

EAST ASIAN STATES, THE ARCTIC COUNCIL AND INTERNATIONAL RELATIONS IN THE ARCTIC

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KEY POINTS

- East Asian states do not perceive Arctic issues through an “Arctic” lens; rather, they are deemed “maritime” or “polar” issues. This preference reflects a global, rather than a regional, perspective on the Arctic. East Asian Arctic interests can thus be pursued in a range of international fora; they do not need Arctic Council membership to pursue their Arctic interests.
- The Arctic Council's member states should welcome East Asian states as observers to enmesh them into “Arctic” ways of thinking; otherwise, these states may pursue their Arctic interests via other means, which would undermine the Arctic Council's place as the primary authority on Arctic issues.
- The most important element of this integration will be to foster dialogue between East Asian states and the Arctic Council's six permanent participants (PPs) that represent northern indigenous peoples.

INTRODUCTION

The significant changes taking place in the Arctic are attracting worldwide attention, often to the discomfort of Arctic states and peoples. This is no better demonstrated than by the East Asian states' growing interest in Arctic issues. All three major East Asian states — China, Japan and South Korea — bid for Arctic Council membership in 2009 and all have active polar research programs. This interest has met with concern in several quarters, not least because of China's perceived belligerence in its own claimed maritime areas and because of the widely held misperception that it claims some portion of the Arctic Ocean.

ABOUT THE PROJECT

This publication emerges from a project called the Internationalization of the Arctic Council: Regional Governance under a Global Microscope, supported by a 2011-2012 CIGI Collaborative Research Award held by P. Whitney Lackenbauer and James Manicom. The project critically examines the attitudes of Arctic Council member states and permanent participants to the extension of permanent observer status to non-Arctic states and organizations. It identifies potential fault lines and synergies that will inform policy making and suggests ways forward for Arctic Council stakeholders. Supported by the award, James Manicom conducted fieldwork in Korea and China in late 2011.

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There is a growing global interest in Arctic issues from countries as diverse as France and India, which have led to the accusation that the Arctic Council does not sufficiently represent global opinion on the Arctic. Some critics have expressed considerable alarm about East Asian states’ Arctic ambitions, owing to their postures toward navigation and shipping in Arctic waters (Byers, 2011; Wright, 2011). Responding to pressure from these and other states, in 2011 the Arctic Council established criteria to accept new observer states. The Council will decide on these applications at its ministerial conference in Kiruna, Sweden, in May. It remains to be seen whether East Asian states will be among those admitted.

EAST ASIAN STATES AND THE ARCTIC COUNCIL

The Arctic Council is a unique regional governance institution wrestling with growing international attention to its activities. It consists of eight member states that each hold voting rights and six non-voting PPs that represent the region’s indigenous peoples who help to shape the Council’s agenda and bring expertise to its work. Additionally, observer states and non-governmental organizations (NGOs) attend ministerial, senior arctic official and working group meetings, and contribute to the Council’s activities. To date, these activities have focussed mainly on the sharing of scientific data and the mitigation of environmental problems.

Although widely considered the primary multilateral forum for addressing regional governance questions that Arctic states and inhabitants confront, the Arctic Council has not yet formulated a coherent plan to incorporate the emerging interests of non-Arctic states and organizations. In light of the much-publicized impacts of climate change on the Arctic environment, as well as rising interest in

emerging maritime transit routes and access to natural resources, China, Japan, India, Singapore, Italy and the European Union have expressed interest in joining the Council as observers (see “List of Current Observers”). Many of these parties have been applying for ad hoc observer status on a biannual basis for several years. Pursuant to the criteria for observership approved in Nuuk in 2011, all three East Asian states aspiring to observer status have submitted revised applications consistent with these aims (see “Criteria for Admitting Observers,” page 5).

By virtue of their geographic location and export-oriented economic models, China, Japan and South Korea view Arctic issues similarly. All three states justify their Arctic interests in global terms: in their view, the climatic events in Arctic affect the global climate and in turn, Arctic climactic events affect weather patterns in East Asian countries. All three states have advanced polar research programs that include world-class icebreaker capabilities. All are aware of the global shifts that could be brought by year-round shipping through the Northern Sea Route (NSR) and the effects this would have on local waters and regional logistics patterns.

The NSR would shorten the journey between Rotterdam and Yokohama by 40 percent. Although Arctic shipping does not appeal to just-in-time merchant shipping, it is useful to bulk carriers that transport commodities. The NSR also bypasses several of the world’s more volatile choke points, including the Strait of Hormuz. Finally, all three countries perceive energy consumption through a security lens and have proven that they are prepared to pay a premium for secure energy supplies. Japan and South Korea are the world’s leading consumers of liquefied natural gas, and almost all of their oil consumption passes through the Strait of Malacca and the Gulf of Aden, which are not immune to piracy.

Furthermore, all three countries have expressed potential interest in Arctic resource exploitation.

LIST OF CURRENT OBSERVERS

Non-Arctic States

- France
- Germany
- The Netherlands
- Poland
- Spain
- United Kingdom

Inter-governmental and Inter-parliamentary Organizations

- International Federation of Red Cross and Red Crescent Societies
- International Union for the Conservation of Nature
- Nordic Council of Ministers
- Nordic Environment Finance Corporation
- North Atlantic Marine Mammal Commission
- Standing Committee of the Parliamentarians of the Arctic Region
- United Nations Economic Commission for Europe
- United Nations Development Programme
- United Nations Environment Programme

NGOs

- Advisory Committee on Protection of the Seas
- Arctic Circumpolar Gateway
- Association of World Reindeer Herders
- Circumpolar Conservation Union
- International Arctic Science Committee
- International Arctic Social Sciences Association
- International Union for Circumpolar Health
- International Work Group for Indigenous Affairs
- Northern Forum
- University of the Arctic
- World Wide Fund for Nature — Global Arctic Program

Seventeen countries and organizations are currently applying for observer status. The following applicants will be considered at the 2013 Ministerial Meeting:

- People’s Republic of China
- Italian Republic
- State of Japan
- Republic of Korea
- Republic of Singapore
- Republic of India
- European Union
- Oceania
- Association of Oil and Gas Producers
- OSPAR Commission
- Greenpeace
- International Hydrographic Organisation
- World Meteorological Organization
- Association of Polar Early Career Scientists

The following applicants will be considered at the 2015 Ministerial Meeting:

- International Chamber of Shipping
- Norwegian Scientific Academy for Polar Research
- Mongolia

Source: Arctic Council, 2013.

THE COSTS OF EXCLUSION

East Asian states perceive Arctic issues through a global lens. This presents a significant challenge to the Arctic Council, which was established on a “soft law” basis as a high-level forum for dialogue to monitor and address *regional* environmental problems. Some Arctic problems, like maritime boundary delimitation, naturally involve only the five coastal states and are beyond the purview of the Arctic Council. Nevertheless, there is a widely held perception that issues such as search and rescue and oil spill prevention touch on the region as a whole, and have led to the first two binding agreements among Arctic states negotiated under the auspices of the Council. The role played by the six PPs is unique in world politics due to the tremendous normative influence they wield over the Arctic agenda. There is thus an enduring sentiment in the Arctic Council that non-Arctic perspectives are potentially disruptive. Arctic state representatives, for example, generally view the EU ban on the seal fur trade as an affront to the traditional livelihood of Arctic indigenous peoples, some of whom sit on the Arctic Council as PPs.

