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# Multilateral Governance in the Arctic via the Arctic Council and its Observers

## – an Arctic Community?

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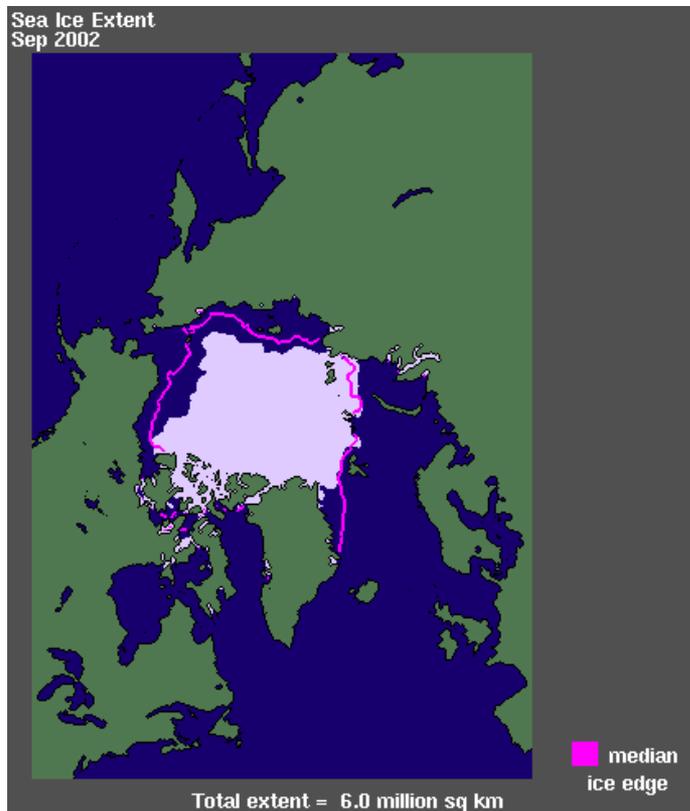
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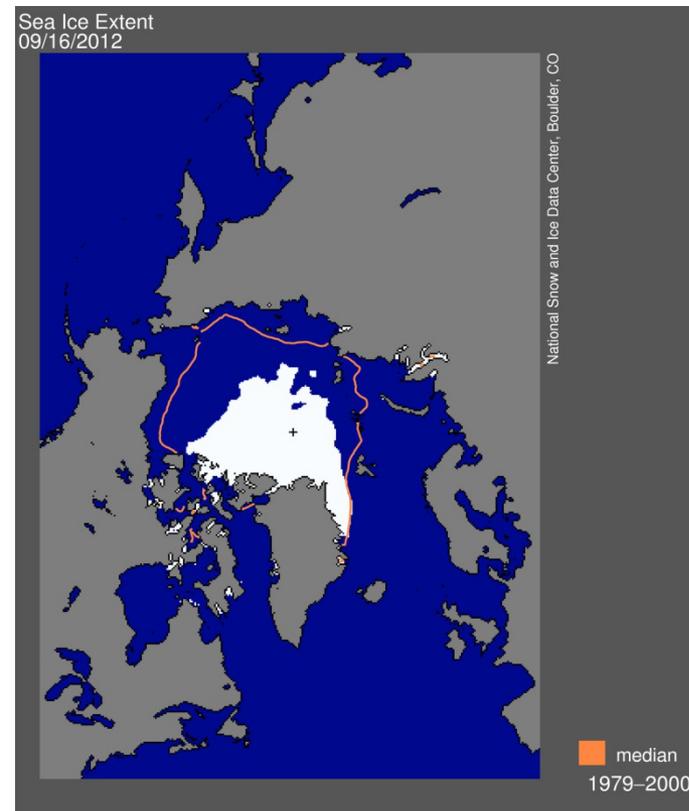
# The Arctic - the Arctic Region and Climate Change

Shown here: A difference of 10 years. Some numbers: In September 2012 sea ice coverage reached 18% below the record sea ice minimum and 49% below 1979-2000 average.

