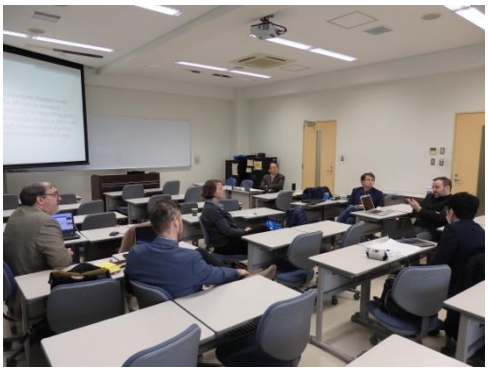
# International Seminar on
# Arctic Commons, Arctic Council and Indigenous Peoples

**5 March 2020, Kobe University Academia Hall**

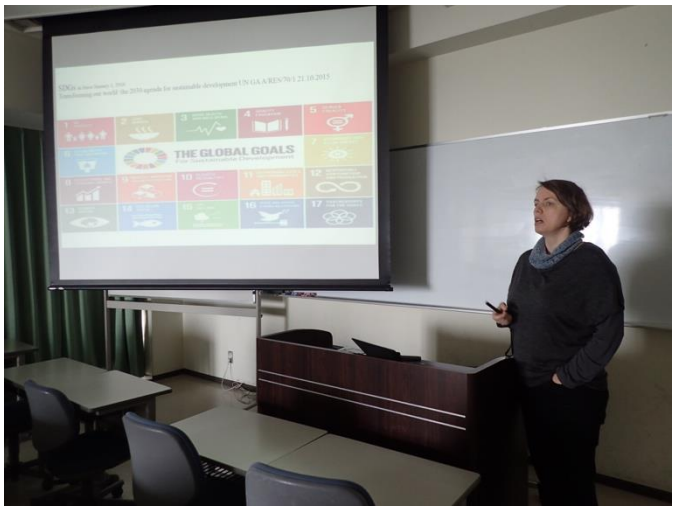
Rapporteur: Dr Nikolas Sellheim (University of Helsinki, Finland)

This seminar is the finale of the Arctic legal and policy studies at Polar Cooperation Research Centre (PCRC) under the first phase of ArCS project 2015-20. Utilising the international research network that PCRC was able to establish during the period, Arctic law and policy experts and early-career scholars from Russia, Canada, Finland, Norway, United Kingdom and Japan gathered at Kobe University, Japan, to discuss the sustainable use of the Arctic ocean and its resources, the institutional developments of the Arctic Council, and the engagement of Arctic Indigenous Peoples in such developments. This seminar was organised in response to the cancellation of the 6th International Symposium on Arctic Research (ISAR-6) in Tokyo due to the coronavirus outbreak.



The seminar was chaired by **Director Akiho Shibata** and was attended by a conglomerate of international Arctic scholars and staff of PCRC and Graduate School of International Cooperation Studies (GSICS) of Kobe University. Lively discussions, which are the signature characteristic of the PCRC seminars and symposia, ensued in all presentations below.

