Maritime regionalism as a framework for analysing the territorial challenges of the Arctic transformation

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Abstract:

This paper aims to offer for a discussion about the territorial challenges of the Arctic transformation a concept of the maritime regionalism. This perspective seeks to provide an explanation when, why and how processes of regionalization are connected with or even strengthen by the growing importance and use of the sea and oceans in contemporary international relations. Development of the Arctic shipping (perceived as a determinant of the maritime region-building processes) serves here as a case study offering firstly, a unique possibility to verify the concept and secondly, to understand better both current interests in the Arctic region and the future position of this region in international relations.

Introduction

Biophysical changes observed in the North, despite having far-reaching results on the overall climate of the Earth, pose also various environmental and socioeconomic impacts in the northernmost regions of Europe and Arctic (AHDR 2004). Additionally, global warming is enabling offshore oil and gas drilling in the Northern seas and opens new trans-arctic sailing routes, what in turn create new geopolitical circumstances (Heininen, Southcott, 2010). Advancing the knowledge about all these processes requires new methods of analysis of territorial challenges localized in the North, which in many cases are strictly linked with the development of shipping.

The significance of the shipping in the Arctic region is well known (AMSA, 2009), and its current growth, especially in a sector of trans-Arctic navigation, is being scrutinized in more detail than ever before. Previous research indicates that potential intensification of the shipping in the Arctic marine area depends on a combination of various factors, like, e.g. climate change, rising prices in petroleum and mineral markets due to economic growth in some parts of the world, aspirations of some Arctic states to capitalize on natural resources

(Stokke, 2102). The Arctic shipping, admitted to be central to much of the foreseeable development in the region (Chircop, 2009), however should be additionally perceived as independent variable, as an important determinant of the broader processes defining not only the uniqueness of the Arctic region in terms of perspective maritime transport, but above all its social distinctiveness and autonomy and its significance in the global scale, as well.

The purpose of this article is to provide such perspective using as a theoretical framework the concept of the maritime regionalism (Haliżak, 1998) explaining when, why and how processes of regionalization are connected with or even strengthen by the growing importance and use of the sea and oceans in contemporary international relations (Langenhove, 2011). Special attention will be put here on the issue of development of the legal framework supporting safety navigation in the North Circumpolar region, since the Agreement on Cooperation on Aeronautical and Maritime Search and Rescue in the Arctic (the Arctic SAR Agreement) was approved just two years ago (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) and by usually more critical NGO's experts (Saskina, 2011), they have been also acknowledged in scientific analysis. It has been explained (Exner-Pirot, 2012) that it was a unique day for the Arctic region since signing of this agreement as the first legally binding instrument developed under auspices of the AC marked "a milestone" in its history (Bennett, 2011). According to others (Kao, Pearre, Firestone, 2012), 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". As developing of the SAR legal frameworks and operational capabilities should be undoubtedly crucial for the future of the Arctic shipping, why the adoption of this agreement also have some political implications for the international situation of the region and the way it will develop in time both globalisation and climate change?

This paper divided into four main sections. Following these introductory comments, the second section is focussed on a presentation of the theoretical background of the following analysis, namely the concept of the maritime regionalism. The third section provides whereas current and expected developments in the Arctic shipping, its regional significance, both challenges and achievements related to the safety of navigation in the

seas of the Circumpolar North. The final fourth section offers conclusions focused on the direct relevance and indirect implications of the Arctic SAR Agreement with a special reference to their importance for the processes of Arctic regionalization as a newly emerging maritime region.

Maritime regionalism as a framework for analysing the Arctic transformation

The world and its global international environment are characterised in nowadays by a growing pressure merging both integration and fragmentation processes, which are generally labelled as globalisation and regionalisation. The nature of this pressure is very complex and rather blurred due to the fact that relations between these two clusters of the many multidimensional processes is primarily based on their interdependence. According to the views expressed by the representatives of the 'new-regionalism' approach developed in the framework of the IR studies, regions should be understood then as constructed and re-constructed in the ongoing process of global transformation, although regionalisation is also quite often regarded as a political response to globalisation (Langenhove, 2011, p. 2). While regionalism, generally, is perceived as a multidimensional form of integration embracing economic, cultural, political and social aspects emerging from 'below' and 'within' given area, the region could be understood therefore within the framework of a territorial entity that is continually changing and adapting through regionalisation processes (Farrell, Hettne, Langenhove, 2005).

