



Secretary- General Emeritus, IMO; Special Advisor and Professor, Kobe University, Japan Third International Symposium

The Role of Non-Arctic States / Actors in the Arctic Legal Order-Making

7-9 December 2017
at Kobe University, Japan

Request for Participation/Call for Papers

The Polar Cooperation Research Centre (PCRC) is proud to announce its third international symposium to be held on 7–9 December 2017. The PCRC's distinct research approach to the Arctic is aimed at establishing and strengthening the international legal and institutional framework so as to bring stability and foreseeability in the future of the Arctic. Increasingly, the challenges faced in the Arctic can no longer be addressed or tackled only within the Arctic both geographically and functionally. This symposium will critically examine the positive contribution that the non-Arctic States/actors can bring to such Arctic legal order-making, as well as challenges faced by them. PCRC symposia endeavor to be thought-provoking and discussion-oriented, with each session comprising of an in-depth examination by an expert followed by critical discussion with the discussants and the participants. We do not have parallel sessions so that all participants can engage in all sessions. We request your active participation either as a discussant by submitting a paper or as a regular participant.

The confirmed participants (as of 7 July) include:

Rasmus Gjedssø Bertelsen (UiT the Arctic University of Norway)
Dalee Sambo Dorough (University of Alaska Anchorage, USA)
Sebastian Knecht (Berlin Graduate School for Transnational Studies, Germany)
Timo Koivurova (Arctic Centre, University of Lapland, Finland)
Joji Morishita (Tokyo University of Marine Science and Technology, Japan)
Koji Sekimizu (Secretary-General Emeritus, IMO; Special Advisor and Professor, Kobe University, Japan)
Malgorzata Smieszek (Arctic Centre, University of Lapland, Finland)

The proposed sessions are (please see the description of each session):

Session 1: Asian States/Actors in the Arctic Legal Order-making
Session 2: Arctic Shipping Governance
Session 3: Central Arctic Ocean Fisheries
Session 4: Policy-Relevant-Science in the Context of the Arctic
Session 5: Role of Observers in the Arctic Council
Session 6: Non-Arctic Influence on Arctic Customary Laws and Institutions

Usually, in each session, there will be one main presentation (30 minutes), with one to three discussants (10–15 minutes intervention), followed by open discussion. It will be conducted in English only. No interpretation service will be provided.

The PCRC welcomes papers from those who wish to participate in the symposium as a discussant. Please read the description of each session carefully and the papers that relate to the purpose of the session will be selected. The Centre is in the process of inviting the main speakers and the discussants, and there will be only few slots left for open-call discussants. So please indicate whether you would still like to participate in the symposium even if your paper was not accepted.



The PCRC may decide to provide financial support for international travel and accommodation to a few early career researchers from those who have submitted papers.

We also welcome regular participants to the symposium with expertise on the issues to be discussed. Please use the same format to indicate your area of expertise and/or interest. Due to space constraints, we may need to limit the number of regular participants.

For participation/discussant request, please fill out the attached application form and send it to <kobe_arctic_research2@diamond.kobe-u.ac.jp> no later than **18 September 2017**. The result of request/financial support will be dispatched at the latest by 10 October 2017.

PCRC website <<http://www.research.kobe-u.ac.jp/gsics-pcrc/index.html>>
Symposium's website (forthcoming)

2017 PCRC Symposium Organizing Committee
Akiho Shibata, Director and Professor
Leilei Zou, Invited Associate Professor
Osamu Inagaki, Assistant Professor
Nikolas Sellheim, Senior Research Fellow
Marzia Scopelliti, Research Fellow

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Session 1: Asian States/Actors in the Arctic Legal Order-making

Main speaker: Aki Tonami

“The New Political Economic Order in the Making? The Arctic and the Asian States/actors”

Coordinator: TBD

Discussants: TBD, [call]

At the second Trilateral High-Level Dialogue on the Arctic on 6 June 2017, the leaders of Japan, the People's Republic of China and the Republic of Korea have agreed that “it is indispensable for the international community to ensure the protection and preservation of the fragile marine environment of the Arctic Ocean, and maintain peace, stability and constructive cooperation based on a rule-based maritime order”¹. How can/should the Asian States and their scientific and business actors positively contribute to this ruled-based order in the Arctic? The Arctic legal order has long been flexible based on soft law instruments and non-binding cooperative frameworks. This flexible legal order in the Arctic may open the potential to non-Arctic Asian States and their actors to influence the making of the new political economic order in the Arctic. More prominent influence of big Asian States in the Arctic order-making may arouse as well the concern among the Arctic States and the Arctic local/indigenous peoples.

