States, Canada, Denmark, Norway, Russia, the northern boundary of all

waters to the ocean side, including ice or ice free waters." [2] This definition is mainly refers to the Arctic Ocean, the main body of the ocean - the Arctic ocean. In order to make the domestic shipping and international navigation requirements consistent, some Arctic countries such as the United States, they also used for the study of Arctic environmental protection this definition of [3]. must not open around the global climate change this problem in domestic law. From two aspects to evaluate the effects of global climate change brings to the Arctic environment.

1.1. The negative impact of global climate change on the Arctic Ocean

The negative impacts of global climate change on the Arctic seas are mainly reflected in the huge threat to the environment and even the global environment. Over the past one hundred years, the global average temperature has increased by 0.6°C, while the temperature in the Arctic has increased by an average of 1°C. This change in temperature directly leads to the decrease of sea ice thickness and quantity in the Arctic sea. According to the assessment report of "the United Nations Intergovernmental Panel on climate change group" released in 2001, reported that in late summer and autumn in recent decades in the beginning of the Arctic sea ice thickness has decreased by 40%; the winter sea ice relative delay." From 1990 to 2001, temperatures in the Arctic increased by 1.4 to 5.8°C; the global sea level rose by 0.09 to 0.88 meters."[4]

1.2. The positive impact of global climate change on the Arctic

The importance of the Arctic seas in the last century is mainly reflected in the military strategy. During World War II, a considerable part of Western aid through the Arctic Ocean channel ever found into the former Soviet Union, which makes the Arctic channel become an important strategic resource for the Allies against Germany. During the cold war, the Arctic Ocean was once the United States and the Soviet Union, the two major powers in the forefront of military confrontation. Global warming has led to the melting of the ice in the Arctic Ocean, so it is feasible and convenient to exploit the ocean resources in the Arctic Ocean. The bottom of the Arctic Ocean is rich in oil, natural gas and mineral resources. Climate warming makes the development activities that have been out of reach, which naturally raises the world, especially the traditional Arctic countries to compete for these marine resources. Global warming has led to the melting of the Arctic sea ice, which has made the Arctic sea a year long voyage. Arctic waters are likely to emerge new routes, which will greatly reduce the European and East Asian maritime transport, will also bring huge commercial value to the Arctic seas. From the National Association for navigation and trade point of view, this is climate change brings positive influence in the Arctic. But it also raises the "blue sea" action between the Arctic seas ". The fight against the Arctic has been transferred from the military defense of Homeland Security to land security and resources.

2. The Status and Role of the 234th Convention on the Protection of the Arctic Environment

There is no international treaty similar to the Antarctic Treaty and the system to solve the legal problems of the region. There are many is suitable for Arctic international

conventions and domestic laws, which constitute the legal system of the Arctic, including the system of "the law of the sea, the international environmental law system, legal system, Svalbard, Arctic countries within the region and outside the national legal system related to the Arctic and has a certain legal policy."[5]

In the maritime law system, closely related to the protection of the marine environment of the Arctic is the Convention and other commonly used in 1982, but not particularly for the Arctic Ocean Environment convention. By far, the Convention is the most universal convention on the maritime affairs. which can be applied to the protection of the Arctic marine environment is the content of the 145th "marine environmental protection"; fifth "to prevent, reduce and control pollution of the marine environment of the international rules and domestic legislation" (which includes the source of pollution caused by land and sea activities under the jurisdiction of the state of pollution, from the activities in the area of pollution the dumping of pollution, pollution from vessels, from the atmosphere or through environmental regulation in many aspects such as the pollution of the atmosphere); and 234th of the "frozen zone" provisions. "The law of the sea is a set of universal rules of globalization"[6]. 234th of the provisions of the Convention on the "frozen zone" also makes the Arctic has become the only one area to obtain a certain degree of legal significance through legal statement uniqueness.[7] as the "Convention" in the Arctic marine environmental protection provisions, the provisions of the 234th provides a legal basis for the Arctic environmental management.

"The Convention" article 234th of the "frozen zone" stipulates: "the right of the coastal state to formulate and implement non discriminatory laws and regulations to prevent, reduce and control the ships in the exclusive economic zone of the ocean pollution. This area a year most of the time in the ice, this situation caused great obstacles to navigation, and marine environmental pollution may cause significant damage to the ecological balance or irreparable damage. Such laws and regulations shall take account of the protection of navigation on the marine environment"[8].

