

dr Michał ŁUSZCZUK

Uniwersytet Jana Kochanowskiego w Kielcach
Katedra Krajów Europy Północnej
mluszczuk@gmail.com

REGIONAL SIGNIFICANCE OF THE ARCTIC SEARCH AND RESCUE AGREEMENT*

Summary: This paper examines the Arctic Search and Rescue Agreement – the first legally binding instrument adopted under the auspices of the Arctic Council – and analyses its direct and indirect implication for both the development of the Arctic shipping and the perspectives of regionalization processes. It is argued that the adoption of the Agreement should be perceived as an ambiguous achievement since, while its direct relevance for the Arctic shipping is not very substantial at the moment, it however reaffirms the indispensable and leading position of the Arctic Council in the regional governance system and offers important prospects for deepening the cooperation among the Arctic states. The Arctic SAR Agreement is also recognised as a manifestation of exercising the Arctic sovereignty by the eight states (also against non-Arctic actors) and consequently a sign of growing regionalization of the Arctic.

Keywords: Arctic region, regionalization, Arctic shipping, search and rescue.

The Agreement on Cooperation on Aeronautical and Maritime Search and Rescue in the Arctic (Arctic Council, 2011) was approved on 12 May 2011, during the Seventh Ministerial Meeting of the Arctic Council (AC) organized in Nuuk in Greenland. While this Arctic summit and its results were highly valued by some participants (Lavrov, 2011)¹ and by usually more critical NGO's experts (Saskina, 2011), they have been also acknowledged in scientific analysis. It has been explained that it was a unique day for the Arctic region since signing this agreement as the first legally binding instrument developed under the auspices of the AC (Exner-Pirot, 2012) marked "a milestone" in its history (Bennett, 2011). According to others, the agreement was designed to become "a measure to strengthen the Arctic Council's ability to face the changing environmental and political conditions in the region" (Kao, Pearre, Firestone, 2012). As the development of the SAR legal frameworks and operational capabilities should be undoubtedly crucial for the future of the Arctic shipping, why does the adoption of this agreement also have some political implications for the international situation of the region? And how important can they prove to be in the coming years?

* This research was supported by National Centre for Science post-doctoral fellowship under the grant: DEC-2011/04/S/HS5/00172.

¹ According to the Russian Foreign Minister S. Lavrov, "the session was one of the most productive and opened, without exaggeration, a qualitatively new stage in the Arctic cooperation and in the activities of the Council itself".

The purpose of this article is to provide an explanation of a direct relevance of the Arctic SAR Agreement and analyse some of its indirect political implications for the current and potential Arctic affairs. This article is divided into four main sections. Following these introductory comments, the second section is focused on a presentation of current and expected developments in the Arctic shipping, its regional significance and challenges related to the safety of navigation in the seas of the Circumpolar North, whereas the third section provides: (1) an overview of the legal background of the international cooperation in the SAR domain, (2) an explanation of the political origins of the Arctic SAR Agreement and (3) an analysis of the agreement itself. The final fourth section offers conclusions focused on the direct relevance and indirect implications of the Agreement with a special reference to their importance for the processes of Arctic regionalization.

Arctic Shipping in Time of the Climate Change

Transformation in the Arctic is occurring at an exceptional pace, and the dynamism and the scope of observed changes are consequences of biophysical processes which are closely related to climate change (UNEP 2013). Average temperatures in the region have increased in the last decades by as much as +2 °C in various parts of the region (Huntington *et al.*, 2008) and the melting of the Arctic Ocean ice cap (receding and thinning) is exceeding previous scientific projections and models². Recent observations and analyses (ARCUS, 2012) demonstrate that September 2012 marked the minimum extent of sea ice cap ever recorded in the Arctic Ocean (which means that the north polar ice cap was 40 percent smaller than it was in 1979). Within the last six years the Arctic has witnessed two record minimum sea ice extensions. In 2007 4.28 million km² were covered by ice, while in 2012 the ice sheet shrank to 3.6 million. These biophysical changes, having far-reaching results on the overall climate system of the Earth, already pose various additional direct impacts on many places in the circumpolar North challenging the livelihood of all people living and working in the Arctic (Anisimov *et al.*, 2007; ARHDR, 2004).

However, together with modernization and globalization, this transformation is generating also a considerable rise of international, geopolitical and economical interest in opportunities that, as some believe or predict, will open up in the Arctic during the next few decades or even years. Increased commercial shipping in the Arctic basin, the expansion of offshore oil and gas production, the setting up of new commercial fisheries, and the growth of ship-based ecotourism throughout the region are just the most often

² The retreat of the sea ice has been much more rapid than it was projected in 2007 by the Intergovernmental Panel on Climate Change's (IPCC) report and while more current studies have come closer, none has yet reproduced the observed trend, nor has been able to project precisely when ice-free conditions will be first observed during the Arctic summer. The IPCC report warned that this could happen around 2100, however an extrapolation of recent trends suggested that September could be ice-free before the end of this decade. The most common prediction is that this will take place around 2035.

anticipated and eagerly commented in the public discourse examples of human activity in the arctic areas in years to come. According to some scenarios presented in 2012 by the Lloyd's report: "If current patterns continue, [...], investment in the Arctic could potentially reach \$100bn or more over the next ten years, largely in the development of non-renewable natural resources, and in infrastructure construction and renewal" (Emmerson, Lahn, 2012). While this opinion provides just an indication of the scale of a potential engagement – rather than an exact estimation, which are just impossible (Young, 2010)³ – it also offers some hints referring to the most important sectors of the Arctic economy in the future. As it is identified and fully elaborated in another report: "over the next 20 years, shipping, oil and gas, mining, tourism and aquaculture will be the key sectors of economic activity. The factors shaping the future development of each economic sector include diverse and, political, economic, socio-cultural, technological, demographic, legal and regulatory, and ecological-environmental changes. Furthermore, there are synergies in the development of individual sectors, most notably in linkages between shipping and other sectors" (Williams, O'Sullivan Darcy, Wilkinson, 2011, p. 4).

Although the special role of the shipping in the Arctic is recognized (AMSA, 2009), at the same time its ongoing development definitely should be perceived as the real challenge for a sustainable development of this part of the world (Stephenson, Smith, Agnew, 2011). As A. Chircop (2009, p. 358) points: "Unlike the historical development of other trade routes, frequently punctuated by opportunism, conflict and depredation, the development of Arctic trade routes presents a rare opportunity for planning based on knowledge and foresight, and for orderly, equitable and peaceful cooperation". This opportunity as a matter of fact becomes today rather an even more persistent requirement, since only a factual and cooperative approach can be both valuable and useful in dealing with the regional transformation and its challenges. One should always keep in mind that "for Arctic shipping, the widely varying quality of seabed mapping in different parts of the Arctic, and disparities in port infrastructure, surveillance and search and rescue capability, create an uneven matrix of risk and opportunity" (Emmerson, Lahn, 2012, p. 9).

Yet, at the same time, it should be also stressed that the Arctic shipping is likely to increase only in certain segments or types of shipping and only at certain times of the year. Whereas there is at present no systematic collection of data about shipping traffic in the Arctic region, the shipping taking place within in the Arctic marine area can be divided into two categories: intra-Arctic and trans-Arctic. Traditionally, the Arctic shipping (extremely difficult due to seasonal ice growth and the movement of ice during the short open season) was largely restricted to the supply of communities during the summer season. Nowadays, however, it has become split into various categories related to special types of ships used there, namely commercial vessels (like tankers and fishing vessels),

³ As O. Young rightly notices: "Projections of future trends involving activities like oil and gas development and commercial fishing are notoriously tricky. [...] Such projections are also sensitive to conditions occurring in other parts of the world (e.g. political conditions in the Middle East) as well as to the effects of new technologies that may increase or decrease the importance of natural resources like fossil fuels".

cruises or yachts for recreation and tourism, scientific research vessels, icebreakers for re-supply and ships engaged in offshore exploration (Jensen, 2008).

In the first decade of the 21 century around half of all ships operating in the region were vessels fishing in the Bering Sea, the Barents Sea and the North Atlantic. The remaining were travelling to the Arctic ports to deliver goods and fuel to the local population and industry and to collect and ship out minerals, oil products, fish and other raw materials. Some ships also travel with tourists, researchers or, of course, the military⁴. This destination traffic, where ships travel to locations within the Arctic region (primarily in areas that are ice-free, either seasonally or year round) is constantly growing and additionally, the transportation of Arctic oil and LNG is expected to grow in the coming years, especially if natural gas prices increase.

On the other hand, the trans-Arctic shipping, although is not so diversified, neither well developed (ARCTIS, 2012)⁵, attracts almost all international attention and expectations. Firstly, because it is connected with frequently discussed geopolitical issues: most of the trans-Arctic navigation run by a sparse network of various routes and combinations of routes, especially the northwest passage, connecting the Atlantic and Pacific Oceans through the archipelago of Canada (Kubiak, 2011); and the northern sea route, which stretches some 2800 km along the Russian Arctic coast from Novaya Zemlya to the Bering Strait (Makowski 2011, Symonides 2011). Secondly, shipping across the Arctic Ocean from and to the markets in North America, Europe and Asia is quite commonly believed, due to the reduction of sailing distances offering reasonable savings, to have a potential to change global shipping patterns (Valsson, Ulfarsson, 2011), which in fact is far from the truth. Other, today only speculative, trans-Arctic route is conceptualized in regard to a variable non-coastal sea-lane or rather a mid-ocean route near the North Pole and across the Arctic Ocean, which as some foresee “bears the potential to transform the international commercial shipping industry in the 21st century” (Humpert, Raspotnik, 2012).

