



**PCRC-ArCS Special Sessions on post-ArCS research agenda for Arctic legal and policy studies  
at 12<sup>th</sup> Polar Law Symposium, Hobart, Tasmania, 1-4 December 2019**  
< <http://www.research.kobe-u.ac.jp/gsics-pcrc/sympo/2019-PLS12/PCRC-ArCS-special-session.html> >

## **The Expanding Role of Arctic Council Observer States: Implementing Japanese Arctic Policy in this New Context**

*Romain Chuffart, Sakiko Hataya, Osamu Inagaki, and Lindsay Arthur*

**Romain Chuffart** is a DurhamARCTIC PhD student in law, Durham Law School, Durham University (UK)

**Sakiko Hataya** is a PhD student in law, Kobe University (Japan), and a research fellow of the Japan Society for the Promotion of Science

**Osamu Inagaki** is researcher at Polar Cooperation Research Centre (PCRC), Graduate School of International Cooperation Studies (GSICS), Kobe University (Japan)

**Lindsay Arthur** is an Arctic Specialist at the Icelandic Ministry of Education, Science and Culture, and an MA candidate in Polar Law, University of Akureyri (Iceland)

### **ABSTRACT**

The Arctic is a web of multilevel, multi-purpose relations, but there is a lack of cohesion between achieving sustainable development and working toward a more developed framework for Arctic governance. Looking to the future, countries such as Japan willing to be involved in all parts of Arctic governance will have to make a choice about what kind of future Arctic relationships they want to create and in which of these relationships Japan could invest more. At present, it is intellectually challenging to both fulfill resource development goals while protecting the global environment. This creative path to rethinking and investing in real sustainability could be one of the potential avenues through which Japan could make a difference in Arctic governance. From 2015 to 2020, the Japanese government funded the Arctic Challenge for Sustainability (ArCS) project to play a role in shaping Arctic governance and rethink sustainability from a scientific perspective. As ArCS is coming to an end in 2020, and due to gradual AC changes, there is a need to reassess Japan's involvement in order to fully realise its policy and strengthen Japan's engagement in the AC in the post-ArCS phase.

The cornerstone of Japanese Arctic involvement is the 2015 Japanese Arctic Policy (JAP). Announced at the third Arctic Circle Assembly in Reykjavik by then-Ambassador for Arctic Affairs, Kazuko Shiraishi,<sup>1</sup> JAP is a comprehensive statement of Japan's fundamental policy

---

<sup>1</sup> Kazuko Shiraishi, Japan's Ambassador in charge of Arctic Affairs, Arctic Circle 2015 <<https://vimeo.com/143398544>>.

outlook towards the Arctic with a strong emphasis on international cooperation. Covering scientific research, environmental protection, fishing and natural resource exploitation, JAP provides specific initiatives to carry Japan's engagement forward and to play a normative role in the Arctic. Although JAP was produced by Japan's Headquarters for Ocean Policy,<sup>2</sup> there are no cross-ministerial, unified organizations dealing with Arctic issues.<sup>3</sup> Japan's Arctic stakeholders include MEXT, MoFA, MLIT, JAMSTEC, JOGMEC, NIPR, OPRF<sup>4</sup> and each work with different agendas and goals within the domestic political landscape. Universities also play a vital role in framing Arctic research. From Hokkaido to Tokyo to Kobe, research centres have put their resources to be at the forefront of Arctic research. One of JAP's specific initiatives is to establish a research network and promote better cohesion between all these stakeholders (1. Research and Development).