This wariness about extending observer status to non-Arctic interests reinforces East Asian states’ suspicions that they are purposefully being excluded from Arctic governance. In the earliest official Chinese statement on the Arctic, Assistant Minister of Foreign Affairs Hu Zhengyue stated that “Arctic countries should protect the balance between the interests of states with shorelines in the Arctic Ocean and the shared interests of the international community” (cited in Campbell, 2012: 3). Some Chinese scholars criticized the Nuuk criteria for raising the political threshold for non-Arctic states to join, at a time when “it is unimaginable that non-Arctic states will remain users of Arctic shipping lanes and consumers of Arctic energy without playing a

role in the decision-making process” (Cheng, 2011). Like China, some Koreans are inherently suspicious of the Arctic Council’s efforts to establish a regime for Arctic shipping that does not include user states. In this view, “countries whose interest would be affected by this development have a good reason to be vigilant and try to have their views reflected in the new regime” (Lee, 2011). Japanese scholars have also expressed concerns that the application of international maritime law in the Arctic, specifically Article 234 of the UN Convention on the Law of the Sea, which allows coastal states wider environmental jurisdiction over ice-covered waters, is being exploited to raise rent from shipping in Arctic waters (United Nations, 1982; Ocean Policy Research Foundation [OPRF], 2012b). By excluding non-Arctic states, the Arctic Council may perpetuate the perception that Arctic governance is biased against user states.

As maritime states, East Asian states harbour suspicions about the Arctic Council monopolizing regional governance. All East Asian states are aware that the Council is neither the only nor the most important pillar of Arctic governance. East Asian scholars are quick to point out that other global and regional organizations have competencies not covered by the Arctic Council’s mandate (or which closely support its work), including the International Maritime Organization, the International Arctic Science Committee, the International Association of Classification Societies, the Conference of Parliamentarians of the Arctic Region, the Barents Euro-Arctic Council, the United Nations Environment Programme and others (Takei, 2011). According to some Chinese scholars, this diversity of institutions suggests that “a political valid and legally binding Arctic governance system has yet to be established” (Cheng, 2011). Indeed, the OPRF advocates that Japan contribute to international governance in the Arctic through the entirety of relevant international

Criteria for Admitting Observers

As set out in the Declaration on the Establishment of the Arctic Council and governed by the Arctic Council Rules of Procedure, observer status in the Arctic Council is open to non-Arctic States; inter-governmental and inter-parliamentary organizations, global and regional; and non-governmental organizations that the Council determines can contribute to its work.

In the determination by the Council of the general suitability of an applicant for observer status the Council will, inter alia, take into account the extent to which observers:

- Accept and support the objectives of the Arctic Council defined in the Ottawa declaration.
- Recognize Arctic States' sovereignty, sovereign rights and jurisdiction in the Arctic.
- Recognize 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.
- Respect the values, interests, culture and traditions of Arctic indigenous peoples and other Arctic inhabitants.
- Have demonstrated a political willingness as well as financial ability to contribute to the work of the [PPs] and other Arctic indigenous peoples.
- Have demonstrated their Arctic interests and expertise relevant to the work of the Arctic Council.
- Have demonstrated a concrete interest and ability to support the work of the Arctic Council, including through partnerships with member states and [PPs] bringing Arctic concerns to global decision making bodies. (Arctic Council, 2013)

bodies because “the importance of the appropriate management of the Arctic Ocean is not only the concern of coastal states, but that of the whole world” (OPRF, 2012a). Accordingly, the OPRF favours leveraging all relevant international institutions to foster a coherent governance arrangement in the Arctic (OPRF, 2012b). Combined, these two challenges indicate that East Asian states will lobby hard to represent user state interests on issues such as environmental regulations, shipping protocols and flag state responsibilities, whether inside the Arctic Council or not.

POLICY RECOMMENDATIONS

While the bids of East Asian states challenge traditional conceptions of the role of the Arctic Council, there is little doubt that the Arctic is constantly evolving. By adopting the Nuuk criteria, the Arctic Council has indicated its willingness to evolve as well.