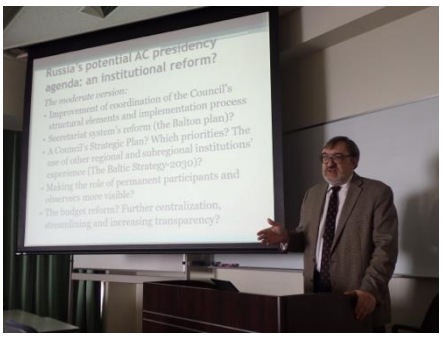
## Arctic Council



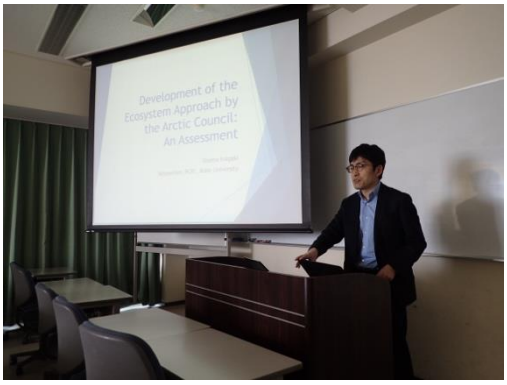

**Natalia Loukacheva** (University of Northern British Columbia, Canada; who was a participant in the first Arctic seminar held at Kobe University in April 2015) opened the seminar with a summary of the Arctic Council's application of the United Nations' Sustainable Development Goals (SDGs). She highlighted that since its inception in 1996, the principle of sustainable development has been integral to the work of the Arctic Council. However, while there may be a normative reference to sustainable development in all of the Council's different working groups and other sections, Loukacheva noted that it is the respective chairmanship which defines the emphasis of the 17 SDGs on which the Arctic Council bases its work during the chairmanship. Throughout the discussions that ensued it became clear that in many instances sustainable development is nothing more than a political catch phrase without larger implications. Still, the work of the Arctic Council should be applauded for its work to implement the SDGs.

**Alexander Sergunin** (St Petersburg State University, Russian Federation; who was the JSPS invited fellow received by PCRC in the summer 2016 and the visiting professor of GSICS in March 2020) presented his views on the impending Russian chairmanship of the Arctic Council, which it will take over from Iceland in

2021. Sergunin made clear that Russia will not intend to change the mandate or scope of the Arctic Council and that it will refrain from inserting hard (military) security into its work procedures. Instead, the Russian focus will rest on sustainable development, social cohesiveness and connectivity, climate change, science diplomacy and education, particularly through the University of the Arctic network. Sergunin presented two versions of Arctic Council reforms based on the Russian chairmanship. On the one hand, the moderate reform would see a strengthening of the Council's budget, the strengthening of the Secretariat, coordination of implementing bodies and stronger linkages to other subregional Arctic bodies. A radical reform would see a much more coordinated scientific assessments on which policy decisions are based. In order to ensure proper implementation, also an implementation body would be established that would serve as a benchmark for the Council's effectiveness.

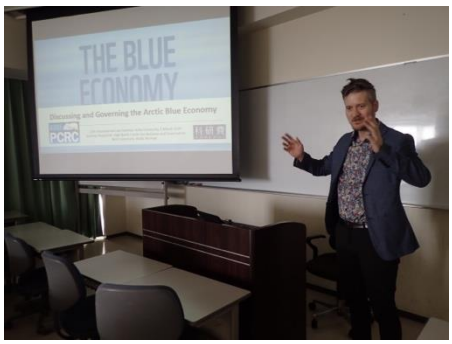



In his presentation, **Osamu Inagaki** (Kobe University, Japan; who was the assistant professor and now a researcher at PCRC from 2016) considered the ecosystem approach and its application in the work of the Arctic Council. Within the work of the Council, ecosystem-based management (EBM) is defined to be integrated and comprehensive management of human activities. To this end, the Arctic Council's work may alleviate the sectoral and jurisdictional fragmentation of the governance of human activities in the Arctic Ocean. Inagaki showed that throughout its existence, the Arctic Council has made only limited contributions to overcome the fragmentation of governance. Instead, the Council's main contributions are based on the conceptual and scientific aspects of the ecosystem approach. He exemplified his findings by using the work of the Protection of the Arctic Marine Environment (PAME) Working Group.



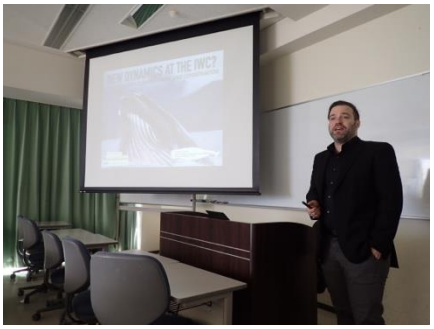

**Arctic Commons**

**Andreas Raspotnik** (University of NORD, Norway) presented an Alaska-Norwegian project that dealt with the Arctic blue economy. This three-year project aims to tackle four elements related to the blue economy — governance, maritime transportation, energy, fisheries — and represents work on a rather new economic concept that has emerged since the Rio +20 conference in 2012. Raspotnik emphasised that the blue economy, contrary to the rather blurry notion of sustainable development, is a rather straight-forward concept since it maximises the economic value of the marine environment in a sustainable manner, seeks to promote economic growth, social inclusion, and the preservation or improvement of livelihood, and is a vision of improved wellbeing and social equity, while significantly reducing environmental risks and ecological scarcities. The concept of the blue economy is therefore also highly relevant for the Arctic due to the strong reliance of Arctic economies on the ocean. Exemplified by Arctic fisheries, Raspotnik showed how the blue economy can be used to measure different values of the Arctic and its resources.

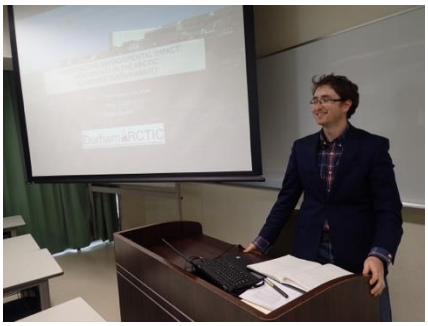


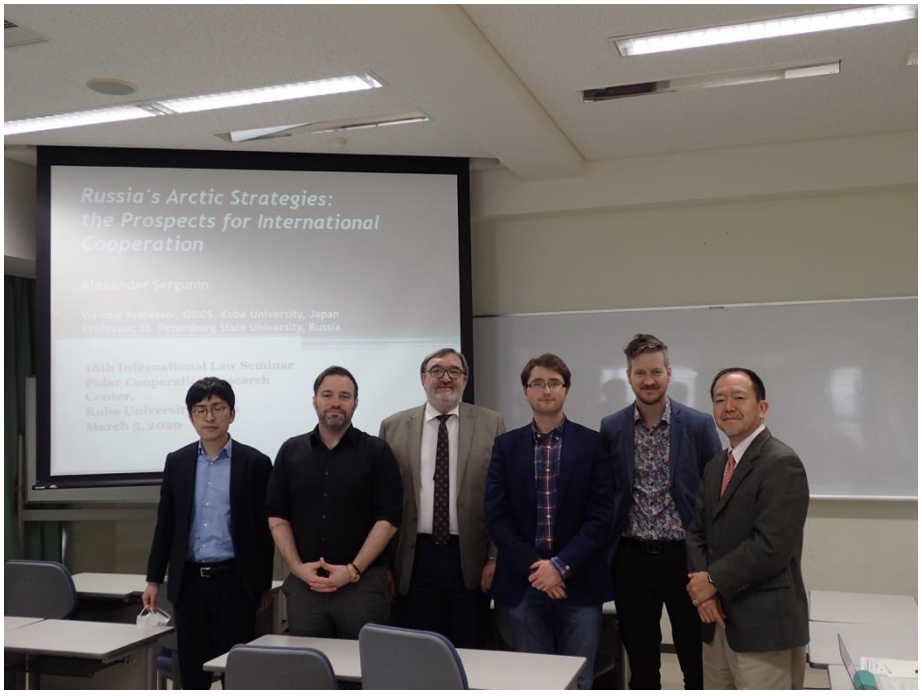

**Nikolas Sellheim** (University of Helsinki, Finland; who was the JSPS postdoctoral fellow received by PCRC for one year from 2017-18) presented the different work areas of the International Whaling Commission (IWC) and its relevance for Arctic whaling. While providing a broad overview of the IWC and the problems it has faced since the adoption of a moratorium on commercial whaling in 1982, he showed how Arctic whaling is marked by significant differences in perception by other nations: on the one hand, Arctic

whaling is marked by aboriginal subsistence, which is perceived as being necessary and environmentally sound. On the other hand, Arctic commercial whaling, conducted by Iceland and Norway, is considered obsolete and environmentally harmful. While that may be so, the way forward in the IWC has become a matter of fundamental differences amongst its members: while some want to keep its mandate limited to whaling, others see it evolving towards a more integrated organisation dealing with issues of blue economy, climate change *and* whaling. Particularly in light of Japan's withdrawal from the organisation in 2019, this issue will remain on the IWC's agenda.