**Sept.  
2002**



**Sept.  
2012**

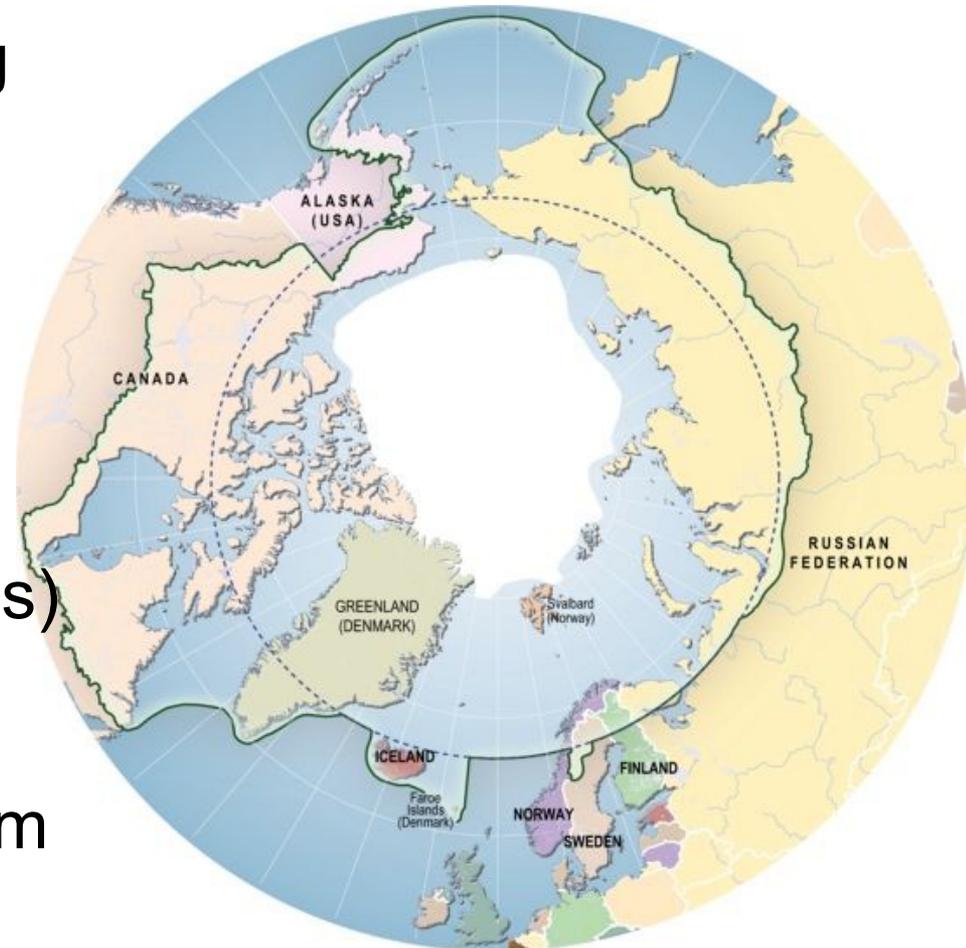


Sources: National Snow and Ice Data Center (NSIDC), „Sea Ice Extent Sep 2002“, „Sea Ice Extent Sep 2012“, www.nsidc.org