Leaving aside a huge number of specific topics related to the prospects of further development of the Arctic shipping (Lassarre, 29, Ho, 2010), it is however worth to draw attention to very crucial issues that are the core of the governance of shipping activities in the Arctic, that in fact resembles a complex mosaic⁶. These are namely the policies or regulations required to improve the safety of navigation and in the same way expected to limit the negative impacts of the shipping on the Arctic environment (Chircop, 2009;

⁴ Additionally, there is continuing naval navigation and covert submarine operations in the Arctic Ocean, which offer the shortest route between Russia and North America.

⁵ The number of vessels using Northern Sea Route on their way from Europe to Asia and back during the last three years was as follows: 2010 – 4, 2011 – 34, 2012 – 46.

⁶ The Law of the Sea, as presented in the 1982 *United Nations Convention on the Law of the Sea* (UNCLOS), sets out the legal framework for the regulation of shipping according to maritime zones of jurisdiction. Other international agreements are dedicated to many specific elements of shipping like the standards of preventing marine pollution, ship safety, seafarer rights and qualifications and liability and compensation for spills. In addition, Canada and the Russian Federation have adopted in the Arctic special national legislation for ships operating in ice covered waters within their economic exclusive zones.

Jensen 2008; Koivurova, Molenaar, 2010). Both issues indeed are very interrelated in a unique way in the Arctic region: as the safety of navigation is exposed to many risks arising from the region's extreme polar conditions, at the same time these natural characteristics are the essence of the Arctic environment, vulnerable for any kind of dangerous consequences that may occur in a case of any type of serious accidents at the north polar seas.

These seas were in the past, are today and will be in future very hazardous and requiring special attention, which became evident one more time due to the cruise ship "Clipper Adventurer", which on 27 August 2010, ran aground on a submerged rock in the waters of the Coronation Gulf on its way through the Northwest Passage. "After several failed attempts to free the ship, all 197 passengers and crew were evacuated onto a Coast Guard icebreaker, which happened to be in the area. There were no injuries, but it took four tugboats to haul the Clipper Adventurer off the rocks." (Weber, 2012). As some have later commented "this «best-case scenario» (none of the passengers was hurt, and the accident took place during the relatively ice-free summer months) provided an important reminder of the international community's woeful lack of preparation to provide emergency response in a «worst case» scenario" (Conley, Toland, Kraut, 2012, p. 9). This comment of course wasn't the first one relating to the problem of the safety of navigation in the Arctic.

According to *The Arctic Marine Shipping Assessment* (AMSA 2009), the most prominent official assessment on Arctic shipping prepared under the Arctic Council's Protection of the Arctic Marine Environment (PAME) in 2009, there are a lot of needs and gaps in regard to the marine safety and marine environmental protection which need to be filled as soon as possible (Brigham, 2008). One of the solutions for this distressing situation suggested in this report has been an idea of "developing and implementing a comprehensive, multi-national Arctic Search and Rescue (SAR) instrument, including aeronautical and maritime SAR, among the eight Arctic nations and, if appropriate, with other interested parties in recognition of the remoteness and limited resources in the region" (AMSA 2009, p. 6).

This proposition, just like many other initiatives undertaken in the Arctic region, closely relates to the existing legal framework which is a result of the international cooperation coordinated by the International Maritime Organization (IMO), a specialized agency in the system of the United Nations, addressing a broad range of issues pertaining to international shipping, including maritime safety, security and environmental protection.

Search And Rescue in the Arctic Region: Main Issues And Developments

Shipping is probably one of the most international world's great industries and also one of the most dangerous (Boisson, 1999). As reaction to major disasters – like the sinking of the *Titanic* in the North Atlantic Ocean in April 1912 after colliding with an

arctic iceberg – states decided to move towards internationalization of the maritime law regulations, first by the harmonization of local regulations, next through bilateral treaties and finally by multilateral agreements founding organizations like IMO. While it has been accepted that the best way of ensuring and improving safety at sea is by developing international standards and rules that are followed by all shipping nations (IMO, 2013b), the responsibility of states to provide help and assistance for persons and vessels in trouble or distress at sea is articulated in several international agreements and conventions. They include the United Nations Convention Law of Sea (UNCLOS) and several conventions elaborated within the framework of IMO, including the 1974 International Convention for the Safety of Life at Sea (SOLAS) with its many amendments, the 1979 International Convention on Maritime Search and Rescue (SAR Convention) and the 1989 International Convention on Salvage (Salvage Convention)⁷.

Following the adoption of the Search and Rescue Convention, IMO's Maritime Safety Committee divided the world's oceans into several search and rescue areas, in each of which the countries concerned have delimited search and rescue regions for which they are responsible. The Convention obliges states to launch unilaterally special rescue coordination centres (RCCs) and rescue sub-centres (RCSs) as bases for operations in the area. In general, under the framework of the Convention, search and rescue operations are organized by each state in its region, while the boundaries of that region must be first agreed upon with bordering states. It should be also stressed that the Convention requires the states to ensure the closest practicable coordination between maritime and aeronautical services to offer the most effective and efficient services. The IMO intended then to coordinate its maritime search and rescue operations with aeronautical operations, which are first and foremost addressed in the 1944 Convention on International Civil Aviation (the Chicago Convention) under the authority of the International Civil Aviation Organization (ICAO). Then, both organizations jointly developed the International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual, which was associated closely with the ICAO Search and Rescue Manual to provide a common policy and to facilitate consultation when it is needed (International Convention on Maritime Search and Rescue, 1979).

