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Citation

LIU, Nengye. Will China build a green belt and road in the Arctic. (2018). *Review of European, Comparative and International Environmental Law*. 27, (1), 55-62.

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Will China build a green Belt and Road in the Arctic?

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This article aims to shed light on two questions: what are the implications of China's Belt and Road Initiative (BRI) for Arctic governance? And what are the environmental implications of the BRI for the Arctic? The article first discusses the interaction between China's BRI and Arctic policy, examining the vision that China would like to use the BRI to shape Arctic governance. The article focuses on the environmental components of the BRI. It explores whether China's current regulatory regimes are sufficient to help ensure a green Belt and Road in the Arctic.

1 | INTRODUCTION

The Belt and Road Initiative (BRI) was launched by Chinese President Xi Jinping in Kazakhstan in 2013.¹ It is arguably the largest overseas investment drive ever launched by a single country.² According to China's State Council:

*The Belt and Road means the Silk Road Economic Belt and the 21st-Century Maritime Silk Road. It runs through the continents of Asia, Europe and Africa, connecting the vibrant East Asia economic circle at one end and developed European economic circle at the other, and encompassing countries with huge potential for economic development. The Silk Road Economic Belt focuses on bringing together China, Central Asia, Russia and Europe (the Baltic); linking China with the Persian Gulf and the Mediterranean Sea through Central Asia and West Asia; and connecting China with Southeast Asia, South Asia and the Indian Ocean. The 21st-Century Maritime Silk Road is designed to go from China's coast to Europe through the South China Sea and the Indian Ocean in one route, and from China's coast through the South China Sea to the South Pacific in the other.*³

The first Belt and Road Forum for International Cooperation concluded in Beijing on 15 May 2017.⁴ This marks the first phase of China's BRI. China will continue to pursue the BRI in the coming years. This is evidenced by the fact that the BRI was mentioned in amendments to the Constitution of the Communist Party of China (CPC)⁵ during the Party's 19th National Congress (18–23 October 2017).⁶

China has been very active in the Polar Regions (Arctic and Antarctica) in recent years. Beijing hosted the 40th Antarctic Treaty Consultative Meeting from 22 May to 1 June 2017,⁷ marking the first time the meeting was held in China. In the summer of 2017, COSCO Shipping Specialized Carriers, a member of the COSCO Group – China's largest shipping company – started regularly using the Northern Sea Route⁸ as a commercial shipping route to Europe.⁹ On 10 October 2017, China's icebreaker, the *Xuelong* (*Snow Dragon*), returned to base in Shanghai after 83 days on the Arctic rim and

⁴Xinhua, 'Belt and Road Forum for International Cooperation' <<http://www.xinhuanet.com/english/special/201705ydyforum/index.htm>>.

⁵China Ministry of Foreign Affairs, 'Foreign Ministry Spokesperson Geng Shuang's Regular Press Conference' (26 October 2017) <http://www.fmprc.gov.cn/mfa_eng/xwfw_665399/s2510_665401/t1504977.shtml>.

⁶The CPC National Congress takes place on a five-yearly basis, bringing together over 2,000 Party delegates with a view to approving the Party's agenda for the coming five years. S Fallon, 'The 19th National Congress of China's Communist Party' <https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BriefingBook45p/ChinaCongress>.

⁷China Ministry of Foreign Affairs, 'XL Antarctic Treaty Consultative Meetings' <<http://atcmx.mfa.gov.cn/>>.

⁸Arctic Council Protection of Arctic Marine Environment (PAME) Working Group, *Arctic Marine Shipping Assessment Report 2009* (2009) 23 (AMSA 2009 Report): 'The Northern Sea Route is defined in Russian Federation law as a set of marine routes from Kara Gate (south of Novaya Zemlya) in the west to the Bering Strait in the east. Several of the routes are along the coast, making use of the main straits through the islands of the Russian Arctic; other potential routes run north of the island groups.'

⁹COSCO Shipping Specialized Carriers Started 2017 Arctic Voyage' (2 February 2017) <<http://www.coscol.com.cn/News/Detail.aspx?ID=11319>> (in Chinese).

¹China Ministry of Foreign Affairs, 'Xi Jinping's Speech at Nazarbayev University, 7 September 2013' (8 September 2013) <http://www.fmprc.gov.cn/mfa_chn/ziliao_611306/zt_611380/dnzt_611382/ydyf_667839/zyxw_667918/t1074151.shtml> (in Chinese).

²China Encircles the World with One Belt, One Road Strategy' (Financial Times, 4 May 2017).

³The State Council of People's Republic of China, 'Action Plan on the Belt and Road Initiative' (30 March 2015) <http://english.gov.cn/archive/publications/2015/03/30/content_281475080249035.htm>.

completed its eighth Arctic expedition.¹⁰ This marked China's first circumnavigation of the Arctic rim. At the end of the expedition, Lin Shanqing, Deputy Head of State Oceanic Administration, announced that from 2018, China's Arctic expedition will be conducted annually.¹¹ The *Snow Dragon 2*, China's second icebreaker, is currently under construction and is due for completion in 2019.¹² On 26 January 2018, China published its first-ever White Paper on Arctic Policy.¹³ It is thus clear that China, the world's second-largest economy,¹⁴ has strong interests in the resource-rich Arctic.

The BRI also includes an Arctic component. Russia, an important Arctic State, is one of China's most important partners in the BRI. Described as the Polar Silk Road, the development of the Northern Sea Route is now one of the key areas of cooperation between China and Russia.¹⁵ In the Joint Communiqué of the Leaders Roundtable,¹⁶ published after the first Belt and Road Forum for International Cooperation, the Northern Sea Route was specifically mentioned. Moreover, European Arctic States – Finland, Denmark, Norway and Iceland – are non-regional members of the China-led Asian Infrastructure Investment Bank (AIIB),¹⁷ a financing arm of the BRI that was launched on 25 December 2015.¹⁸ On 20 June 2017, China's National Development and Reform Commission and State Oceanic Administration published the Vision for Maritime Cooperation under the Belt and Road Initiative.¹⁹ The Vision officially incorporates the Arctic into China's BRI.

Given the vulnerability of the Arctic environment, the protection of the Arctic environment is a key concern for Arctic States. To achieve sustainable development in the Arctic would also be essential for China's BRI to succeed in the Arctic. This article aims to shed light on two questions: what are the implications of China's BRI for Arctic governance? And what are the environmental implications of the BRI for the Arctic? The article first discusses the interaction between China's BRI and Arctic policy. It examines the vision that China would like to use the BRI to shape Arctic governance. The article next focuses on the environmental components of the BRI. It explores whether China's current regulatory regimes are sufficient to help ensure a green Belt and Road in the Arctic.