## The Arctic – an area of national influences

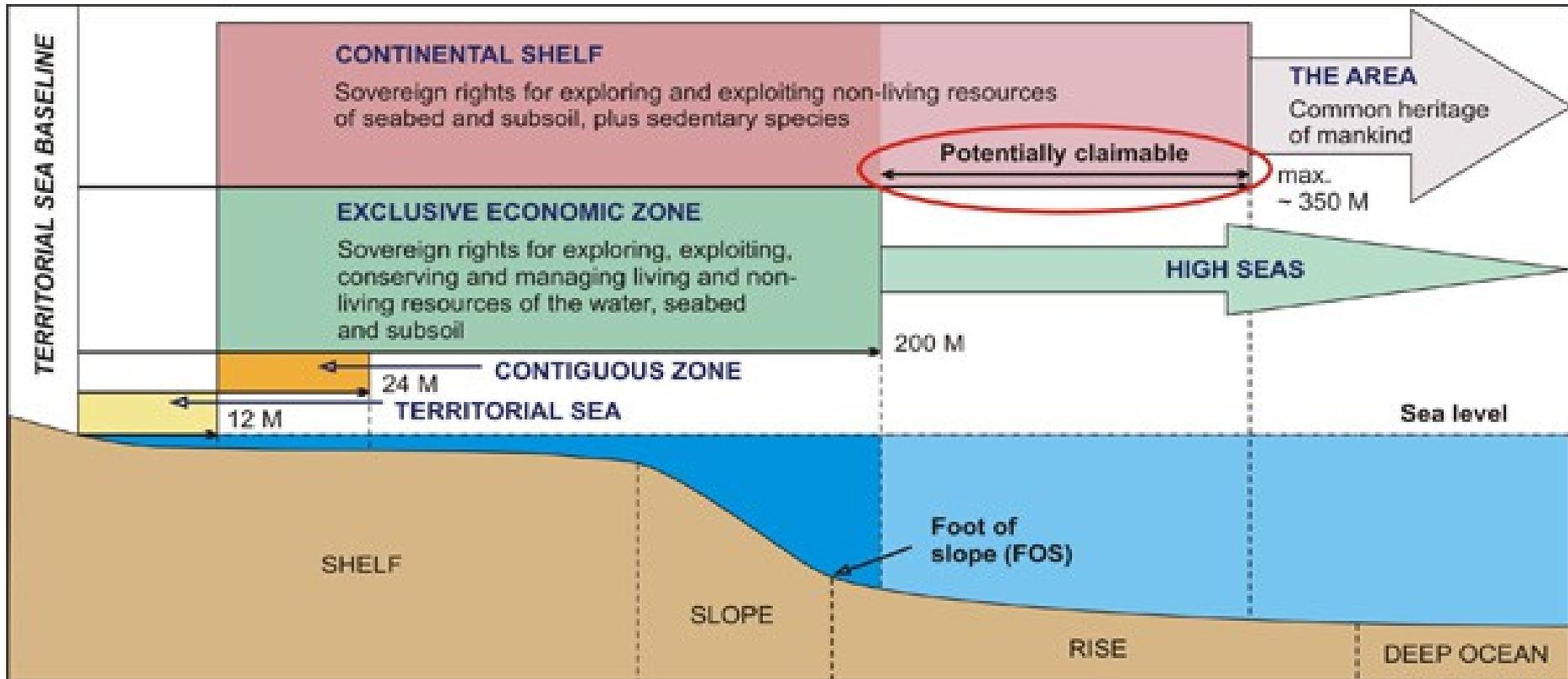
- 5 Arctic Nations bordering the Arctic Ocean
- UNCLOS grants exploitation rights to marine and seabed resources up to 200nm (fisheries, oil/gas, minerals)
- Governance authority for shipping, research, tourism



Source: Ahlenius (UNEP/GRID-Arendal), Arctic Conservation Area (CAFF), political map, 2006, [www.grida.no](http://www.grida.no).