⁷ Unfortunately, the provisions of the IMO safety conventions are not in general fully adequate for the Arctic shipping and not all applicable standards are mandatory (e.g the 2002 *IMO Guidelines for Ships Operating in Arctic Ice-covered Waters* (so called "Arctic Guidelines") as a specification beyond the more general existing requirements of the *SOLAS Convention*); they only provide internationally accepted recommendatory guidelines. See: *AMSA Report*, p. 55. Taking this into consideration, there is still a need for more detailed and appropriate regulations. IMO is currently developing a draft of an international code of safety for ships operating in polar waters, the so-called "Polar Code", which would cover the full range of design, construction, equipment, operational, training, search and rescue and environmental protection matters relevant to ships operating in the inhospitable waters surrounding the two poles. The decision to prepare a mandatory Code follows the adoption by the IMO Assembly in 2009 of the "Guidelines for ships operating in polar waters", "which are intended to address those additional provisions deemed necessary for consideration beyond existing requirements of the SOLAS and MARPOL Conventions, in order to take into account the climatic conditions of Polar waters and to meet appropriate standards of maritime safety and pollution prevention". It must be however stressed that the Polar Guidelines are also only recommendatory.

The remoteness and harsh natural conditions present special search and rescue challenges in the Arctic, which however does not change the fact that Arctic states – parties to the SAR convention – shall coordinate SAR incidents in their respective areas of responsibility and cooperate with each other as required. While, during the Cold War, military presence in the Arctic prevented any form of regional search and rescue cooperation, just since the mid 1990's a more cooperative approach has become possible and more visible. In 1993, Russia, the USA and Canada held the first Arctic Search and Rescue Exercise (SAREX) in Siberia, aiming at improving search and rescue procedures between the three countries (Steinicke, Albrecht, 2012). In 1996, NATO, under the Partnership for Peace Programme (PfP), sponsored a SAREX exercise in which military units from Russia, Canada and the United States trained common procedures and the delivery of humanitarian assistance. The exercise was organized by the Russian Ministry of Defence. Since then several national and multilateral SAR exercises have been held, like the annual Russian-Norwegian “Barents Exercise” or the biennial exercise “Northern Eagle”, organized by Norway, Russia and the United States (Pettersen, 2012).

However, a chance or rather a need for a more elaborated cooperation on the regional scale has come along with an observation that as international shipping increases in the Arctic, it should be expected that ships will be more frequently in distress and need of search and rescue mission and following assistance. This point probably became a basis for the Arctic Council Ministers in November 2004 in Reykjavik when they asked then PAME to conduct a comprehensive Arctic marine shipping assessment as outlined in the Arctic Marine Strategic Plan under the guidance of Canada, Finland and the United States as lead countries and in collaboration with the Emergency Prevention, Preparedness and Response working group of the Arctic Council and Permanent Participants. Additionally this issue was discussed also by the representatives of the five Arctic coastal states, who, during their famous meeting in May 2008 in Ilulissat, Greenland, adopted a declaration reaffirming their commitment to work together through the IMO to strengthen existing measures and to develop new ways to improve the safety of maritime navigation and prevent or reduce the risk of ship-based pollution in Arctic waters⁸. The Ilulissat Declaration (2008) recognized then the need to further strengthen search and rescue capabilities and capacity around the Arctic Ocean.

Next steps were undertaken after the presentation in 2009 of the PAME's report: *The Arctic Marine Shipping Assessment* when, during the Ministerial Meeting in Tromsø, the Arctic Council decided to establish a special group – Task Force – with a mandate to develop an international instrument on the cooperation on search and rescue operations in the Arctic. The Task Force, co-chaired by Ambassador A. Vasiliev of the Russian Federation and Ambassador D. Balton of the United States, met five times: in Washington

⁸ “The increased use of Arctic waters for tourism, shipping, research and resource development also increases the risk of accidents and, therefore, the need to further strengthen search and rescue capabilities and capacity around the Arctic Ocean to ensure an appropriate response from states to any accident. Cooperation, including the sharing of information, is a prerequisite for addressing these challenges. We will work to promote safety of life at sea in the Arctic Ocean, including through bilateral and multilateral arrangements between or among relevant states”.

(December 2009), in Moscow (February 2010), in Oslo (June 2010), in Helsinki (October 2010), and in Reykjavik (December 2010) (SAO, 2011). The group concluded its work by elaborating a project of the Agreement on Cooperation on Aeronautical and Maritime Search and Rescue in the Arctic, which was adopted at the Ministerial Meeting of Arctic Council in Nuuk, on 12 May 2011.