2 | INTERACTIONS BETWEEN CHINA'S BELT AND ROAD INITIATIVE AND ARCTIC POLICY

The Chinese government provides in its 13th Five-Year Plan (2016–2020) that China intends to be more involved in shaping the international governance regime of 'strategic new frontiers', including outer space, the deep seabed, cyberspace and the Polar Regions.²⁰ China's Arctic Policy further gives four guiding principles for China's participation in Arctic affairs: respect, cooperation, win-win and sustainability.²¹ In order to lower Arctic States' concerns about China being aggressive in the region, the starting point of China's engagement with the Arctic is respect. China became an observer of the Arctic Council, the most important regional forum in the Arctic region, in 2013.²² One criterion for being accepted as an observer by the Arctic Council is that the current application of international law in the Arctic region needs to be recognized.²³ Therefore, China had already officially embraced existing international law, particularly the law of the sea, applicable to the Arctic since 2013. It has been reiterated in China's Arctic Policy, as well as by many Chinese officials on various occasions that China recognizes Arctic States' sovereignty and sovereign rights.²⁴ At the same time, China expects Arctic States to respect China's legitimate rights in the Arctic under international law. A prominent example would be the freedom of navigation in the high seas.²⁵ During its eighth Arctic expedition, the Chinese icebreaker *Xuelong* crossed the central Arctic Ocean for the first time. This sea area encompasses much of the high sea portion of the marine Arctic.²⁶

²⁰The 13th Five-Year Plan for Economic and Social Development of the People's Republic of China (2016–2020) <<http://en.ndrc.gov.cn/newsrelease/201612/P020161207645765233498.pdf>>.

²¹China's Arctic Policy (n 13).

²²Arctic Council, 'Kiruna Declaration' (15 May 2013).

²³Arctic Council, 'Arctic Council Rules of Procedure' (15 May 2013) Annex 2, art 6: 'In the determination of the general suitability of an applicant for Observer status the Arctic Council will, inter alia, take into account the extent to which the applicant: (c) recognizes that an extensive legal framework applies to the Arctic Ocean including, notably, the Law of the Sea, and that this framework provides a solid foundation for responsible management of this ocean.'

²⁴For example, at the third Arctic Circle Assembly in Reykjavik, Iceland, Mr Ming Zhang, China's Vice-Minister of Foreign Affairs, delivered a keynote speech 'China in the Arctic, Practices and Policies'. See China Ministry of Foreign Affairs, 'Keynote Speech by Vice Foreign Minister Zhang Ming at the China Country Session of the Third Arctic Circle Assembly' (17 October 2015) <http://www.fmprc.gov.cn/mfa_eng/wjbxw/t1306858.shtml>. In 2016, Mr Feng Gao, China's Chief Negotiator for Climate Change, gave a speech about China's view on Arctic cooperation at the 4th Arctic Circle Assembly. See 'Arctic Circle 2016 Assembly' <<http://www.arcticcircle.org/assemblies/2016/videos?page=1368--428>>. In 2017, Mr Shanqing Lin, Deputy Head of State Oceanic Administration, talked about 'The Belt and Road and the Arctic' at the 5th Arctic Circle Assembly. See <http://www.soa.gov.cn/xw/hyyw_90/201710/t20171017_58314.html> (in Chinese).

²⁵United Nations Convention on the Law of the Sea (adopted 10 December 1982, entered into force 16 November 1994) 1833 UNTS 3 art 87.

²⁶Chinese Arctic Expedition Crossed Central Arctic Ocean for the First Time' (Xinhua, 19 August 2017) <http://news.xinhuanet.com/politics/2017-08/19/c_1121509544.htm> (in Chinese). There are four high seas pockets in the marine Arctic, namely the 'Banana Hole' in the Norwegian Sea, the 'Loophole' in the Barents Sea, the 'Donut Hole' in the central Bering Sea and the 'central Arctic Ocean' around the North Pole. The central Arctic Ocean is defined based on IBRU 'Status of Arctic Waters beyond 200 Nautical Miles from Shore' <<https://www.dur.ac.uk/resources/ibru/resources/ArcticmapStatusofArcticWatersbeyond200NM.pdf>>.

¹⁰China's Icebreaker *Xuelong* Completes 8th Arctic Expedition' (Xinhua, 10 October 2017).

¹¹State Oceanic Administration: China to Conduct Arctic Science Expedition Annually' (Xinhua, 10 October 2017) <http://news.xinhuanet.com/politics/2017-10/10/c_1121781250.htm> (in Chinese).

¹²China's First Home-Built Icebreaker Named *Snow Dragon 2*' (China Daily, 27 September 2017).

¹³The State Council Information Office of the People's Republic of China, 'China's Arctic Policy', White Paper (January 2018) <http://english.scio.gov.cn/node_8002680.html> (China's Arctic Policy).

¹⁴World Bank, 'China Overview' <<http://www.worldbank.org/en/country/china/overview#1>>.

¹⁵A New Chapter for Sino-Russia Arctic Cooperation' (China Ocean Online, 11 July 2017) <<http://www.oceanol.com/guojij/201707/11/c66046.html>> (in Chinese).

¹⁶Joint Communiqué of Leaders Roundtable of Belt and Road Forum' (Xinhua, 15 May 2017).

¹⁷Members and Prospective Members of the Bank, Asian Infrastructure Investment Bank' <<https://www.aiib.org/en/about-aiib/governance/members-of-bank/index.html>>.

¹⁸The AIIB was initiated by China in 2013. It is generally agreed that the AIIB is a China-led institution and a financing arm for the BRI. See W Shepard, 'The Real Role of the AIIB in China's New Silk Road' (Forbes, 15 July 2017); D Dollar, 'The AIIB and the One Belt, One Road' (Brookings Institution 2015); J Kynges, 'How the Silk Road Plans will be Financed' (Financial Times, 10 May 2016).

¹⁹National Development and Reform Commission and State Oceanic Administration, 'Vision for Maritime Cooperation under the Belt and Road Initiative' (Xinhua, 20 June 2017) <http://www.xinhuanet.com/english/2017-06/20/c_136380414.htm> (Vision).