# The Arctic – governed by international law

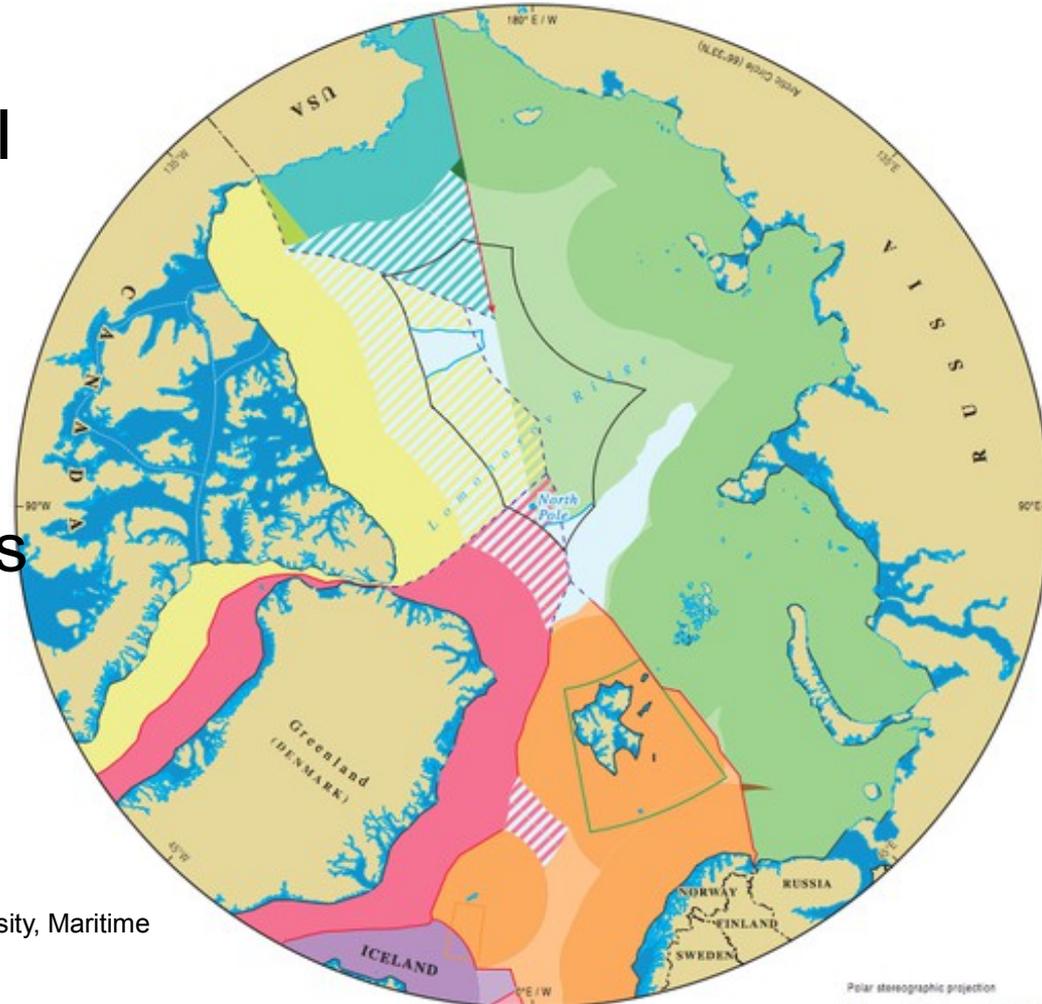


Source: Maritime zones pursuant to the UN Convention on the Law of the Sea, *after Symonds et al., 1998*



## The Arctic - expanding national influences

- Commission on the Limits of the Continental Shelf (CLCS)
- Applications to extend the Continental Shelf to 350nm
- Governance implications particularly for seabed resources (oil/gas, potential minerals)



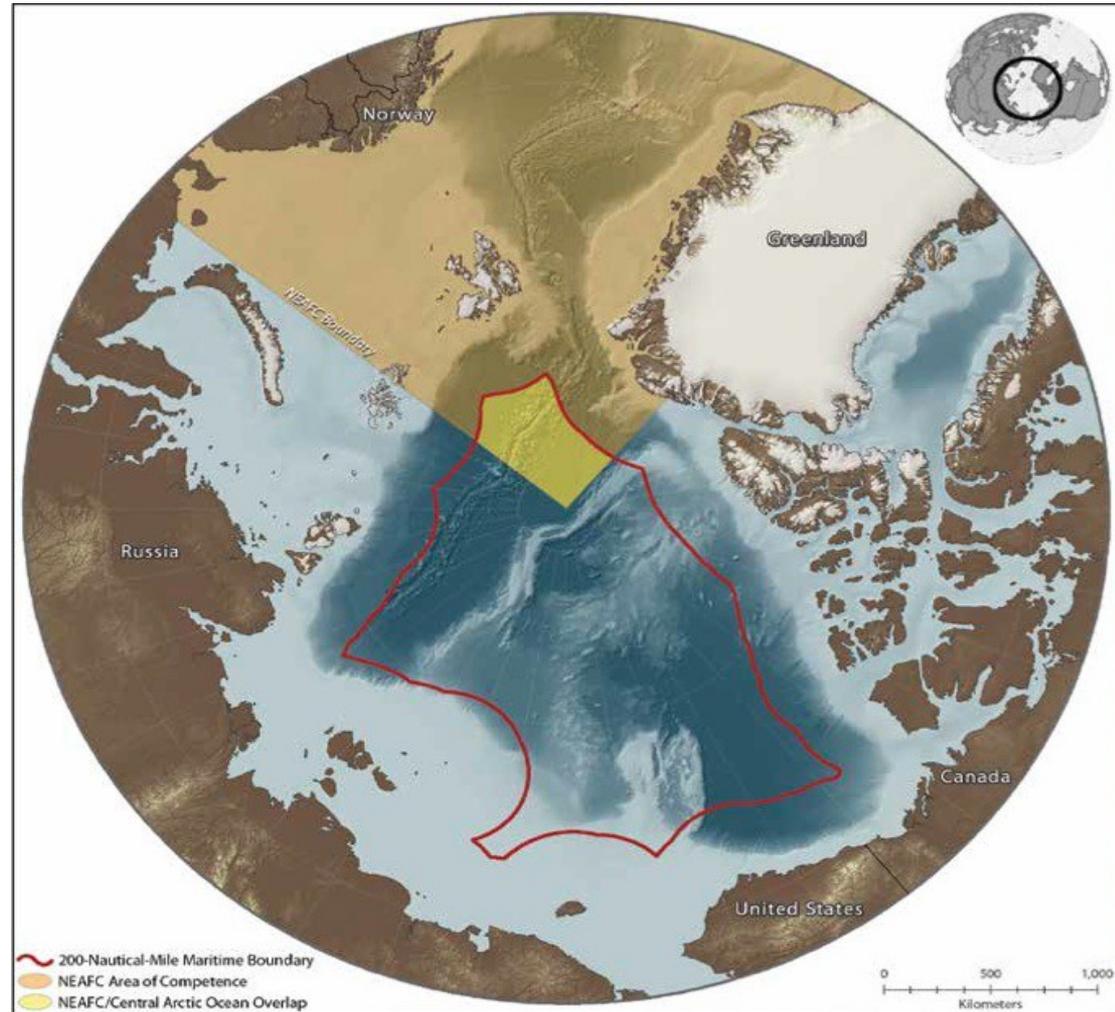
Source: International Boundaries Research Unit, Durham University, Maritime jurisdiction and boundaries in the Arctic Region, 1 April 2013, <https://www.dur.ac.uk/resources/ibru/arctic.pdf>.