The Arctic SAR Agreement includes 20 articles, an Annex providing delimitation of the area of each State's SAR jurisdiction and three Appendices, which identify competent authorities, SAR agencies, and Rescue Coordination Centers (RCC) of each Party. As Article 1 provides that "the terms and definitions contained in Chapter 1 of the Annex to the SAR Convention and in Chapter 1 of Annex 12 to the Chicago Convention shall apply" to the Agreement, which means that the Arctic SAR Agreement does not set up or use its own specific terms or definitions, except the term "territory of a Party". The objective of the Arctic SAR Agreement, as indicated in Article 2, is "to strengthen aeronautical and maritime search and rescue cooperation and coordination in the Arctic".

Articles 3 through 6 regulate and describe the scope of application of the Agreement, the competent authorities of the Parties, agencies responsible for aeronautical and maritime SAR, and the establishment of the RCCs. The delimitation of SAR regions and the exercise of SAR operations have raised some sovereignty concerns over maritime areas. To avoid these concerns, the Agreement explicitly states in article 3(2) that "the delimitation of search and rescue regions is not related to and shall not prejudice the delimitation of any boundary between the States or their sovereignty, sovereign rights or jurisdiction".

While article 1 refers to the pre-existing terms and definitions, Article 7 refers to the SAR Convention, the Chicago Convention, and the IAMSAR Manual as the basic framework of SAR operations, and provides explicit procedures when the Parties conduct aero- nautical and maritime SAR operations in the Arctic. Article 8 stipulates that a Party shall request permission to enter the territory of another Party or Parties (including the land areas, internal water and territorial seas) for SAR purposes, which additionally reaffirms that the exercise of SAR operations shall not prejudice the sovereignty of a coastal state. This also implies that the Arctic SAR Agreement does not grant coastal states the authority to control SAR operations in their Exclusive Economic Zones (EEZs), because no permissions are required in this kind of zone.

Article 9 puts emphasis on the fact that the states should increase cooperation among themselves in matters relevant to the Agreement, such as information exchange and promotion of mutual SAR cooperation. Article 10 creates the Meeting of the Parties, stating that the states should meet on a regular basis to consider and resolve all issues regarding the practical cooperation, such as reciprocal visits, joint SAR exercises and training, as well as planning, development and use of communication systems. Article 12 stipulates that each state accepts the costs deriving from its implementation of this Agreement unless otherwise agreed. This requirement is consistent with the fact that SAR operations are conducted on an individual state basis. Moreover, article 11 also persuades Parties to conduct joint SAR operations. This multilateral aspect again can be found in Article 9, which requires the Parties to enhance cooperation among themselves

in such matters as information exchange and mutual SAR cooperation. The Agreement also offers in article 17 a dispute settlement provision, in which the Parties agree to “resolve any disputes concerning the application or interpretation of this Agreement through direct negotiations”.

What is quite special and different from other international agreements is that the Arctic SAR Agreement does not intend to establish its own structures (e.g., a Secretariat, Committees, or Working Groups) except for the Meetings of the Parties. It also contains no provisions about decision-making procedures.

Overall, the Arctic SAR Agreement is extensively influenced by the SAR Convention and the Chicago Convention (Kao, Pearre, Firestone, 2012). This is particularly visible in its reliance on these Conventions for terms and definitions, the establishment of the RCCs and RCSs, and as the basis for SAR operations. The scope of the Agreement and the measures presented in its provisions are very similar to the provisions of those two Conventions and in the IAMSAR Manual. This similarity, along with some weaknesses, contributes to the conclusion that the Arctic SAR Agreement, despite a newly adopted and legally binding instrument, primarily reaffirms the commitments of the Arctic States to both conventions to which they are parties rather than imposing new legal obligations on the Arctic States (Kao, Pearre, Firestone, 2012).

Conclusions

The development of the Arctic region depends on many various factors, however, shipping seems to be exceptionally important since it starts to resemble a kind of the “circulatory system” of the whole region and determine its position on a global scale. Policies and regulations required to guarantee the safety of the Arctic navigation and to limit the negative impacts of the shipping on the Arctic environment perform then very important functions. As it was suggested above the adoption of the 2011 Arctic SAR Agreement should be perceived as the next step in the development of frameworks that provide the safety of the Arctic navigation.

However, this step seems to be ambiguous since its direct relevance of the Arctic SAR is not overly impressive (Exner-Pirot, 2012), because the Agreement for the most part restates the commitments of the Arctic States to already applicable conventions without imposing any new obligations or solutions, which would be addressed just for the region (Kao, Pearre, Firestone, 2012). On the other hand the Agreement providing a political impetus and a well-constructed framework to better coordinate what was already possible, can stimulate strengthening and the development of aeronautical and maritime search as well as rescue cooperation and coordination in the Arctic.