Cooperation for a win–win outcome is the key aim of China's Arctic policy. This could be of particular relevance for Sino-Russia cooperation in the Arctic. Sino-Russia political relations have been strong in recent years.²⁷ Since 2015, China and Russia have been discussing potential collaborations between China's Silk Road Economic Belt in Eurasia and the Russia-dominated Eurasian Economic Union (EEU),²⁸ for instance with a view to adopting a cooperation agreement between China and the EEU.²⁹ Arctic cooperation was specifically mentioned in the 2017 China–Russia Joint Statement on Further Strengthening Comprehensive, Strategic and Cooperative Partnership, with a focus on the Northern Sea Route, scientific research, energy resources, tourism and environmental protection.³⁰ Sino-Russia Arctic cooperation looks promising, as suggested by Sørensen and Klimenko:

*Russia is developing the Russian Arctic as a way to strengthen its economic base. However, long-term trends in energy markets and the recent conflict in Ukraine – with the United States and European Union (EU) sanctions that followed – have placed restrictions on the involvement of Western companies in energy projects in the Russian Arctic. This has motivated Russia to look to China for potential investors and technology partners, and as a key consumer market.*³¹

China established the Silk Road Fund on 29 December 2014, with investment from the State Administration of Foreign Exchange (65 percent), China Investment Corporation (15 percent), Export–Import Bank of China (15 percent) and China Development Bank (5 percent).³² This is another financing arm of the BRI, in addition to the AIIB and New Development Bank.³³ The Silk Road Fund holds a 9.9 percent share of the Yamal Liquefied Natural Gas (LNG) project, a large LNG project located in the Russian Arctic.³⁴ The Yamal LNG project is seen as a signature project of China's BRI in the Arctic. It is estimated that 4 million tonnes of LNG will be transported

through the Northern Sea Route (during summer's ice-free season) to the Asian (mainly Chinese) market.³⁵

Moreover, developing the Northern Sea Route as a commercial shipping route is another area where the BRI could work for China's Arctic policy. The Northern Sea Route could potentially save time and costs for connecting China with both the resource-rich Russian Arctic and the Western European market. Perhaps more importantly, China believes that the Northern Sea Route is strategically important for its energy security.³⁶ As the largest energy importer in the world, China is concerned about a situation in which oil and gas from Africa and the Persian Gulf are carried by shipping through waters dominated by the navies of strategic competitors (e.g., the United States and India); sometimes threatened by piracy; or bottle-necked at the Strait of Malacca.³⁷ It would therefore be beneficial to China to have an alternative shipping route in a politically stable sea area.³⁸ The use of the Northern Sea Route appears promising. In accordance with data from Russia's Northern Sea Route Administration, traffic volume on the Northern Sea Route in 2016 has increased by 35 percent in comparison with 2015.³⁹ COSCO's cargo ship *Yong Sheng* sailed across the Northern Sea Route for the first time in the summer of 2013,⁴⁰ and subsequently in 2015 and 2017.⁴¹ China's Ministry of Transport published guidebooks for Chinese ships sailing in the Northeast Passage⁴² in 2014⁴³ and for ships navigating the Northwest Passage⁴⁴ in 2016.⁴⁵ The year 2017 marks China's most frequent use of Arctic shipping routes so far, with six Chinese commercial vessels voyaging in the Northern Sea Route.⁴⁶ A news piece from China's State News Agency *Xinhua* perfectly describes China's attitude towards the future of the Northern Sea Route. It states that 'the Northern Sea Route will not become the next Strait of Malacca tomorrow, but it is not an illusion in the long run'.⁴⁷ However,

³⁵The Yamal Project, a New Chapter for Sino-Russia Energy and Arctic Cooperation' (*Xinhua*, 13 June 2017).

³⁶N Liu, 'China's New Silk Road and the Arctic' (*The Diplomat*, 20 May 2017).

³⁷The 'Malacca dilemma' is frequently raised in Chinese media and academia. It refers to the over-reliance on the Malacca Straits through which 80 percent of China's energy needs passes. See, e.g., 'China's Malacca Dilemma' (*China Youth Daily*, 15 June 2004) <http://zqb.cyol.com/content/2004-06/15/content_888233.htm> (in Chinese).

³⁸N Liu, 'China's Role in the Changing Governance of Arctic Shipping' (2014) 6 *Yearbook of Polar Law* 555.

³⁹CHNL Information Office, 'Traffic Volume on the NSR Increased in 2016' (2 February 2017).

⁴⁰COSCO's *Yong Sheng* Cargo Ship had its First Successful Voyage across the Arctic Shipping Route' (China Ministry of Foreign Affairs, 12 September 2013) <<http://www.fmprc.gov.cn/ce/cohk/chn/xwdt/jzzh/t1075476.htm>> (in Chinese).

⁴¹COSCO's *Yong Sheng* had its Third Voyage across Arctic Northeast Passage' (COSCO, 16 July 2017) <http://www.cosco.com/art/2016/7/16/art_6864_49588.html> (in Chinese).

⁴²The Northeast Passage is defined as the set of sea routes from northwest Europe around North Cape (Norway) and along the north coast of Eurasia and Siberia through the Bering Strait to the Pacific'; AMSA 2009 Report (n 8) 34.

⁴³China Maritime Safety Administration, 'Guide for Navigation in the Arctic Northeast Passage Published' (18 September 2014) <http://zizhan.mot.gov.cn/zizhan/zhishuJG/huishuju/tupianxinwen/201409/t20140918_1693526.html> (in Chinese).

⁴⁴The Northwest Passage is the name given to the various marine routes between the Atlantic and Pacific oceans along the northern coast of North America that span the Canadian Arctic Archipelago'; AMSA 2009 Report (n 8) 20.

⁴⁵China Ministry of Transport, 'Guide for Navigation in the Arctic Northwest Passage Published' (20 April 2016) <http://www.mot.gov.cn/jiaotongyaowen/201604/t20160420_2016022.html> (in Chinese).

⁴⁶Six Chinese Commercial Vessels Will Sail Cross Arctic Sea Routes' (*Xinhua*, 31 August 2017) <http://news.xinhuanet.com/2017-08/31/c_1121579262.htm> (in Chinese).

⁴⁷'Will Bering Strait Become the Strait of Malacca in the North?' (*Xinhua*, 11 September 2017) <http://news.xinhuanet.com/politics/2017-09/11/c_1121645563.htm> (in Chinese).

²⁷China and Russia signed a number of bilateral statements to enhance their already close relationship. For example, during President Putin's State Visit to China in 2016, China and Russia signed the Joint Statement on Strengthening Global Strategic Stability as well as the Joint Statement on Promoting International Law. In 2017, before attending the G20 Summit in Hamburg, President Xi visited Russia and signed the China–Russia Joint Statement on Further Strengthening Comprehensive, Strategic and Cooperative Partnership. This follows the Joint Statement on Deepening Comprehensive Strategic Partnership of Coordination and Advocating Win–Win Cooperation (2015 Joint Statement), signed in Moscow in 2015.

²⁸The EEU is an international organization for regional economic integration. Its members are Armenia, Belarus, Kazakhstan, Kyrgyzstan and the Russian Federation; see <<http://www.eaeunion.org/?lang=en#about>>.

²⁹China–Russia Joint Statement on Further Strengthening Comprehensive, Strategic and Cooperative Partnership' (*Xinhua*, 4 July 2017) <http://news.xinhuanet.com/world/2017-07/05/c_1121263941.htm> (in Chinese).