The national Arctic strategies serve as the leading guide for each State's presence at the Arctic. Some States, such as Japan and Korea, have explicit Arctic strategies or policies to display their

¹ <http://www.mofa.go.jp/mofaj/files/000263104.pdf>



interpretation and expectation of the Arctic legal and political order. Other States, such as China, have implicit Arctic strategies embedded in their Arctic strives. It is important to carefully examine those national strategies and policies to objectively evaluate how these Asian States intend to engage in the Arctic legal order-making.

This session seeks to enhance our understanding of the new political, economic and legal order in the making in the Arctic and the role of Asian States/actors in such processes, particularly by examining their national Arctic strategies or policies. It aims to advance both theoretical and empirical discussions about the role of Asian States/actors in the construction of the Arctic legal order. For example, this session may examine the followings:

1. Arctic strategies/policies of Asian States, such as China, Japan and Korea and their contribution to the strengthening of the Arctic legal order.
2. The nature of power transformed through Asian States/actors' participation in the Arctic legal order-making.
3. Methodological challenges arising in the study of the Arctic-Asia nexus.

Session 2: Global Arctic Shipping Governance

Main Speaker: Rasmus Gjedssø Bertelsen

Title: TBD

Coordinator: Rasmus Gjedssø Bertelsen

Discussants: TBD, [call]

New shipping routes in the Arctic due to climate change may affect global shipping significantly and raise questions of global Arctic shipping governance. On the one hand, the main Arctic governance forum is the Arctic Council, whose's members are also important shipping nations and International Maritime Organization (IMO) member-states. On the other hand, the IMO and important non-Arctic shipping nations have limited access to discussions of Arctic governance. It has proven difficult for diplomatic and political reasons to establish formal channels of communication between the Arctic Council and the IMO such as observership.

These challenges point to the value of other fora for discussing global Arctic shipping governance between the Arctic Council member-states, the IMO and interested non-Arctic shipping nations. In this session we will explore the question of global Arctic shipping governance between state and non-state actors as well as academia and civil society. This dimension of global governance offers an interesting constellation of possibilities for policy-relevant and fundamental international maritime governance research between academic institutions of Arctic Council Member States and IMO Member States. Including experts from academia and practitioners we seek to discuss:

1. The possible role for universities in global Arctic shipping governance as neutral conveners of states, academia, business or civil society, while also addressing fundamental issues relating to research and teaching of international law and the politics of governance of Arctic shipping.
2. The location of Arctic shipping within contexts of international law and politics.
3. The effects of power transitions and globalisation (the rise of Asia) on this domain of global governance.



Session 3: The Central Arctic Ocean (CAO) Fisheries

Main speaker: TBD

Title: TBD

Coordinator: Leilei Zou

Discussants: Joji Morishita, [call]

Climate change has brought about fish dynamics at the Arctic Ocean. Although there has been so far no exact prediction about the distribution and composition of fish stocks at the Arctic Ocean, the negotiations on the new international fisheries management scheme in the CAO are ongoing in light of the precautionary approach. The Arctic Ocean coastal States (A5) have either unique or yet-to-be-announced fisheries management policies and laws for their Arctic EEZs, but they have voluntarily taken up either implicit or explicit stewardship in coordinating the process of fisheries management scheme in the CAO (2008 Illulissat Declaration and 2015 Oslo Declaration). In accordance with the law of the sea and its high seas fisheries implementing agreements, the A5 have invited five additional States/entities, including non-Arctic distant-water fishing States, to the CAO fisheries negotiations since 2015 Oslo Declaration.

This session seeks to enhance our understanding of the development of a new international fisheries management scheme for the CAO, and bring scholars and practitioners to discuss issues such as:

1. The role (or different roles if any) that should be played by Arctic coastal States and non-Arctic coastal States in the negotiation of the new international fisheries management scheme in the CAO and in the legal structure of the expected scheme in its final form.
2. The legal framework and the general principles, including those of the law of the sea regime, which should guide the final outcome of the negotiation, including the role that the science should play in the implementation and operation of the new international fisheries management scheme in the CAO.
3. The prospects for the new international fisheries management scheme in the CAO, such as its geographical area of application; its nature (commercial fishing, exploratory fishing, and/or scientific research fishing); decision-making mechanism; and the institutional framework (establishment of a regional fisheries management organisation, etc).

Session 4: Policy-Relevant-Science within the Context of the Arctic

Main Speaker: Akiho Shibata

Title: TBD

Coordinator: Malgorzata (Gosia) Smieszek

Discussants: Naomi Harada, [call]

Many of the challenges facing modern societies like climate change cannot be adequately addressed without the input from science and scientific advice. In the context of large science projects including those relating to polar sciences, the phrase “policy-relevant-science” is increasingly uttered. Within the context of the Arctic, policies formulated in the Arctic Council, for example, which have implications for scientific activities including those of non-Arctic States and institutions show how science is internationally policy-relevant. At the same time, science



needed to formulate these policies also comes from non-Arctic States and their research institutions.