## The Arctic – room for international activities

- High seas remaining in the Arctic Ocean
- Legal coverage not in place for every sector
- Coverage, but no binding requirements in some sectors

Source: Pew Charitable Trusts' International Arctic Campaign, The International Waters of the Central Arctic Ocean – Protecting Fisheries in an emerging ocean, 2013, [www.oceansnorth.org](http://www.oceansnorth.org)



Eight percent of the Central Arctic Ocean is within the North East Atlantic Fisheries Commission (NEAFC) Area of Competence. The remaining 92 percent of the Central Arctic Ocean, however, is not bound by any international rules, leaving it open to unregulated commercial fishing.



## The Arctic – an area of international responsibilities

- Remaining gaps in governance on the High Seas
  - Shipping
  - Fisheries
- Factual dependency on
  - Accessibility from receding sea ice
  - Change in trophic levels
- Legal inter-dependencies
  - UNCLOS + IMO regulations (upcoming Polar Code)
  - UN Fish Stocks Agreement (UNFSA) + Regional Fisheries Management Organisations (RFMOs)



## The Arctic Council – a shift in governance

- Post cold war co-operation on issues of marine science
  - AMAP assessments on pollutants (POPs, mercury), climate change, Arctic Marine Shipping (AMSA)
- Common interests lead to an increased use of the Arctic Council as a vehicle of sectoral co-operation
  - Search and Rescue (SAR, 2011)
  - Arctic Marine Oil Pollution Protection and Response Agreement (MOPPR), expected May 2013)
  - Fisheries?



## The Arctic Council – an Arctic Community?

- Arctic „Community“?
  - Max Weber („Soziologische Grundbegriffe“, 1921): Social context based on subjectively felt togetherness of the parties
  - Ferdinand Tönnies („Gemeinschaft und Gesellschaft“, 1st ed. 1887): Common beliefs about appropriate behaviour and responsibilities, to each other and to the association at large.
- Shift from a focus on areas of national and transboundary influences (SAR, MOPPR) towards international areas (fisheries)



## The Arctic Council – observers (1)

- Current observers (states):
  - France
  - Germany
  - The Netherlands
  - Poland
  - Spain
  - United Kingdom
- Role of observers under the 2011 criteria
  - Suggestions
  - Contributions



## The Arctic Council – observers (2)

- Applications for observer status by
  - EU
  - China
  - India
  - Japan
  - Republic of Korea
  - Singapore
  - Italy
- Governing Arctic states – Role of „Arctic 5“ (A5) and „Arctic 8“ (A8)
  - EU influence on A5 and A8
  - Influence of individual observers („demanding states“)



## The Arctic Council – observers and specific approaches

- Possible approach of procedural steps and contributions
- Arctic Council's Project Support Instrument (PSI)
  - Russia biggest donor to date (€10 Mio.)
  - US contributions for fighting Black Carbon Emissions (\$1 Mio.)
  - About €13 Mio. in total
- Co-operation within the new line-up of strong (potential) observers
- Two-track influence: Role of the international level



## A heap of remaining questions

- Will the Arctic Council open its doors next week?
- Which / how many observers will be included?
  - Power balance between the EU and China?
- Can co-ordinated efforts among Arctic Council observers influence decision-making processes?
- Will bi-lateral efforts of some observers with Arctic states by-pass that possible structure?



# Thank you very much!

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