³⁰*Ibid.*

³¹CTN Sørensen and E Klimenko, 'Emerging Chinese–Russian Cooperation in the Arctic', SIPRI Policy Paper (2017) 1.

³²<<http://www.silkroadfund.com.cn/enweb/23773/index.html>>.

³³A multinational bank that was established jointly by BRICS – Brazil, Russia, India, China and South Africa – in 2016. The New Development Bank is headquartered in Shanghai. The initial subscribed capital is US\$50 billion, equally shared among founding members. See <<http://www.ndb.int/about-us/essence/history/>>.

³⁴Together with the China National Petroleum Company (20 percent), Novatek – Russia's second-largest natural gas producer (50.1 percent) – and French oil giant Total (20 percent). See <<http://yamallng.ru/en/project/about/>>.

an infrastructure deficit has been a problem for prosperous shipping along any Arctic sea route. As pointed out by the Arctic Council:

*Improvements in Arctic marine infrastructure are needed to enhance safety and environmental protection in support of sustainable development. Examples of infrastructure where critical improvements are needed include: ice navigation training; navigational charts; communications systems; port services, including reception facilities for ship-generated waste; accurate and timely ice information (ice centers); places of refuge; and icebreakers to assist in response.*⁴⁸

Developing infrastructure along Arctic sea routes is therefore seen by Chinese authorities as an economic opportunity.⁴⁹ It was announced in the Vision for Maritime Cooperation under the BRI that efforts will be made to build a 'blue economic corridor' to Europe via the Arctic Ocean.⁵⁰

Furthermore, Nordic countries have also expressed interest in cooperating with China in the Arctic. For example, in 2013 the China–Nordic Research Center (CNARC) was established in Shanghai by four Chinese and six Nordic institutes, which all have substantial capacities to conduct Arctic research.⁵¹ Although Nordic countries are not included in the BRI geographically, they are members of the AIIB, as mentioned above. They are therefore able to collaborate with China's BRI through this platform. For example, Finland and China agreed that the two countries will intensify economic and technological cooperation in the fields of Arctic marine industry, Arctic geology, marine and polar research (including polar weather and sea ice monitoring and forecast), environmental protection technology, shipping and maritime safety, including vessel monitoring and reporting, information technology and tourism.⁵² After the normalization of bilateral relations between Norway and China,⁵³ it is expected that the two countries' Arctic cooperation will grow significantly as well.⁵⁴

The BRI does however face challenges in the Arctic. The Arctic States have a commitment to the protection of the Arctic

environment, including the health of Arctic ecosystems, maintenance of biodiversity in the Arctic region, and conservation and sustainable use of natural resources.⁵⁵ The Protection of the Arctic environment has been a key concern for Arctic States since the establishment of the Arctic Council. This was reiterated in the Arctic Council's latest Ministerial Meeting through the 2017 Fairbanks Declaration.⁵⁶ In particular, the Fairbanks Declaration notes with concern that the Arctic is warming at more than twice the rate of the global average, and reaffirms the realization of United Nations Sustainable Development Goals by 2030.⁵⁷ Albeit being interested in Arctic cooperation with China, Finland stated in the Finland–China Joint Declaration that '[g]iven the vulnerability of the Arctic environment, the two sides shared the view that economic activities in the Arctic area should take into full consideration the protection and sustainable use of its natural resources'.⁵⁸ Similar concerns have been expressed by other Arctic States.⁵⁹ Therefore, whether the BRI could help achieve Arctic sustainability is crucial for the success of China's Arctic policy.

China does show political will to pay attention to environmental issues under the BRI. The Chinese Ministry of Environmental Protection (MEP) published a non-binding guideline for achieving a green Belt and Road on 26 April 2017.⁶⁰ China realizes that it is important to prioritize environmental protection in the Arctic.⁶¹ Nevertheless, it remains to be seen how the BRI would reach a delicate balance between environmental protection and resource use in the Arctic. The following sections will examine the environmental components of the BRI and analyse whether China's current regulatory regime is sufficient to ensure a green Belt and Road in the Arctic.

3 | A GREEN BELT AND ROAD IN THE ARCTIC?

3.1 | What is the Chinese vision of a green BRI?

The Guidance for achieving a Green Belt and Road (2017 Green Guidance) can be seen as the MEP's implementation plan for the State Council's Action Plan on the Belt and Road Initiative. As explained in the 2017 Green Guidance, promoting a Green BRI is:

(i) an internal need to share China's ecological civilization philosophy with the rest of the world and achieve sustainable development; (ii) an essential effort to

⁴⁸AMSA 2009 Report (n 8) 23.

⁴⁹Vision (n 19) para 4.2: 'Participating in Arctic affairs. China is willing to work with all parties in conducting scientific surveys of navigational routes, setting up land-based monitoring stations, carrying out research on climatic and environmental changes in the Arctic, as well as providing navigational forecasting services. China supports efforts by countries bordering the Arctic in improving marine transportation conditions and encourages Chinese enterprises to take part in the commercial use of the Arctic route. China is willing to carry out surveys on potential resources in the Arctic region in collaboration with relevant countries, and to strengthen cooperation in clean energy with Arctic countries. Chinese enterprises are encouraged to join in sustainable exploration of Arctic resources in a responsible way. China will actively participate in the events organized by Arctic-related international organizations.'

⁵⁰ibid.

⁵¹<<https://www.cnarc.info/organization>>.

⁵²Joint Declaration between the Republic of Finland and the People's Republic of China on Establishing and Promoting the Future-Oriented New-Type Cooperative Partnership' (5 April 2017) para 13 <<http://www.tpk.fi/public/default.aspx?contentid=360378&culture=en-US>> (Finland–China Joint Declaration).

⁵³Statement of China and Norway on Normalization of Bilateral Relations' (Xinhua, 19 December 2016).

⁵⁴Liu (n 36). Norwegian Prime Minister Erna Solberg made a four-day official visit to China in April 2017, to meet the Chinese leadership and re-establish political and economic cooperation. 'Xi Jinping Meets with Prime Ministry Erna Solberg of Norway' (China Ministry of Foreign Affairs, 10 April 2017).

⁵⁵Arctic Council, 'Declaration on the Establishment of Arctic Council' (19 September 1996).

⁵⁶Arctic Council, 'Fairbanks Declaration' (11 May 2017): 'Reaffirming our commitment to the well-being of the inhabitants of the Arctic, to sustainable development and to the protection of the Arctic environment.'

⁵⁷ibid.

⁵⁸Finland–China Joint Declaration (n 52) para 13.