This session explores the science-policy nexus, the rapidly growing field of interest and examination. The research framework is set by the Policy-Relevant-Science (PRS) study initiated by PCRC, Kobe University, and Japan Agency of Marine and Earth Science and Technology (JAMSTEC) within the framework of the Arctic Challenge for Sustainability (ArCS) project.

This session takes one scientific project proposal to conduct marine physical, chemical, and biological observation in the Gulf of Anadyr on the Bering Sea in far northeast Siberia and the East Siberian Sea and examines its international legal and policy relevance as a feasibility case study on PRS. The main purpose of this session is to obtain feedback on the proposed methodological framework and the appropriateness of the case study, as well as to advance discussion on the topic.

1. The session adapts and arranges, as appropriate, the ‘Value Tree Analysis’ as utilised in the STPI-SAON Arctic Observations Assessment Framework. This methodology attempts to link international Arctic strategies (policies) and the scientific observations necessary to achieve the common (international) objectives identified from the review of those policies.
2. The session tries to demonstrate the potential for the PRS study in producing a virtuous cycle between science and policy studies, modelling after some preceding studies such as those undertaken under the EU PolarNet projects.
3. The session reviews the Arctic strategies of relevant countries and the Arctic Council scientific documents to see whether the Gulf of Anadyr and East Siberian Sea research proposal is suitable for the international objectives as identified in the review.
4. The current scientific challenges in the Arctic Ocean and the perspectives for future international cooperation in Arctic marine scientific research are examined. The potential of the PRS study for producing policy-relevant choices for international collaborative marine scientific research for the Arctic Ocean is argued.

Session 5: Role of the Observers in the Arctic Council

Main Speaker: Sebastian Knecht

Title: TBD

Coordinator: Osamu Inagaki

Discussant: TBD, [call]

With the decision at the Fairbanks Ministerial Meeting in May 2017 to admit seven new State and non-State actors as observers, their number in the Arctic Council has grown to 39 now exceeding the number of member States by a factor of five. Despite the numerical relationship, the Arctic’s political order is nevertheless a highly fractured and hierarchically structured one. In many policy areas, the law of the sea and the regional governance system with the Arctic Council at the centre preclude any legal or political equality between Arctic States and non-Arctic actors. Observers usually remain de jure and de facto second-order Arctic actors with limited possibilities of political influence. This hierarchical regional order is further entrenched through a dual process of legally binding regional agreements from which observers are regularly barred as parties, and a variety of soft law mechanisms that seek to bind non-Arctic actors to regionally defined terms, standards, guidelines, policy recommendations and best practices.



With that said, this session addresses the role of observers in the Arctic (Council) at the intersection of international law and institutional politics, and how non-Arctic actors influence processes of soft law and hard-law making in the Northern region. The session specifically encourages discussions on the following questions:

1. What effect do the presence and contributions of observers have on the processes and outcomes of Arctic Council governance?
2. In which areas do observers effectively cooperate with Arctic actors or contribute to concerted action among themselves in order to raise their profile and voice?
3. And vice versa, what effect does observer status in the Arctic Council have on their agendas, interests, ideologies, policies and strategies towards the Arctic and in other multilateral frameworks?
4. Under what conditions do observers implement regional agreements and comply with the emerging legal framework, such as the black carbon and methane framework?

Session 6: Non-Arctic Influence on Arctic Customary Laws and Institutions

Main Speaker: TBD

Title: TBD

Coordinator: Nikolas Sellheim

Discussants: TBD, [call]

Ever since the ‘discovery’ of the Arctic by European whalers, sealers and explorers, the lives of the Arctic’s indigenous populations have been transformed. With socio-economic changes came changes in the way indigenous customary laws and practices could be applied. Local laws and institutions were actively replaced by the laws and institutions of the nation States and only in recent times saw (active) re-emergence in the wake of the indigenous movements worldwide. At the same time, long-time non-indigenous Arctic residents have developed and maintained their own unwritten codes and institutions.

With increasing global recognition of the Arctic and its significance in climatic, economic and geopolitical contexts, increasing numbers of non-Arctic States, institutions and businesses have actively begun to enter Arctic discourse. This occurred through research, laws and policies, which include and implement conceptions and ideas about the Arctic and its peoples.

This session focuses on the way customary laws and institutions of Arctic local and indigenous peoples change, adapt or persist in light of increasing non-Arctic and global presence in the North. We therefore aim to discuss *inter alia*:

1. The influence of the increasing physical presence of non-Arctic/outside residents on the informal local and indigenous customs and institutions.
2. The transformation of the unwritten laws of Arctic local and indigenous peoples in order to correspond to the realities of international business, research and legal environments.
3. The interaction, or lack thereof, between domestic/international and local/indigenous legal rules and their confrontational, complimentary or co-existing characteristics.
4. The legal vernacularisation of Arctic livelihoods and institutions in non-Arctic laws and policies relevant for the Arctic.