It can also support other operational frameworks related to Maritime Domain Awareness and search and rescue activities which are applicable to the region; these primarily include shipment tracking systems, navigation and meteorological warning systems and search and rescue distress alert detection and information distribution

systems (Steinicke, Albrecht, 2012)⁹. The comprehensive review of the SAR capabilities of all Arctic states indicates that serious capability gaps do exist and additional infrastructure investments are indispensable (Steinicke, Albrecht, 2012). Then it is argued, that “with regard to capabilities and the build-up of infrastructure closer cooperation between the Arctic Council member states seems to be the most appropriate solution. Another option to close existing gaps would be a closer cooperation between the public and the private sector” (Steinicke, Albrecht, 2012, p. 28).

Here comes the other side of the significance of the Arctic SAR Agreement, encompassing some of its indirect implications, that could prove to be valuable for the Arctic cooperation in the coming decades. Firstly, the adoption of the Agreement has indicated what kind of role the Arctic Council can play in the governance of the region challenged by the climate change. Taking into account the distinctive feature of the Arctic regime – primarily the reliance only on the soft-law format as well as on restricted mandate of the Arctic Council – this new development indeed symbolizes a kind of turn in thinking about ways how cooperation in the Arctic issues can be accomplished. However, it is right to say that “it is still too early to tell whether the current soft-law Arctic regime will eventually be replaced by a legally-binding one” (Kao, Pearre, Firestone, 2012, p. 836).

Secondly, the Arctic SAR Agreement is believed to open new opportunities for the implementation of the political will of the Arctic States to strengthen their cooperation. It is supposed that SAR Agreement “can thus provide a platform by the means of which the states can pursue what is termed defence diplomacy – the peacetime cooperative use of the armed forces and related infrastructure as a tool of security and foreign policy” (Exner-Pirot, 2012, p. 195).

Growth of the collaboration between the Coast Guards and militaries of the Arctic states, in this case would symbolize a willingness to cooperate across military and

⁹ With regard to ship tracking there are three major systems : (1) the Automated Mutual-Assistance Vessel Rescue System (AMVER), (2) the Automatic Identification System (AIS) and (3) the Long Range Identification and Tracking (LRIT). Navigational and meteorological warnings are in turn provided by the World-Wide Navigational Warning Service (WWNWS), which was extended for the Arctic region in 2011. Five new Navigational Warning Areas (NAVAREAS) and Meteorological Areas (METAR-EAS) were created in the Arctic under the responsibility of Canada, Norway and the Russian Federation. Most important for the reporting of vessels in trouble is the Global Maritime Distress and Safety System (GMDSS) in operation since 1999, whose key part is the COSPAS-SARSAT satellite programme, established by Canada, France, Russia and the United States. In the Arctic, according to the rules set by the GMDSS, ships have to be equipped with the most extensive set of devices that covers traditional radio communications and Inmarsat satellite communications. In case of maritime emergencies, the position of the accident can be sent to satellites via Emergency Position-Indicating Radio Beacons (EPIRB's) that are mandatory ship equipment under the SOLAS convention. The information will then be forwarded from satellites to respective ground control stations. So far the distress alerts can be detected globally up to about 70-75° north (with a five degree elevation angle). Still, as previously ice-covered areas become more accessible for shipping, the danger of incidents above 75-80° north is growing. Further challenging swift search and rescue responses is the yet small number of satellites available (only six) that have to pass over a beacon to detect and locate it, before they can send the signal to ground stations.

civilian boundaries and common work to overcome differences. It could launch also more transparency into multilateral and bilateral relations, especially in military or defence dimensions, which would reduce both the possibility of miscommunication and the perception of hostile intentions. Furthermore, it could highlight and reinforce perceptions of sharing common interests and result in changing mindsets about who or what is a real threat (Exner-Pirot, 2012).

As a matter of fact, following the adoption of the Agreement, Canada already in early October 2011 was the host of the first Arctic SAR tabletop exercise, which took place in Whitehorse, Yukon. For the first time ever, 32 SAR experts and 60 observers from all of the countries, whose territories fall within the Arctic Circle, conducted a tabletop exercise to find out how they could come to each other's assistance during SAR missions in the challenging Arctic environment (Foreign Affairs and International Trade, Canada 2011). A second exercise "SAREX Greenland Sea 2012" took place on 10-14.09.2012 in Greenland and aimed "to exercise the SAR organisations of the 8 Arctic Nations in a real live exercise providing SAR cooperation training to all participants in a remote Arctic environment" (Forsvarskommandoen (2012). These activities highlighted the importance of partnerships and interoperability in regard to comprehensive SAR capabilities of the Arctic states and created a possibility for a real exchange of information and experiences.

These two political implications presented above are focused very much on the intraregional dimension of the Arctic SAR Agreement, however, they both constitute another, more external evidence of the progressing Arctic regionalization. The SAR negotiations without participation of any of the non-Arctic stakeholders and signing the Agreement, which is the first legally binding instrument under the auspices of the AC, is a manifestation of exercising the Arctic sovereignty by the eight states and their view on the role of the Arctic Council. It is a message that they are the only legitimate (in accordance with international law) and responsible actors guaranteeing effective stewardship in the Arctic.