⁵⁹See, e.g., 'Joint Statement between the Government of the People's Republic of China and the Government of Iceland on Comprehensively Deepening Bilateral Cooperation' (15 April 2013) para 7 <<https://eng.forsætisraduneyti.is/media/frettir1/Joint-statement-of-PMs-Iceland-China-2013.pdf>>: 'The two sides agreed to further enhance their exchange and practical co-operation on the Arctic, marine, geothermal, geo-scientific, environment protection, climate change and other issues.'

⁶⁰Guidance on Promoting Green Belt and Road, China Ministry of Environment' (8 May 2017) <<https://eng.yidaiyilu.gov.cn/zchj/qwfb/12479.htm>> (2017 Green Guidance).

⁶¹China Ministry of Foreign Affairs, 'Wang Yang: Work Together to Open Up a Bright and New Future for the Arctic' (29 March 2017).

*participate in global environmental governance and promote green development concept; and (iii) a key move to serve and forge communities of shared interests, common responsibility and a common destiny.*⁶²

Moreover, the Vision for Maritime Cooperation under the Belt and Road Initiative states that China is keen to ensure the health of the ocean, safeguard the marine ecosystem and biodiversity, promote the protection of the regional marine environment and strengthen cooperation in addressing climate change.⁶³

The Green BRI has two dimensions. The first dimension is to urge Chinese businesses to observe international environmental regulations, as well as local environmental legislation and standards of the host countries.⁶⁴ The second is to export Chinese environmental standards to countries that have lower development levels than China along the Belt and Road. This, according to Cai, is one of the least understood aspects of the BRI.⁶⁵ The 2017 Green Guidance specifies that China seeks to (i) formulate environmental standards and codes for infrastructure construction, promote energy conservation and environmental standards and practices in sectors such as transport, buildings and clean energy, and advance environmental protection in areas such as water, atmosphere, soil and biodiversity; (ii) promote green trade and sustainable production and consumption, for example, by including environmental protection requirements in free trade agreements, negotiating and implementing relevant environment and trade agreements, and improving the verification of compliance of environmental measures in trade activities; and (iii) strengthen the environmental management of overseas investment and develop a green financial system.⁶⁶

Although China does have a vision to build a green Belt and Road by exporting its environmental standards, it is widely recognized that most Arctic States already have high environmental standards. The following therefore focuses primarily on the first dimension of the green BRI.

3.2 | Will China build a green Belt and Road in the Arctic?

In recent years, environmental risk has become an obstacle for Chinese investment to succeed in foreign countries. There are numerous negative examples about Chinese investment in Myanmar,⁶⁷ Sri Lanka⁶⁸ and African countries.⁶⁹ It is therefore essential to examine

⁶²2017 Green Guidance (n 60).

⁶³Vision (n 19).

⁶⁴We will urge the businesses to observe international regulations on economy and trade and the laws, regulations, policies and standards of the host countries on eco-environment protection, attach great importance to the appeals of the local residents on environment protection, and build up corporate credit system to circumvent eco risk and ensure safety'; 2017 Green Guidance (n 60).

⁶⁵P Cai, 'Understanding China's Belt and Road Initiative' (Lowy Institute 2017).

⁶⁶2017 Green Guidance (n 60).

⁶⁷See, e.g., T Fuller, 'Myanmar Backs Down, Suspending Dam Project' (New York Times, 30 September 2011).

⁶⁸See L Qin, 'Sri Lanka's New Hong Kong Project Risky for All Sides' (China Dialogue, 15 August 2017).

⁶⁹See, e.g., A Hirsch, 'Influx of Chinese Goldminers Sparks Tensions in Ghana' (Guardian, 24 April 2013).

whether and to what extent China could help ensure that BRI projects follow high environmental standards. The following sections focus on climate change, foreign investment and vessel-source pollution as three key areas in this respect.

3.2.1 | Climate change

As recognized by the Arctic Council, activities taking place outside the Arctic region are the main contributors to climate change effects and pollution in the Arctic.⁷⁰ Therefore, given its broad geographical coverage, the impact of China's BRI on climate change needs to be carefully contemplated. The BRI does cause concern within China and internationally. Some fear that China might help lock developing countries into coal assets for decades, thereby contributing to climate change.⁷¹ Pike⁷² notes that China is not willing to fill the gap in climate finance left following the announcement by the United States to withdraw from the Paris Agreement.⁷³ Furthermore, the BRI has no direct oversight under the Paris Agreement, which is built on country commitments known as nationally determined contributions⁷⁴ to deliver emissions cuts within national borders.⁷⁵

China ratified the Paris Agreement in 2016, when it for the first time hosted the G20 Summit in Hangzhou.⁷⁶ It has included measures to deal with climate change in its overall national development agenda and planning.⁷⁷ Even when the United States announced its withdrawal from the Paris Agreement, the Chinese Ministry of Foreign Affairs expressed that China would continue to implement the Paris Agreement.⁷⁸ At the same time, China has established its own funding scheme – the South–South Climate Cooperation Fund – to provide financial support for climate actions in developing countries.⁷⁹ Given the fact that addressing climate change is one of China's policy objectives in the Arctic,⁸⁰ the Chinese government should exert strict legal control on BRI projects that might lead to

⁷⁰Fairbanks Declaration (n 56).

⁷¹F Hao, 'Why Climate Change Activists Aren't Fans of China's Belt and Road Initiative' (Scroll, 17 May 2017). See also EF Tracy et al, 'China's New Eurasian Ambitions: The Environmental Risks of the Silk Road Economic Belt' (2017) 58 *Eurasian Geography and Economics* 56.

⁷²L Pike, 'Is the Belt and Road Compatible with Paris?' (China Dialogue, 12 December 2017).

⁷³United Nations Paris Agreement (adopted 12 December 2015, entered into force 4 November 2016).

⁷⁴Nationally determined contributions embody efforts by each country to reduce national emissions and adapt to the impacts of climate change. See <<http://unfccc.int/focus/items/10240.php>>.

⁷⁵Pike (n 72).

⁷⁶'U.S., China Ratify Paris Climate Agreement' (Reuters, 3 September 2016).

⁷⁷China's Arctic Policy (n 13). See also State Council of the People's Republic of China, 'China's National Plan on Implementation of the 2030 Agenda for Sustainable Development' (September 2016) Goal 13.2 <http://www.fmprc.gov.cn/mfa_eng/zxxx_662805/W020161014332600482185.pdf>; 'China Issues Five-Year Plan to Reduce Greenhouse Gas Emission' (Xinhua, 4 November 2016).

⁷⁸Chinese Ministry of Foreign Affairs: China is Willing to Implement the Paris Agreement with all Contracting Parties' (Xinhua, 1 June 2017) <http://www.xinhuanet.com/world/2017-06/01/c_1121072336.htm> (in Chinese). See also D Boffey and A Neslen, 'China and EU Strengthen Promise to Paris Deal with US Poised to Step Away' (Guardian, 1 June 2017).

⁷⁹I Thiauw, 'Beijing Meeting on South–South Cooperation on Climate Change' (United Nations Environment Programme, 16 November 2015).

⁸⁰China's Arctic Policy (n 13).

high greenhouse gas emissions. This is so far missing in China's overseas investment legislation, which is further examined below.

3.2.2 | Foreign investment

It is estimated that China will become one of the world's biggest cross-border investors by the end of this decade, with global offshore assets tripling from US\$6.4 trillion now to nearly US\$20 trillion by 2020.⁸¹ While overseas investment plays such an important role for the Chinese economy, China has – perhaps surprisingly – not yet developed a specific law or regulation⁸² for its overseas investment. Rather, only the Ministry of Commerce has enacted its 'Rules for Overseas Investment Management'.⁸³ In 2013, the Ministry of Commerce, together with the Ministry of Environment, published the Guidelines on Environmental Protection for Overseas Investment.⁸⁴ This is a voluntary guide that requires Chinese businesses to follow environmental regulations and standards in host countries. The Chinese mining industry has its own self-regulation, as does the financial sector.⁸⁵ In 2014, the China Chamber of Commerce of Metals, Minerals and Chemicals Importers and Exporters (CCCME) adopted a set of voluntary Guidelines for Social Responsibility in Outbound Mining Investments,⁸⁶ which was updated in 2017.⁸⁷ These Guidelines apply to all mineral exploration, extraction, processing and investment cooperation projects, including related activities such as mining-related infrastructure development in foreign countries, in which Chinese companies have invested.⁸⁸ Article 3(7) (Environment) of the Guidelines provides that companies are to develop comprehensive, systematic and sound measures to reduce direct or indirect impact on the environment, and incorporate the measures into investment decision-making processes and operations.⁸⁹ Comprehensive measures are included in these CCCME guidelines, including, for example: (i) develop an environmental risk contingency plan and response mechanism; (ii) proactively report to local authorities, Chinese headquarters

and the public about potential environmental impacts of the mining operation; and (iii) develop and implement greenhouse gas emission reduction plans.⁹⁰ However, these guidelines are to a large extent copied and pasted from existing global industry rules, such as the International Council on Mining & Metals Sustainable Development Framework.⁹¹ The problem is that they are not legally binding and there is no compliance regime, apart from host countries' legislation. So far, it is unclear whether Chinese mining companies follow these guidelines along the Belt and Road.

In 2017, the National Development and Reform Commission, the Ministry of Commerce, The People's Bank (China's Central Bank) and the Ministry of Foreign Affairs jointly published the Opinions on Further Guiding and Regulating the Directions of Overseas Investments.⁹² The Opinions categorized investments into those to be encouraged, restricted or banned.⁹³ Projects that fail to meet host countries' technical standards, or that do not meet host nation's environmental, energy-efficiency or safety standards are listed as restricted overseas investment.⁹⁴ This is potentially a positive measure to encourage high environmental standards for Chinese investment in the Arctic.

In addition to industry regulations and government rules, the environmental standards of BRI's financing arms, in particular the AIIB and the Silk Road Fund, are also worth analysing. According to the MEP's 2017 Green Guidance:

China will formulate and execute policies and measures to prevent environmental risks of investment and financing projects, tighten environment management for overseas investment. China's financial institutions, multilateral development agencies initiated and participated by China and relevant enterprises will adopt the principle of voluntary environment risk management so as to support green 'Belt and Road' Initiative.⁹⁵

Moreover, in 2016, the People's Bank, together with six other regulatory departments, adopted the Guidelines for Establishing the Green Financial System.⁹⁶ It provides that multilateral development banks with China's active participation should strengthen environmental risk management, improve environmental information disclosure, adopt green financing instruments such as green bonds, develop green supply chain management and explore the use of instruments such as environment pollution liability insurance to manage environmental risks, in implementing the BRI and other overseas investment projects.⁹⁷

⁸¹J. Anderlini, 'China to Become One of World's Biggest Overseas Investors by 2020' (Financial Times, 26 June 2015).

⁸²In the Chinese legal system, a law (fa lv) is promulgated by the National People's Congress and its Standing Committee. Meanwhile, an administrative regulation is adopted by the State Council (the central government) with the aim to implement a law. Rules are at the lower level of regulations and are normally enacted by ministries or commissions under the State Council. For a comprehensive view of the Chinese legal system, see, e.g., J. Chen, *Chinese Law: Context and Transformation* (Brill 2016).

⁸³Ministry of Commerce, 'Rules for Overseas Investment Management' (6 September 2014) <<http://www.mofcom.gov.cn/article/b/c/201409/20140900723361.shtml>> (in Chinese).

⁸⁴Ministry of Commerce and Ministry of Environmental Protection, 'Guidelines on Environmental Protection for Overseas Investment' (19 February 2013) <<http://www.mofcom.gov.cn/article/b/bf/201302/20130200039930.shtml>> (in Chinese).

⁸⁵See, e.g., Green Finance Committee of China Society for Finance and Banking et al, 'Environmental Risk Management Initiative for China's Overseas Investment' (5 September 2017) <http://www.mep.gov.cn/gkml/hbb/gwy/201611/t20161124_368163.htm> (in Chinese).

⁸⁶China Chamber of Commerce of Metals, Minerals & Chemicals Importers & Exporters (CCCME), 'Guidelines for Social Responsibility in Outbound Mining Investments' (October 2014) <<https://www.emm-network.org/wp-content/uploads/2015/03/CSR-Guidelines-2nd-revision.pdf>>.

⁸⁷CCCME, 'Guidelines for Social Responsibility in Outbound Mining Investments' (2017) <<http://www.cccme.org.cn/docs/2017-07/20170713094719314419.pdf>> (in Chinese).

⁸⁸*ibid.*

⁸⁹*ibid.* art 3(7).

⁹⁰*ibid.*

⁹¹International Council on Mining & Metals, 'ICMM Sustainable Development Framework' (29 May 2003) <<https://www.iucn.org/sites/dev/files/import/downloads/minicmmstat.pdf>>.

⁹²National Development and Reform Commission, the Ministry of Commerce, The People's Bank and the Ministry of Foreign Affairs, 'Opinions on Further Guiding and Regulating the Directions of Overseas Investments, the National Development and Reform Commission' (4 August 2017) <http://www.gov.cn/zhengce/content/2017-08/18/content_5218665.htm> (in Chinese) (Opinions).

⁹³*ibid.*

⁹⁴*ibid.*

⁹⁵2017 Green Guidance (n 60).

⁹⁶The People's Bank of China et al, 'Guidelines for Establishing the Green Financial System' (3 September 2016) <<http://rccef.cufe.edu.cn/info/1002/1385.htm>>.