As a classical definition offered by Nye (1971, p. vii) indicates, a supra-national region is 'a limited number of states linked together by a geographical relationship and by a degree of mutual interdependence'. Unfortunately, this definition, like many other subsequent ones, still lacks explanation what precisely constitutes such type of a region. So, as Langenhove (2011) suggests, 'supra-national regions do exist as discursive entities and they are often characterised by their formal level of integration as expressed in regional agreements or institutions' dealing with different aspects of integration or cooperation. However, while it should be always remembered that international cooperation is a process that governments enter because they believe that the policies of their partners can facilitate the realization of their own objectives through policy collaboration or coordination (Keohane, 1985, p. 243), there are also objective factors stimulating the development of

such cooperative relations. This is in a case of maritime regions, which can develop usually in quite special circumstances.

In the past these factors were mainly a mixture of geography, economy, demography and distribution of power (Benton, 2005; Morrissey 1997), and seas and oceans were perceived mainly as mediums connecting the continents. In next periods, especially during the second half of the 20th century, when global ocean politics developed, the process of ocean governance as a way for more effective managing the oceans has become a priority encompassing economic development, environmental protection, and maritime safety and security which are interdependent and indivisible (Gupta, 2010). At that moment and thanks to the United Nations Convention of the Law of the Sea regional approach to the oceans has become more obvious than ever before.

According to Haliżak (1992) a set of the following factors supporting development of the maritime regions can be identified: (1) growing relevance of the international maritime transport; (2) advancement of different technologies enabling exploitation of very different marine resources in unprecedented scale, and (3) ecological importance of the maritime environment. These elements being intertwined supported development of different maritime regions, like South-East Asia (Valencia, 1996) or Indian Ocean Region (Gupta, 2010). However it should be also mentioned that as early as in the mid 90-ties the idea of the application of the regional approach to the Arctic Ocean was reconsidered as a solution to prevent marine pollution (Harders, 1987). And finally, it should be highlighted that maritime regions can serve as geographical stages for marine policy regimes regarded as 'sets of agreements among a defined group of actors specifying: (1) the distribution of power and authority for the marine geographical region; (2) a system of rights and obligations for the members of the group; and (3) a body of rules and regulations that are supposed to govern the behavior of members' (Valencia, 2000, p. 231).

The Arctic shipping and the territorial challenges of the region's transformation

The Arctic shipping: trends and challenges

Transformation in the Arctic is occurring at an exceptional pace, and the dynamism and the scope of observed changes are consequences of biophysical processes are closely related to climate change (UNEP, 2013). Average temperatures in the region have increased in the last decades by as much as +2 ^{o}C in various parts of the region (Huntington, Weller et al., 2008) and the melting of the Arctic Ocean ice cap (receding and thinning) is exceeding previous scientific projections and models[1]. Recent observations and analysis demonstrate that September 2012 marked the minimum extent of sea ice cap ever recorded in the Arctic Ocean (what means that the north polar ice cap was 40 percent smaller than it was in 1979)[2.]. These biophysical changes, having far-reaching results on the overall climate system of the Earth, already pose also various direct impacts on many places in the circumpolar North challenging the livelihood of all people living and working in the Arctic (Anisimov, D.G. Vaughan, et al., 2007).

Together with modernization and globalization, this transformation however 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 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, p. 9). While this opinion provides just an indication of scale of potential engagement (rather than

[1] 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 report and while more current studies have come closer, none has yet reproduced the observed trend, nor have been able to project precisely when ice-free conditions will first be 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 (UNEP, 2013, p. 19).

[2] Within the last six years the Arctic has witnessed two record minimum sea ice extents. In 2007 4.28 million km^2 were covered by ice, while in 2012 the ice sheet shrunk to 3.6 million. See more: *Sea Ice Outlook* (2012).

an exact estimation[3]), it also offers some hints referring to the most important sectors for 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 are diverse and include, 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, 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) 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).