To alleviate East Asian concerns of exclusion, the Council member states' best course of action is to admit the East Asian states as observers under the Nuuk criteria. Although the formal role of observer in the Arctic

Council is limited — they may not make statements or speak at meetings unless invited to do so by a chair with member state consent — these three Arctic states bring considerable financial, scientific and legitimating capacity to the Council's working groups. Scientists from these countries are already eager participants in these groups, and integrating these countries into the Sustainable Development Working Group is one way to forge more constructive ties with the PPs and allow indigenous representatives to educate non-Arctic states on their perspectives and concerns.

The admission of new observer states raises the question of how to build trust between the new observers and the PPs, as East Asian states have only paid lip service to the role of the PPs as stewards of the Arctic region and a great deal of suspicion may endure on both sides. Interviews with policy makers suggest that East Asian policy makers are not familiar with the phenomenon of indigenous internationalism and may not even comprehend the legal relationship between some indigenous groups and their government, such as land claim and self-government agreements. Although Japan has cited its own experiences with domestic indigenous

groups (including the Ainu) to build trust, China does not define its indigenous groups according to the criteria set out in the UN Declaration on the Rights of Indigenous Peoples. It may prove reluctant to endorse the notion of indigenous autonomy in international affairs, which the role of the PPs in the Arctic Council effectively embodies. In light of capacity constraints on the part of the PPs, Arctic Council member states should shoulder the burden of enhancing ties between PPs living in their states and new Arctic observer states.

Finally, Arctic states will need to be cognizant of areas where long-time behavioural benchmarks by East Asian states conflict with Arctic priorities. All three states have dubious records as responsible managers of global fish stocks, yet the size and scope of their industries make East Asian states key players in the construction of any regional fisheries management organization in Arctic waters, as they will be among the governed. Furthermore, some East Asian countries, China in particular, have demonstrated that their national economic goals come ahead of its environmental commitments: not only domestically, but in polar regions, as well (Brady, 2012). Finally, all will remain ardent supporters of access to Arctic waters for shipping. These policies reflect their global outlook and they are unlikely to sacrifice them for inclusion in the Arctic Council. As indicated above, East Asian states do not inherently need Council membership to pursue their Arctic interests.

CONCLUSION

Arctic Council states' interests are best served by admitting East Asian states to the Arctic Council as observers and by developing a way to fully engage them in Arctic governance. The alienation of these states will have adverse effects on Arctic governance. The

extent to which Arctic and East Asian interests conflict, as they relate to state-based dimensions of Arctic issues, is overblown in most popular media and scholarly accounts. Nevertheless, Arctic states must remain cognizant of areas of possible discord, particularly in the areas of high seas fisheries management and shipping regulations.

Although it is beyond the scope of this brief to locate these countries' Arctic interests in their wider foreign policy interests, it warrants mention that the Arctic does not factor highly on their agendas relative to other national and regional priorities — including bilateral relations with some Arctic states. Nevertheless, conversations with policy makers from East Asian countries reveal that, regardless of the feasibility of Arctic shipping or resource exploitation, efforts to construct an Arctic regime that excludes user state perspectives will be perceived as illegitimate. Accordingly, inclusivity will help to maintain the Arctic Council's position as a primary forum for regional governance — an explicit interest of each of the Arctic states in their respective northern strategies.

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*John Higginbotham, Andrea Charron and
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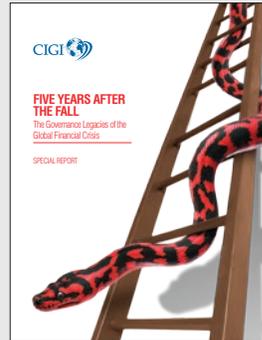
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John Helliwell and CIGI Experts
March 2013

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Andrés Rozental and Perrin Beatty
November 2012

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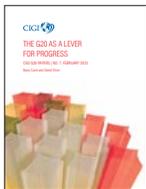
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CIGI Paper No. 13
Thomas A. Bernes
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CONFERENCE REPORTS



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Deanne Leifso
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Simon Palamar
December 2012

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Barry Carin and Nicole Bates-Eamer
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