This provision has not attracted the attention of the international community at the beginning of the development. But as global warming brings Arctic navigation and resource development and other issues, which makes the Arctic marine environmental protection as the focus of the focus [9]. Article 234th gives a certain degree of uniqueness of the Arctic ocean. From a long-term perspective, the 234th article of the Convention balances the interests of the coastal states in the region and provides guidance and legal basis for the protection of the Arctic environment.

3. The Application of the 234th Convention on the Protection of the Arctic Environment

The application of the 234th convention in practice reflects the acceptance and acceptance of the terms. This involves many factors, such as the national interest, political relations, economic and social development, and so on [10].

Article 234th of the Arctic Ocean Environmental Protection to make a principled provision, however, in the implementation of the treaty has not been widely accepted and recognized by the international community. At present, the Arctic marine environment protection laws and regulations, countries have shown a lack of coordination of the state. Countries try to ensure that their control over a part of the Arctic sea is governed by domestic legislation. For example, Russia in 1990 to develop the "Northern Line" rules of HNA Norway and Russia; environmental control cooperation in the Barents Sea; 2007 established "into Denmark in Greenland and specific regional tourism should be the conditions of the administrative order" etc.. As can be seen from the above documents, the international laws and regulations of the Arctic environmental protection presents a decentralized situation, which led to the international cooperation in the Arctic environment protection greatly reduced.

At present, the Arctic marine environmental protection is mainly through the Arctic environmental protection strategy and the Arctic council. This is a regional level of environmental protection mechanism, which is mainly through the forum or agreement to promote the development of the Arctic environment protection, social and economic development. AEPS does not involve the demarcation of the Arctic waters and other substantive issues, but the environmental protection matters for consultation or cooperation, so that it is a positive attitude of the country. But because the AEPS does not require participants commitment, so in the Arctic is a serious problem in the background, involving all countries in the Arctic, the interests of national security, the voluntary consultation, the implementation mechanism, the marine environment in the Arctic governance is difficult to show greater success.

4. Problems and perfection in the 234Th practice of "Convention"

Convention 234th is the only one in the Arctic conditions, and this is only a convention to coastal states in the exclusive economic zone development and implementation of non discriminatory laws and regulations, which is important for the protection of the Arctic marine environment. From the whole, the "Convention" to all the benefits of the country has far exceeded any practical or theoretical disadvantage [11]. "Convention" provides a basis for the protection of the Arctic environment, but from a

realistic point of view, this provision is too broad, so that the lack of implementation. Especially with the global warming, the Arctic sea ice continues to melt, and the permafrost is gradually reduced, which is likely to lead to more and more areas will no longer belong to the frozen area of 234th under the definition of ". In this context, the Arctic marine environmental protection is facing severe challenges, so the coastal countries in the region to develop the laws and regulations can continue to apply the important issues that need to be resolved.

The Arctic Sea ecosystem vulnerability, and self repair ability is poor, so once destroyed, the consequences be unbearable to contemplate. The necessity and urgency of the Arctic environmental protection has prompted international cooperation to develop in a wider and deeper direction. Therefore, in the implementation of the specific implementation of the Arctic environmental protection needs a system to be assisted in order to make up for the defects in the implementation of the convention.

China's famous international environment jurist professor Lin Canling pointed out: "it is of special significance to protect the marine environment of the regional agreement. Some marine systems, such as the closed or semi closed nature (such as northern Europe's Beihai), have created conditions for the neighboring countries to conclude a regional environmental protection agreement. Regional patterns may also provide experience for the future global environmental protection convention." They are based on a unified ecosystem to consider the target, according to the specific circumstances of the sea to take action means, in the application of the legal structure adopted the "framework agreement - Protocol" approach. The Convention is divided into the Framework Convention and the 6 protocol, the framework agreement provides for the coastal countries must abide by the obligations, and each of the States parties must join the framework agreement. This framework and the legal protection provided by the Mediterranean Regional Convention system make it a long time for the regional marine environmental protection project [11]. Today, the Mediterranean protection of the "Barcelona model" has been established in more than and 10 regional marine plans, which became a model for UNEP efforts to promote. Although the model is mainly focused on land management, which is different from the emphasis of the Arctic environmental protection, but these differences can not constitute a substantial impact on the choice of the Arctic sea in environmental protection mode. Future Arctic governance or can learn from this model.

References

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