According to JAP, Japan needs to be involved appropriately in formulating international agreements and rules regarding the Arctic. Japan has been implementing polar legal frameworks which have been adopted both inside and outside of the AC. Japan's engagement with the Polar Code began in 2009 by participating in the drafting of the "Guidelines for Ships Operating in Polar Waters", when the MLIT started sending delegates to the IMO committee about the Polar Code. In 2010, Japan joined the Correspondence Group, which modified the plan from the Working Group. Now, MLIT is preparing to implement the Polar Code domestically. Japan also engaged as an Observer during the negotiation of the AC Scientific Cooperation Agreement. It submitted a written statement at the Scientific Cooperation Task Force (SCTF) Arlington March 2016 meeting. Observers were also allowed to express their views at the SCTF Ottawa July 2016 meeting, and as a result there have been important improvements made in the relevant texts.<sup>5</sup> In an attempt to implement soft legal instruments, Japan introduced a National Report<sup>6</sup> based on the AC Framework for Action on Black Carbon and Methane after it was accepted. The recent 2018 Central Arctic Ocean Fisheries Agreement and A5+5 negotiation process also demonstrated how Japan can play a pivotal role in Arctic governance through multilateral agreements.<sup>7</sup> From this

---

<sup>2</sup> Headed by the Prime Minister's office, the Headquarters for Ocean Policy's aim is to comprehensively and systematically address ocean policy across all government ministries and agencies.

<sup>3</sup> Aki Tonami, 'The Arctic Policy of China and Japan: Multilayered Economic and Strategic Motivations' (2014) 4 *The Polar Journal* 1, 115.

<sup>4</sup> For an in-depth analysis of Japan's different ministries and government agencies and their respective stakes in Arctic affairs, see Fujio Ohnishi, 'Japan's Arctic Policy Development: From Engagement to a Strategy' in Leiv Lunde, Jian Yang and Iselin Stensdal (eds) *Asian Countries and the Arctic Future* (World Scientific 2016) 171-182.

<sup>5</sup> Akiho Shibata, 'The Arctic Science Cooperation Agreement - A perspective from non-Arctic Actors' in Akiho Shibata, Leilei Zou, Nikolas Sellheim and Marzia Scopelliti (eds) *Emerging Legal Order in the Arctic - The Role of Non-Arctic Actors* (Routledge 2019), 217.

<sup>6</sup> Japan's National Report based on Enhanced Black Carbon and Methane Emissions Reductions: an Arctic Council Framework for Action

<[https://oaarchive.arctic-council.org/bitstream/handle/11374/1169/EDOCS-%232729-v1-Japan\\_2015\\_Black\\_Carbon\\_Methane\\_National\\_Report.PDF?sequence=4&isAllowed=y](https://oaarchive.arctic-council.org/bitstream/handle/11374/1169/EDOCS-%232729-v1-Japan_2015_Black_Carbon_Methane_National_Report.PDF?sequence=4&isAllowed=y)>.

<sup>7</sup> See Joji Morishita, 'The Five-plus-five Process on Central Arctic Ocean Fisheries Negotiations: Reflecting Interests of Arctic and Non-Arctic Actors' in A. Shibata, L. Zou, N. Sellheim and M. Scopelliti (eds) n (5).

perspective, it is important for Japan to put its scientific knowledge and capacity to use in order to make further contributions to the activities of the AC. A central theme of this paper is to specifically highlight further opportunities for Japan to engage as an AC Observer State from 2020-2025 and find avenues of engagement beyond Arctic Science, such as supporting the work of AC Permanent Participants.

In this context, it is imperative to set well-defined objectives for the post-ArCs phase and beyond to better inform and reflect Japanese Arctic engagement through achieving sustainability in Arctic governance. The Post-ArCS (2020-2025) phase could focus more on international legal studies to ensure that scientific output is reflected in decision-making and policies at both Arctic and international levels. A Post-ArCS multi-disciplinary (natural sciences, social sciences, as well as legal and political studies) approach will allow for increased and better cohesion between all of the Japanese stakeholders. Comparing Japan with the actions of other AC Observer States, this article aims to 1) highlight Japan's positive impact as an Observer State; and, 2) examine how well Japan has implemented its policy since 2015; and, 3) assess future Japanese involvement in Arctic governance in the post-ArCs phase. As a final conclusion, this paper aims to produce a roadmap for the post-ArCs phase with clearly defined research themes addressing the current gaps in the implementation of JAP that could be integrated into the broader context of Japan's Arctic engagement going forward.

Sponsors:

