

Memorandum of the Forum for the 21st Century

Board of the Economic Issues

The March 2014 annual convention of the board of economic issues of the *Forum for 21st Century* has decided to focus on the development in the Arctic. This region has caused increased interest of the international community interrelating with abundance of natural resources, technological progress helping overcome the unfavourable natural conditions, and global climate change which will enable larger economic and transport utilization. Global threats such as environmental pollution, sea level rising, and endangering of flora and fauna, attract attention of increasing number of states, negotiating the territorial dividing of the North Polar Region. The Arctic area has the potential to become the centre of the developed world in few decades to come.

Therefore the negotiating parties, namely Canada, the European Union, Kingdom of Norway, Republic of Iceland, Russian Federation, and the United States of America, which are states with dominant influence in the administration of the territory, and the People's Republic of China with the observer status (further negotiating parties), agreed upon the following:

1 Competence of the Arctic Council

The *Arctic Council* shall be the primary intergovernmental decision-making forum for the Arctic affairs. The negotiating parties decided to strengthen the role of the *Arctic Council*, from a “decision-shaping” to a “decision-making” platform, therefore all its final decisions shall be legally binding.

2 Political division

- a) The division of the area is one of the most crucial issues concerning the Arctic. The *Forum for 21st Century* sets the criteria for dividing the North Polar Region according to the *United Nations Convention on the Law of the Sea* (UNCLOS). The United States of America expressed a commitment to ratify the *UNCLOS* within one year after this Memorandum enters into force.
- b) Negotiating parties came to an agreement to allow the extension of the exclusive economic zones up to 350 nautical miles from the shore according to the *UNCLOS*. The aquatories beyond the border of the exclusive economic zones of the Arctic states shall continue forever to be used exclusively for peaceful purposes and shall not become the scene or object of international discord. Any activities conducted by the *Arctic Council* non-member country in this area shall be a subject of monitoring by the *Arctic Council* member states.
- c) All disputed areas and borders shall be determined on a bilateral basis.

3 Arctic Research Centre for the Incessant Cooperation

- a) The negotiating parties agreed upon the establishment of the *Arctic Research Centre for the Incessant Cooperation (ARCTIC)*, which shall be active under the *Arctic Council* and shall employ experts, specialists, and scientists from the member states and the permanent observer states of the *Arctic Council*.
- b) The primary function of the *ARCTIC* shall be to serve as a scientific body and research centre of the *Arctic Council* member states.
- c) The *ARCTIC* shall consider submissions by states concerning the outer limits of the continental shelf and take final and binding decisions regarding the territorial issues, given that the UN's Commission on the Limits of the Continental Shelf does not efficiently serve its purpose.
- d) The *ARCTIC* shall help determine the outlines of aquatorial borders, therefore it will take patronage over the research of the continental shelves to ensure every country's right to their extended aquatories and discontinue boundary disputes among *Arctic Council* members.

4 Disputed areas

The growing international importance of the region has led to emergence of disputes. Concerning the fact that parts of the Arctic are melting, the region will be more accessible than ever before. Territorial issues are an essential part of each member's foreign policy.

- a) The disputed areas shall be primarily divided according to the *UNCLOS* and bilateral agreements.
- b) Shall the bilateral negotiations not reach the mutual agreement, research from the *ARCTIC* shall be conducted. This will be provided by the scientists from the *ARCTIC*.
- c) The outcomes of the research shall serve as a basis for a potential legally binding document.

5 Security dimension

According to the *Political division*, each Arctic nation exercising its authority over factual divided part of the Arctic area shall prevent any military actions to enhance the regional security. In accordance with the international law and the *UNCLOS*, any military action, as well as military occupation, is not permitted in the common Arctic area; the only actions taken shall be exercised within the state borders, where nations shall exercise their national sovereignty, protect their land, airspace, and territorial waters, all in the terms of the environmental protection of the unique northern environment. Hence, in the common aquatories only the activity of the UN armed forces is permitted, through their visible presence in the region.

