

## **Canada's Perspective on the International Legal Order Governing Arctic Environmental Protection**

**Научный руководитель – Алексеева Маргарита Михайловна**

***Дятлова Алёна Владимировна***

*Postgraduate*

Российская академия народного хозяйства и государственной службы при Президенте Российской Федерации, Юридический факультет им. М.М. Сперанского, Кафедра международного права, Москва, Россия  
*E-mail: 89161328324@mail.ru*

The Arctic region has attracted significant international attention due to climate change processes that threaten its vulnerable environment. The management of Arctic affairs, mostly concerning environmental protection, is leading to the development of a complex body of Arctic law, a significant portion of which focuses on governing the protection of the environment in the Arctic.

Canada, as the second-largest Arctic state, makes substantial contributions to the development of the legal order in the Arctic, from the sector theory to its role in the creation of article 234 of the United Nations Convention on the Law of the Sea (Byers, 2013). Given that Canada's environmental protection actions affect a significant portion of Arctic territory, its perspective is valuable for understanding the challenges and opportunities in balancing environmental sustainability with resource development and national security interests in the region. These perspectives are articulated in Canada's Arctic Foreign Policy (CAFP).

A fundamental aspect of Canada's Arctic policy is its assertion of sovereignty over the Northwest Passage (NWP), which it considers internal waters under international law (Lackenbauer, 2022, p.9). This position aligns with that of the Russian Federation regarding the Northeast Passage. The environmental protection of the Northwest Passage is regarded as a domestic issue, as reflected in the Arctic Waters Pollution Prevention Act. This legislation empowers Canada to impose strict environmental regulations on shipping within these waters. A similar position was established in an agreement between Canada and the United States. The U.S. government pledged that all navigation by U.S. icebreakers within waters claimed by Canada to be internal would be undertaken with the consent of the Government of Canada (Agreement Between the Government of Canada and the Government of the United States of America on Arctic Cooperation 1988, s.3).

Meanwhile, Canada, despite asserting its rights over the Northwest Passage based on customary law and the historical application of the sector theory to the Arctic, recognizes the United Nations Convention on the Law of the Sea (UNCLOS) as the primary legal framework governing the international legal order in the Arctic Ocean. This perspective is evident in Canada's interactions with other nations, for example, in regulating scientific research within waters under its national jurisdiction (CAFP, 2024, p. 14).

With regard to regional cooperation, CAFP recognizes the Arctic Council as a key platform for international collaboration, despite ongoing tensions with Russia and its current absence from the Council. In matters of environmental protection, Canada advocates for closer ties with its key allies, particularly NATO member states (Lackenbauer, 2024, p.9). Canada's engagement with non-Arctic states and actors will take place through UN bodies, the Arctic Council, NATO, as well as through treaties applicable to the Arctic. (CAFP 2024, p. 31)

In terms of environmental obligations, the CAFP reaffirms Canada's commitment to the Paris Agreement and the Convention on Biological Diversity. Canada advocates for the establishment

of marine protected zones in accordance with the implementation of the UN agreement on marine biological diversity in areas beyond national jurisdiction (CAFP 2024, p. 36).

In terms of bilateral cooperation, Canada has participated in the UK-Canada-Inuit Nunangat Arctic Science Agreement, which facilitates the creation of multinational research teams. The 2022 Canada-Kingdom of Denmark Joint Statement on Bilateral Cooperation emphasized close ties between the two countries. Joint statement following the Strategic Dialogue between Canada, Kingdom of Denmark, Finland, Iceland, Norway and Sweden emphasizes the willingness to cooperate for the purpose of environment protection.

### **References**

- 1) Government of Canada. Canada's Arctic Foreign Policy. Ottawa: Government of Canada, 2024
- 2) Government of Canada. Joint Statement following the Strategic Dialogue between Canada, Kingdom of Denmark, Finland, Iceland, Norway and Sweden. Ottawa: Government of Canada, 2024
- 3) Government of Canada. Joint Statement on Bilateral Cooperation between Canada and the Kingdom of Denmark. Ottawa: Government of Canada, 2022
- 4) Environment and Climate Change Canada. 2024–25 Departmental Plan. Ottawa: Government of Canada, 2024
- 5) The Canada-Inuit Nunangat-United Kingdom Arctic Research Programme. Ottawa, 2024
- 6) Agreement Between the Government of Canada and the Government of the United States of America on Arctic Cooperation 1988
- 7) Byers, M. International Law and the Arctic. Cambridge: Cambridge University Press, 2013
- 8) Lackenbauer, P. W. Canada's Arctic Foreign Policy: Key Takeaways for Arctic Security Practitioners and Scholars, NAADSN 2024