The last presentation was held by **Romain Chuffart** (Durham University, UK; who was a PCRC research fellow for 5 months in 2018-19). Chuffart dealt with the environmental impact assessments (EIA) in different Arctic jurisdictions. He showed that EIAs have been a rather fundamental aspect of modern Arctic cooperation, even before the establishment of the Arctic Council in 1996. While that may be so, Chuffart also showed that Arctic governance has merely provided guidance in applying EIAs across Arctic jurisdictions and that bodies such as the Arctic Council have thus far failed to provide for 'harder' legal instruments that would find their way into national law. Consequently, discussions arose around the question of how soft-law bodies such as the Arctic Council can contribute to making EIAs legally normative standards and how Arctic governance should respond in light of non-implementation of EIAs.






**Russia's Arctic Strategies: the prospects for international cooperation**

A lecture on Russia's Arctic Strategies was delivered by Prof **Alexander Sergunin** (St Petersburg State University, Russian Federation). Sergunin opened his seminar by presenting and rebutting stereotypes and myths on Russian Arctic policies, such as Russia being an expansionist power or Russia focusing on hard (military) security in the Arctic. He showed that Russia's Arctic policies are driven by nuanced and well thought-through approaches to the Arctic, its environment and peoples and that Russian Arctic strategies are driven by climate change mitigation, by making it Russia's strategic resources basis, by the need for

implementing sustainable development in the Russian Arctic, and by making the Arctic a region of peace and international cooperation.

After all, Sergunin made clear that the state of the environment in the Russian Arctic is deeply concerning for the Russian government and the degree of pollution constitutes a threat to its integrity. He noted that a staggering 15% of the Russian Arctic territory is considered polluted or contaminated. In order to tackle these problems, it is in the Russian interest to primarily focus on soft security challenges rather than fostering military security. The main soft security challenges therefore relate to climate change, environmental protection and restoration, the livelihoods of indigenous peoples and nuclear safety. At the same time, sustainable development of the Russian Arctic ranges high on the Russian Arctic agenda. In order to achieve sustainable development, Russian priorities focus on economic, social and environmental aspects of sustainable development.

At the same time, also hard security issues play a role in Russian Arctic strategies. However, Sergunin showed that while in the past, Russian Arctic military capabilities were a response to the East-West conflict, the current military use is for the protection of regional economic players from a multitude of threats. This means also that numerically there is no military build-up in the Russian Arctic, but rather a modernisation of the Russian military to be able to respond to the current and emerging diverse threats. The functions of the Russian military in the Arctic are currently therefore:

(1) to ascertain coastal states 'sovereignty over their EEZs and continental shelves in the region, including disputable areas; (2) to protect the Arctic countries 'economic interests in the North, including mineral and bio-resources, fighting smuggling and poaching; (3) to be prepared to prevent potential terrorist attacks against critical industrial and infrastructural objects, including oil and platforms, nuclear plants, and nuclear waste storages; (4) to fulfil some dual-use functions, such as search and rescue operations, monitoring air and maritime spaces, providing navigation safety, and mitigating natural and man-made catastrophes; (5) to help the academic community in conducting Arctic research with its unique technical capabilities; and (6) to carry some symbolic functions.

In light of these new developments, the Russian government wishes to expand its cooperation with other Arctic actors on a multitude of issues. These include the finalisation and resolution of legal issues with Canada and Denmark on the Lomonosov Ridge and Mendeleev elevation, finding long-term regulations for traversing of the Northern Sea Route, harmonisation of national legislation in accordance with the Polar Code and making it transparent and understandable, and, more broadly, environmental protection and monitoring, search and rescue operations, and oil spills response and mitigating man-made disasters.

Sergunin concluded that the emerging Russian Arctic policy consensus is based on the assumption that the Arctic cooperative agenda could include the following areas: climate change mitigation, environmental protection, emergency situations, air and maritime safety (including the Polar Code implementation, charting safe maritime routes and cartography), search and rescue operations, Arctic research, indigenous peoples, cross- and trans-border cooperative projects, culture. Furthermore, it is likely that in the foreseeable future Moscow's policies in the region will be predictable and pragmatic rather than aggressive or spontaneous. In contrast with the stereotype of Russia as a revisionist power in the North, Moscow will continue to pursue a double-faceted strategy in the region: On the one hand, Russia will continue to defend its legitimate economic and political interests in the region. On the other hand, Moscow is open to cooperation with foreign partners that are willing to partake in exploiting the North's natural resources, developing sea routes and solving numerous socio-economic and environmental problems of the region.

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