In conclusion, while development of the Arctic SAR legal framework and strengthening of the Arctic Council are important and constructive elements of the consolidation of the Arctic region, the question about the prospects of this rationalization challenged more often by actors from outside the region becomes worthy of sustained attention more than ever.

References

- AMSA (2009). Arctic Marine Shipping Assessment 2009 Report, Arctic Council.
- Anisimov, O.A. *et al.* (2007). Polar regions (Arctic and Antarctic). In: M.L. Parry, O.F. Canziani, J.P. Palutikof, P.J. van der Linden and C.E. Hanson (Eds), *Climate Change 2007: Impacts, Adaptation and Vulnerability. Contribution of Working Group II to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change* (p. 653-685). Cambridge: Cambridge University Press.

- Arctic Council (2011). Agreement on Cooperation on Aeronautical and Maritime Search and Rescue in the Arctic. Retrieved 20 September 2013, from: www.arctic-council.org/index.php/en/document-archive/category/20-main-documents-from-nuuk?download=73:arctic-search-and-rescue-agreement-english
- ARCTIS (2012). Arctic Sea Routes: Statistics on Transit Voyages: NSR Transits 2012. Retrieved 20 September 2013, from: <http://www.arctis-search.com/NSR+Transits+2012>
- ARCUS (2012). Sea Ice Outlook Post-Season Report, Arctic Research Consortium of the United States. Retrieved 20 September 2013, from: <http://www.arcus.org/search/seaiceoutlook/2012/summary>
- ARHDR (2004). Arctic Regional Human Development Report 2004, Human Development Report Office.
- Bennett, M. (2011). 2011 Year in Review: An Amicable Arctic, Foreign Policy Blogs.
- Boisson, Ph. (1999). Safety At Sea. Policies, Regulations and International Law. Retrieved 20 September 2013, from: <http://www.imo.org/KnowledgeCentre/ReferencesAndArchives/Documents/P.%20Boisson%20History%20of%20safet%20at%20sea%20extract.htm>
- Brigham, L.W. (2008). Arctic shipping scenarios and coastal state challenges. *WMU Journal of Maritime Affairs*, 7(2), 477-487.
- Chircop, A. (2009). The Growth of International Shipping in the Arctic: Is a Regulatory Review Timely? *The International Journal of Marine and Coastal Law*, 24(9), 355-380.
- Conley, H., Toland, T., Kraut, J. (2012). *A New Security Architecture for the Arctic. An American perspective*. Washington D.C.: Center for Strategic and International Studies.
- Emmerson, Ch., Lahn, G. (2012). *Arctic Opening: Opportunity and Risk in the High North*. London: Chatham House-Lloyd's Risk Insight Report.
- Exner-Pirot, H. (2012). Defence diplomacy in the Arctic: the search and rescue agreement as a confidence builder. *Canadian Foreign Policy Journal*, 18(2), 195-207.
- Foreign Affairs and International Trade Canada (2011). *Arctic Council Search and Rescue Table Top Exercise*. Retrieved 20 September 2013, from: <http://www.international.gc.ca>
- Forsvarskommandoen (2012). SAREX Greenland Sea 2012.Øvelese. Retrieved 20 September 2013, from: <http://forsvaret.dk>
- Ho, J. (2010). The implications of Arctic sea ice decline on shipping. *Marine Shipping*, 34(3), 713-715.
- Humpert, M., Raspotnik, A. (2012). The Future of Arctic Shipping Along the Transpolar Sea Route, *Arctic Yearbook*, 1, 281-307
- Huntington, H. et al. (2008). *An Introduction to the Arctic Climate Impact Assessment*. In: Arctic Climate Impact Assessment. Cambridge: Cambridge University Press.
- Ilulissat Declaration (2008). Arctic Ocean Conference, Ilulissat, Greenland, 27–29 May 2008. Retrieved 20 September 2013, from: http://www.oceanlaw.org/downloads/arctic/Ilulissat_Declaration.pdf
- IMO (2013a). *Development of an international code of safety for ships operating in polar waters (Polar Code)*. Retrieved 20 September 2013, from: <http://www.imo.org/MediaCentre/HotTopics/polar/Pages/default.aspx>
- IMO (2013b). *History of Safety at Sea*. Retrieved 20 September 2013, from: <http://www.imo.org/KnowledgeCentre/ReferencesAndArchives/HistoryofSafetyatSea/Pages/default.aspx>
- International Convention on Maritime Search and Rescue (1979). Retrieved 20 September 2013, from: <http://www.imo.org/About/Conventions/ListOfConventions/Pages/International-Convention-on-Maritime-Search-and-Rescue-%28SAR%29.aspx>
- Jensen, Ø. (2008). Arctic shipping guidelines: towards a legal regime for navigation safety and environmental protection?. *Polar Record*, 44(2), 107-114.
- Kao, S-M., Pearre, N.S. Firestone, J. (2012). Adoption of the arctic search and rescue agreement: A shift of the arctic regime toward a hard law basis?. *Marine Policy*, 36(3), 832-836.
- Koivurova, T., Molenaar, E. J. (2010). *International Governance and Regulation of the Marine Arctic, Overview and Gap Analysis*, Oslo: WWF International Arctic Programme.
- Kubiak, K. (2011). Żegluga morska w Arktyce [Seafaring in the Arctic. Opportunities and risks], *Studia humanistyczno-społeczne*, 5, 105-135.