At the same time, it should however also be 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, 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. In nowadays it has become however split into various categories related to special types of ships used

[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" (Young 2010, p. 165).

there, namely commercial vessels (like tankers and fishing vessels), 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 remainder was travelling to 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 military. 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[4], 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), what in fact is far from the truth. Other, today only speculative, trans-Arctic route is conceptualized in regards 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 a huge number of specific topics relating to the prospects of further development of the Arctic shipping aside (Lasserre, 2009; Ho, 2010), it is however worth to draw attention to very crucial issues that are the core of the governance of shipping

[4] 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 (Arctic Sea Routes, 2012).

activities in the Arctic, that in fact resembles a complex mosaic[5]. 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; 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 to 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 a past, are today and will be in future very hazardous and requiring special attention, what became evident once more time due to the cruise ship "Clipper Adventurer", which on 27 August 2010, ran aground of 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 et al. 2012). 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 Report), 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

[5] 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 marine pollution prevention standards, ship safety, seafarer rights and qualifications and liability and compensation for spills. In addition, in Arctic Canada and the Russian Federation have adopted special national legislation for ships operating in ice-covered waters within their economic exclusive zones (AMSA 2009. p. 50).

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).

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 United Nations system, 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, n/a), 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).

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 a base 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 first must be agreed upon with

bordering States. It should be also stressed that the Convention requires that states shall 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). Both organizations jointly developed then 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 they are needed (SAR Convention).

The remoteness and harsh natural conditions present special search and rescue challenges in the Arctic what 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 mid 1990-is 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 (Petterssen, 2012).

A chance or rather a need for a more elaborated cooperation in regional scale has however come along with an observation that as international shipping increases in the Arctic, it should be expected that the 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 waters[6]. The Ilulissat Declaration recognized then the need to further strengthen search and rescue capabilities and capacity around the Arctic Ocean.

Next steps were undertaken after presentation in 2009 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 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 (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, 12 May 2011.

The Arctic SAR Agreement includes 20 articles, an Annex providing delimitation 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, what 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 states in Article 2, is ''to strengthen aeronautical and maritime search and rescue cooperation and coordination in the Arctic''.

[6] "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 on 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." (*Ilulissat Declaration 2008)*

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 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 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 practical cooperation, such as reciprocal visits, joint SAR exercises and training, and 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, 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, p. 836). 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 new adopted 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, Pierre, 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 in a global scale. Policies and regulations required to guarantee the safety of Arctic navigation and 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 a next step in the development of frameworks providing the safety of Arctic navigation.

This step seems to be however ambiguous since its direct relevance of the Arctic SAR is not overly impressive ((Exner-Pirot, 2012), since 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). One the other hand the Agreement provides a political impetus and well constructed framework to better coordinate what was already possible, can stimulate strengthening and development aeronautical and maritime search and 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 ship tracking systems, navigational and meteorological warning systems and search and rescue distress alert detection and information distribution systems. 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, which could prove to be valuable for the Arctic cooperation in 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 region – primary reliance only on the soft law format as well as restricted mandate of the Arctic Council this new development symbolizes indeed some 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 state if the present soft law Arctic regime will become eventually replaced by a legally-binding one.

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 which states can pursue what's termed defence diplomacy – the peacetime cooperative use of the armed forces and related infrastructure as a tool of security and foreign policy (Exner-Piort, 2012).

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 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 what 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-Piort, 2012).

As a matter of fact, following adoption of the Agreement Canada already in early October 2011 was host of the first Arctic SAR table top 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 table-top exercise to find out how they could come to each other's assistance during SAR missions in the challenging Arctic environment (DFAIT, 2011). A second exercise "SAREX Greenland Sea 2012" took place from 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**.** These activities highlighted the importance of partnerships and interoperability in regards to a comprehensive SAR capability of the Arctic states and created the 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 stakeholder and signing the Agreement, which is the first legally binding instrument under the auspices of the AC is a manifestation of the exercising 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 prospects of this regionalization challenged more often by actors from outside the region becomes worthy of sustained attention more than ever.

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