⁹⁷*ibid.*

The branding of the China-led AIIB is lean, clean and green, as stated by its Founding President Jin Liqun at its inaugural ceremony.⁹⁸ For LaForgia, being 'green' could be seen as China making a genuine commitment to becoming a leader of sustainable infrastructure.⁹⁹ The AIIB so far has not approved any project in the Arctic.¹⁰⁰ It may do so in the future because Russia is an important regional member of the AIIB, holding 6.2499 percent of voting power.¹⁰¹ There is definitely potential for the AIIB to sponsor projects in the Russian Arctic. The AIIB mentions that it will ensure that each of its operations complies with the Bank's operational and financial policies, including policies addressing environmental and social impacts.¹⁰² Moreover, the AIIB published a detailed Environmental and Social Framework in 2016, comprising mandatory environmental and social requirements for each project that the bank finances.¹⁰³ David Ong conducted an initial assessment of the AIIB's environmental and social framework.¹⁰⁴ Following a World Resources Institute report, he came to the conclusion that:

*On some issues, the AIIB has embraced more progressive positions than some of its peers. For example, the AIIB excludes financing for commercial logging operations in tropical or old-growth forests, which goes beyond the current commitment made by the World Bank. On other subjects, the AIIB's commitments are not quite as strong. For example, the AIIB has not followed the lead of the AIIB or International Finance Corporation in giving Indigenous Peoples the right to consent to activities taking place on their lands.*¹⁰⁵

Given the fact that indigenous people play an important role in the Arctic decision-making process,¹⁰⁶ the AIIB approach might face challenges and possible objections when financing projects in the Arctic.

As mentioned above, the Silk Road Fund, China's sovereign wealth fund for the Belt and the Road, has already invested in the Arctic (Yamal Project). The Silk Road Fund is governed by Chinese law and shall follow government rules from various Chinese

authorities, such as the Opinions on Further Guiding and Regulating the Directions of Overseas Investments¹⁰⁷ and the Guidelines for Establishing the Green Financial System.¹⁰⁸ However, it is difficult to find much information about the Silk Road Fund's decision-making process for investing in projects. In any case, the Silk Road Fund project will have to respect the host countries' laws and regulations. The Yamal Project, which is ongoing at the moment, could be a test case for China to showcase its capacity to successfully balance environmental protection and economic development in the Arctic.

3.2.3 | Vessel-source pollution

As the world's third-largest ship owner,¹⁰⁹ China has a strong interest in Arctic shipping, especially the Northern Sea Route, the so-called 'Polar Silk Road'. Russia views the Northern Sea Route as its internal waters, which is completely under Russian jurisdiction.¹¹⁰ However, this is challenged by the United States, which views the Northwest Passage and the Northern Sea Route as a strait used for international navigation.¹¹¹ China seems uninterested in challenging Russian jurisdiction in the Northern Sea Route. China's Arctic Policy merely states that 'disputes over the Arctic shipping routes should be properly settled in accordance with international law'.¹¹² In practice, voyages of the Chinese cargo ship *Yong Sheng* across the Northern Sea Route had been permitted by the Northern Sea Route Administration.¹¹³

In the governance of Arctic shipping, China's role is mainly that of a flag State.¹¹⁴ China can be seen as a responsible flag State. The Chinese flag is on the white list¹¹⁵ published by the secretariat of the Tokyo Memorandum of Understanding¹¹⁶ and Paris Memorandum of Understanding.¹¹⁷

China has ratified almost all of the International Maritime Organization's (IMO) conventions regarding maritime safety and protection

¹⁰⁷Opinions (n 92).

¹⁰⁸The People's Bank of China et al (n 96).

¹⁰⁹United Nations Conference on Trade and Development (UNCTAD), *Review of Maritime Transport 2017* (UNCTAD 2017) 28.

¹¹⁰Russia has adopted domestic regulation on the Northern Sea Route; see The State Duma of Russian Federation, 'Federal Law on Amendments to Specific Legislative Acts of the Russian Federation Related to Governmental Regulation of Merchant Shipping in the Water Area of the Northern Sea Route' (3 July 2012) <http://www.arctic-lio.com/docs/nsr/legislation/federal_law_nsr.pdf>.

¹¹¹National Security Presidential Directive 66 (9 January 2009) <<https://fas.org/irp/offdocs/nspd/nspd-66.htm>> Section III(B)(5): 'Freedom of the seas is a top national priority. The Northwest Passage is a strait used for international navigation, and the Northern Sea Route includes straits used for international navigation; the regime of transit passage applies to passage through those straits.'

¹¹²China's Arctic Policy (n 13).

¹¹³CHNL Information Office, 'Vessels Transited NSR in Y2016' <http://www.arctic-lio.com/docs/nsr/transits/Transits_2016.pdf>.

¹¹⁴See RR Churchill and AV Lowe, *The Law of the Sea*, 3rd edn (Manchester University Press 1999) 257.

¹¹⁵See <<https://www.parismou.org/detentions-banning/white-grey-and-black-list>>; Tokyo MOU Secretariat, 'Annual Report on Port State Control in the Asia-Pacific Region' (2016) 34.

¹¹⁶The Tokyo Memorandum of Understanding is an organization on port State control in the Asia-Pacific region, with a view to eliminating substandard shipping. See <http://www.tokyo-mou.org/organization/about_tokyo_mou.php>.

¹¹⁷The Paris Memorandum of Understanding is an organization consisting of 27 participating maritime administrations, and covering the waters of the European coastal States and the North Atlantic basin from North America to Europe. See <<https://www.parismou.org/about-us/organisation>>.

⁹⁸The Asian Infrastructure Investment Bank Inaugural Ceremony, Speech by AIIB President Jin Liqun' (16 January 2016) <https://www.aiib.org/en/news-events/news/2016/20160119_001.html>.

⁹⁹R LaForgia, 'Listening to China's Multilateral Voice for the First Time: Analysing the Asian Infrastructure Investment Bank for Soft Power Opportunities and Risks in the Narrative of "Lean, Clean and Green"' (2017) 26 *Journal of Contemporary China* 646.

¹⁰⁰AIIB, 'Approved Projects' <<https://www.aiib.org/en/projects/approved/index.html>>.

¹⁰¹AIIB, 'Members and Prospective Members of the Bank' <<https://www.aiib.org/en/about-aiib/governance/members-of-bank/index.html>>.

¹⁰²AIIB, 'Articles of Agreement' <https://www.aiib.org/en/about-aiib/basic-documents/_download/articles-of-agreement/basic_document_english-bank_articles_of_agreement.pdf>.

¹⁰³AIIB Environmental and Social Framework' (February 2016) <https://www.aiib.org/en/policies-strategies/_download/environment-framework/20160226043633542.pdf>.

¹⁰⁴DM Ong, 'The Asian Infrastructure Investment Bank: Bringing "Asian Value" to Global Economic Governance?' (2017) 20 *Journal of International Economic Law* 535, 555–557.