- Lasserre, F. (2009). High North Shipping: Myths And Realities. In: S.G. Holtsmark, B.A. Smith-Windsor (eds), *Security Prospects in the High North: Geostrategic Thaw Or Freeze?* (p. 179-199). Roma: NATO Defense College.
- Lavrov, S. (2011). Nuuk Declaration: A New Stage of Cooperation among Arctic States, *Arktika: Ekologiya i Ekonomika Magazine*, 3. Retrieved 20 September 2013, from: http://www.ln.mid.ru/bdomp/brp_4.nsf/e78a48070f128a7b4325699005bcbb3/d36ed5d4469d46a8c325792a00442ea9!OpenDocument
- Makowski, A. (2011). Północna droga morska i perspektywy jej wykorzystania w żegludze międzynarodowej [Northern Sea Route and the perspectives of its operational use in the international shipping]. *Studia humanistyczno-społeczne*, 5, 137-15.
- Pettersen, T. (2012). *Exercise «Northern Eagle» has started*. Retrieved 20 September 2013, from: <http://barentsobserver.com/en/security/exercise-northern-eagle-has-started-20-08>
- Saksina, T. (2011). Urgency and opportunity. Editorial, *The Circle*, 2/2011, 3.
- SAO (2011). Senior Arctic Officials (SAO) Report to Ministers, Nuuk, Greenland, May 2011, Retrieved 20 September 2013, from: <http://www.arctic-council.org>.
- Steinicke, S., Albrecht, S. (2012). *Search and Rescue in the Arctic*, WP FG 2(5). Berlin: SWP.
- Stephenson, S.R., Smith, L.C., Agnew, J.A. (2011). Divergent long-term trajectories of human access to the Arctic. *Nature Climate Change*, 1, 156-160.
- Symonides, J. (2011). Perspektywy wykorzystania dla żeglugi międzynarodowej Północnej Drogi Morskiej w Arktyce [Prospects of using the Northern Sea Route in the Arctic for international navigation], *Stosunki Międzynarodowe-International Relations*, 43(1-2), 39-60.
- UNEP (2013). *UNEP Year Book 2013 – Emerging Issues in Our Global Environment*.
- Valsson, T., Ulfarsson, G.F. (2011). Future changes in activity structures of the globe under a receding Arctic ice scenario, *Futures*, 42(4), 450-459.
- Weber, B. (2012). *Grounded Arctic cruise ship victim of too much speed, poor charts, says report*, *Huffington-post* 27.04.2012.
- Williams, A., O'Sullivan Darcy, A., Wilkinson, A. (2011). *The future of Arctic enterprise: Long-term outlook and implications*, Oxford: Smith School of Enterprise and the Environment University of Oxford.
- Young, O. (2010). Arctic Governance – Pathways to the Future, *Arctic Review on Law and Politics*, 1(2), 164-185.

ZNACZENIE REGIONALNE UMOWY O POSZUKIWANIU I RATOWNICTWIE W ARKTYCE

Streszczenie: Artykuł jest poświęcony Umowie o Poszukiwaniu i Ratownictwie w Arktyce – pierwszemu prawnie wiążącemu porozumieniu, przyjętemu przez Radę Arktyczną. Zawiera analizę bezpośrednich i pośrednich skutków Umowy, zarówno dla rozwoju żeglugi arktycznej, jak też dla perspektyw rozwoju procesów regionalizacji. We wnioskach stwierdza się, iż przyjęcie tego dokumentu nie jest jednoznacznym osiągnięciem, ponieważ porozumienie nie wpływa znacząco na zwiększenie poziomu bezpieczeństwa żeglugi arktycznej, jednocześnie jednak potwierdza wiodącą pozycję Rady Arktycznej w regionalnym systemie zarządzania i stwarza istotne możliwości dla zacieśniania współpracy między państwami regionu arktycznego. Umowa o Poszukiwaniu i Ratownictwie w Arktyce podkreśla suwerenność sprawowaną w Regionie przez osiem państw arktycznych (niejako w opozycji do aktorów spoza regionu), a w konsekwencji stanowi także oznakę rozwoju regionalizmu arktycznego.

Słowa kluczowe: Arktyka, regionalizacja, żegluga arktyczna, poszukiwania i ratownictwo.