6 Natural resources

The natural environment and cultural heritage of the region together make up a unique treasure that must be protected for future generations. We assume, the increased economic activity in the Arctic region should contribute to the sustainable utilization of the resources and therefore responsible handling of the fragile ecosystem, and the conservation of the biota must be one of the priorities of common Arctic policy. It is our goal to strengthen the international cooperation to mitigate the climate change and reduce the environmental pressures and impacts on the Arctic.

- a) Each Arctic state shall exercise its authority over factual divided part, though any voluntary cooperation between the parties shall not be prohibited.
- b) The new industries in the region, including hydropower, mining, tourism, and exploration and exploitation of other minerals, particularly off-shore fossil fuels, natural gas and other energy resources shall be regulated under the highest international standards, in accordance with queries agreed in the *Environmental issues*.

7 Transport

Existing international law provides a set of rules governing the rights, freedoms and usage of the world's oceans and airspace, including the Arctic. However, *Forum for 21st Century* accentuates the issue of safety, health, environmental, and emergency preparedness and transparency.

- a) High international safety standards shall be stipulated by the legally binding *Polar Codex* issued by the *International Maritime Organization* as for the scientific and commercial purposes, including the land-based and the cruise-liner tourism, and shipping purposes.
- b) Any transport within territorial waters shall be approved by the concerned state.
- c) Any transport within the exclusive economic zone shall be exercised according to the *UNCLOS*.
- d) All vessels passing through the Arctic waters are eligible to process of national identification. These measures shall improve maritime safety, oil spill response, and search and rescue services for safe, environmentally sound, and efficient transport corridor in the Arctic, and shall ensure operating in the compliance with the environmental laws and regulations.

8 Environmental issues

- a) *Forum for the 21st Century* considers the environmental issues of a high importance. The protection, safety, and preservation of the sea environment shall be ensured by the commitment to the *Arctic Waters Pollution Prevention Act*.

- b) We are deeply concerned about the climate change, and therefore it is necessary to respond its impact within the *United Nations Framework Convention on Climate Change*.
- c) *Arctic Council* provides the basic framework for the environmental protection. Its activities are conducted in six working groups which are composed of representatives at expert level from research and government agencies. The outcomes of the working groups' activities are of recommendatory nature.
- d) In case of non-compliance by these standards and environmental pollution, the harm shall be fully eliminated by the polluter in time proportionate to the extent of the damage. Should this be neglected, the sanctions shall be imposed on the polluter by the *International Court of Justice in Hague*.

9 Protection of autochthonous inhabitants

- e) *The Forum for the 21st Century* supports the rights of the Arctic indigenous people and promotes their involvement in decision-making in all issues affecting their communities, whether they entail political, social, cultural, economic or environmental issues. The negotiating parties have agreed to ensure respecting of all indigenous heritage, spiritual sites, churches, cemeteries, and other sites with spiritual, historical or cultural significance, and that they do not remove any artefacts. These shall be protected under the UN Declaration on the Rights of Indigenous Peoples and the Nuuk declaration.
- f) Health, education, culture, sport, child, and youth work and volunteer activities shall all together be the key components with the purpose of fostering the mutual understanding, stability, and development in the Arctic.
- g) The negotiating parties agreed upon building of *International Fund for Protection of Autochthonous Inhabitants (IFPAIN)* that shall help the autochthonous people ensure their rights and protection of their natural environment, which shall interrelate with the economic progress of the Arctic area. Contribution to the *IFPAIN* shall be calculated as the 0,0001 % of the GDP. The *IFPAIN* shall be in competence of the *Arctic Council's Sustainable Development Working Group*.

10 Final Provisions

This Memorandum

- a) is a legally binding document to all signatory states;
- b) shall be open for signature by all negotiating parties;
- c) shall remain open for signature until 20th September 2014;
- d) is subject to ratification by the negotiating parties;
- e) shall enter into force by the date of ratification by all parties.

By signing this document, the signatory parties agree to all provisions of the Memorandum and commit themselves to implement the measures stipulated in the Memorandum.

In Bratislava, 20th March 2014

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Delegation of Canada

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Delegation of the European Union

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Delegation of the Kingdom of Norway

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Delegation of the People's Republic of China

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Delegation of the Republic of Iceland

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Delegation of the Russian Federation

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Delegation of the United States of America