¹⁰⁵ibid, citing G Larsen and S Gilbert, 'Asian Infrastructure Investment Bank Releases New Environmental and Social Standards. How do they Stack Up?', World Resources Institute Blog (4 March 2016).

¹⁰⁶Out of a total of 4 million inhabitants of the Arctic, approximately 500,000 belong to indigenous peoples. Indigenous peoples' organizations have been granted Permanent Participants status in the Arctic Council. The Permanent Participants have full consultation rights in connection with the Council's negotiations and decisions.' Arctic Council, 'Permanent Participants' <<http://arctic-council.org/index.php/en/about-us/permanent-participants>>. See also L Hughes, 'Relationships with Arctic Indigenous Peoples: To What Extent has Prior Informed Consent Become a Norm?' (2018) 27 *Review of European, Comparative and International Environmental Law* 15.

of the marine environment,¹¹⁸ such as the International Convention on the Prevention of Pollution from Vessels (MARPOL),¹¹⁹ the International Convention for the Safety of Life at Sea (SOLAS)¹²⁰ and the International Convention on the Control of Harmful Anti-Fouling Systems on Ships.¹²¹ The International Code for Ships Operating in Polar Waters (Polar Code) was adopted by the IMO and entered into force on 1 January 2017.¹²² The Polar Code consists of technical amendments to Annexes I, II, IV and V of MARPOL and a new Chapter XIV of SOLAS with a specific focus on the Polar Regions.¹²³ As a contracting party to both MARPOL and SOLAS, China will need to implement the Polar Code for its shipping in the Arctic.

China has also established a comprehensive domestic legal regime governing Chinese flagged vessels.¹²⁴ The Marine Environmental Protection Law (MEPL)¹²⁵ was first adopted in 1982, and subsequently amended in 1999 and 2007, with a chapter dealing with vessel-source pollution. The Regulation on the Prevention and Control of Marine Pollution from Vessels was enacted by the State Council in 2009,¹²⁶ which provides more details for implementation of the MEPL. The China Classification Society and COSCO issued a manual for shipping operation in the Polar Regions in 2016,¹²⁷ which is an industry self-regulation for shipping in the Arctic. However, although the Ministry of Transport published two guidelines regarding shipping in the North-east Passage and Northwest Passage, no legally binding rule has yet been adopted with respect to the implementation of the Polar Code. In any case, shipping in the Arctic, a harsh and remote environment, imposes extra demands on ships, their systems and operations. China will need to enhance its expertise on almost all fronts,¹²⁸ such as building polar-class ships and training seafarers, to make sure the Polar Silk Road will not be damaged by vessel-source pollution.

4 | CONCLUSIONS

China's BRI presents significant opportunities for the Arctic, especially for energy development and shipping. However, environmental risks do exist. The BRI could play a role for China to achieve its policy objectives in the Arctic. Nevertheless, for Chinese investment under the BRI to succeed in the Arctic region, it is crucial to protect the vulnerable Arctic environment and ensure sustainability. Apart from respecting Arctic countries' regulations, the Chinese government appears willing to take responsibility to regulate Chinese activities along the Belt and Road. This is evidenced by various forms of industry self-regulation as well as non-binding government documents that have been published to guide Chinese business in the Arctic. What is missing for building a green Belt and Road in the Arctic so far, however, is hard law and an effective compliance regime for Chinese companies to maintain high environmental standards in the region. The Chinese government is currently drafting a regulation on overseas investment.¹²⁹ If strict environmental standards can be integrated into domestic Chinese law as a criterion for approving overseas investment, this would be an opportunity to improve the BRI's green image in the Arctic.

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The author would like to thank Dr Michelle Lim, Professor Harro van Asselt, guest editors and an anonymous reviewer for their constructive comments on earlier drafts.

How to cite this article: Liu N. Will China build a green Belt and Road in the Arctic? *RECIEL*. 2018;27:55–62.
<https://doi.org/10.1111/reel.12238>

¹¹⁸IMO, 'Status of Conventions' <<http://www.imo.org/en/About/Conventions/StatusOfConventions/Pages/Default.aspx>>. At the time of writing, China had not yet ratified the International Convention for the Control and Management of Ships' Ballast Water and Sediments (adopted 13 February 2004, entered into force 8 September 2017) <http://www.bsh.de/de/Meeresdaten/Umweltschutz/Ballastwasser/Konvention_en.pdf>.

¹¹⁹International Convention for the Prevention of Pollution from Ships (adopted 2 November 1973, entered into force, as modified by the Protocol of 1978, 2 October 1983) 1340 UNTS 184.

¹²⁰International Convention for the Safety of Life at Sea (adopted 1 November 1974, entered into force 25 May 1980) 1184 UNTS 278.

¹²¹International Convention on the Control of Harmful Anti-Fouling Systems on Ships (adopted 5 October 2001, entered into force 17 September 2008) [2008] ATS 15.

¹²²'International Code for Ships Operating in Polar Waters (Polar Code)' IMO Doc MSC.385 (94) (adopted 21 November 2014, entered into force 1 January 2017).

¹²³The Polar Code contains mandatory provisions applicable to both Part I (maritime safety measures) and Part II (pollution prevention measures). Parts I and II are each subdivided into subparts A (mandatory provisions) and B (recommendations). For further details, see N Liu, 'Can the Polar Code Save the Arctic?' (2016) 20 ASIL Insights.

¹²⁴For further discussions, see, e.g., N Liu and F Maes, 'Prevention of Vessel-Source Marine Pollution: A Note on the Challenges and Prospects for Chinese Practice under International Law' (2011) 41 Ocean Development and International Law 356.

¹²⁵National People's Congress, 'Marine Environmental Protection Law of the People's Republic of China' <http://www.npc.gov.cn/wxzl/gongbao/2000-12/17/content_5004762.htm> (in Chinese).

¹²⁶The Regulation on the Prevention and Control of Marine Pollution from Vessels, State Council, no. 561 2009 (9 September 2009) <http://www.gov.cn/flfg/2009-09/16/content_1418985.htm> (in Chinese).

¹²⁷China Classification Society, 'China Classification Society Published Manual for Shipping Operation in the Polar Regions' (20 December 2016) <http://zizhan.mot.gov.cn/zizhan/zhishuJG/chuanjishetupianxinwen/201612/t20161228_2146023.html> (in Chinese).

¹²⁸N Liu, 'China-Russia Trouble on the Arctic Silk Road?' (The Diplomat, 21 July 2017).

¹²⁹'The First Regulation on Overseas Investment may be Adopted this Year' (Xinhua, 21 March 2017) <http://news.xinhuanet.com/fortune/2017-03/21/c_1120663439.htm> (in Chinese).