

## CHAPTER 8: NON-ARCTIC ACTORS AND THE ARCTIC

### 8.1

#### **Globalization of the Arctic: Non-Arctic Actors and Global Interests**

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In an era of climate change, economic globalization, and technological innovation, the Arctic is no longer a cold, remote space at the top of the world, but a dynamic region that is full of development opportunities and new challenges. According to recent research, the Arctic has warmed nearly four times faster than the rest of the planet over the past forty years. The melting Arctic has been increasingly open to creeping jurisdictional claims of the Arctic states, economic activities, and outside players. In recent years, not only have the Arctic states updated their Arctic policies, but the interest of the rest of the international community in the Arctic has kept growing. Global interests in the Arctic are broad and various, ranging from scientific research, shipping, resource extraction, tourism to strategic ones. As China's 2018 Arctic Policy stated, the issues of climate change, environmental protection, scientific research, utilization of Arctic sea routes, resources exploration and exploitation, security and governance of the Arctic are vital to all countries and humanity.

Generally speaking, Arctic actors in Arctic governance include the eight Arctic states, Arctic Indigenous peoples, the governmental and non-governmental organizations (NGOs) that have a clear Arctic identity, such as the Arctic Council (AC) and the International Arctic Science Committee (IASC). By contrast, non-Arctic actors are those that do not have a clear Arctic identity, including non-Arctic states and political entities, inter-governmental organizations, forums, and NGOs that have a particular Arctic focus in their work. For example, International Maritime Organization (IMO) has a particular interest in search and rescue, pollution response and maritime safety, and protection of the marine environment in the Arctic, and was accepted as a non-Arctic Observer in the AC in 2019.

Among non-Arctic actors, some non-Arctic states and political entities, such as the European Union (EU) and major Asian countries, particularly do not wish to be left behind in the new Arctic arena. They have showed growing

interest in the Arctic and have played an active role in addressing the Arctic issues. For example, in June 2010, the Agreement to Prevent Unregulated Commercial Fishing on the High Seas of the Central Arctic Ocean (CAOF Agreement) was initiated by the five Arctic coastal states (Canada, Denmark, Norway, Russia, the United States). The CAOF Agreement bans unregulated fisheries in the high sea portion of the Central Arctic Ocean for sixteen years to allow time for scientists to study the fish and fish habitat in the region and the suitability of commercial fishing. From 2015 to 2017, five other major fishing countries and political entities (China, the EU, Iceland, Japan, and the Republic of Korea) also participated in the negotiations of the Agreement. The CAOF Agreement was signed by the ten states and political entities on 3 October 2018 and entered into force on 25 June 2021. Overall, the Arctic states, particularly the five Arctic coastal states, have attempted to legitimize their stewardship responsibilities for the Arctic. The Arctic states expect non-Arctic actors to respect their sovereignty, sovereign rights, and jurisdiction in the region and to recognize the dominant role of the Arctic states in Arctic decision-making processes. At the same time, Arctic actors have adopted a constructive position regarding non-Arctic players' participation in Arctic governance. They hope that non-Arctic actors would make valuable contributions to Arctic governance and ensure the sustainable development of the Arctic.

The globalization of the Arctic can also be identified in its regional governance institutions. For example, the increasing global attention to the Arctic has whetted the interests of more non-Arctic actors in participating in the work of the Arctic Council (AC). The AC has been the preeminent high-level regional forum for Arctic cooperation since 1996. Nowadays, the AC has become an important meeting venue for both the Arctic and non-Arctic states, Arctic Indigenous peoples, and other relevant international organizations and NGOs to address common Arctic issues. To date, the Council has approved 13 non-Arctic states, 13 inter-governmental and interparliamentary organizations, 12 NGOs as Observers to its work. Nevertheless, the participation rights of non-Arctic Observers in the AC are still limited. For instance, Observers are encouraged to make their contributions primarily at the level of working groups (WGs) in the Council. However, the WGs do not provide an effective venue for policy dialogues regarding a range of politically sensitive issues now arising on the Arctic agenda. In recent years, some task forces (TFs) of the AC

have started serving as venues for making legally binding treaties and agreements regarding the Arctic. For example, the Agreement on Enhancing International Arctic Scientific Cooperation was negotiated through the work of the AC's Task Force of Enhancing Scientific Cooperation in the Arctic (2013-2017). The Agreement was adopted by the eight Arctic states in May 2017 and entered into force in May 2018. Although non-Arctic actors were able to negotiate some access to conduct scientific research in the Arctic in the process, only the eight Arctic states had the decision-making power.

Lastly, it is worth noting that different non-Arctic actors have received varied receptions in the Arctic. The approaches and strategies of non-Arctic actors towards Arctic affairs are also different. For example, while some non-Arctic EU member states emphasize their long history of contact with the Arctic, several Asian countries, such as China, Japan, the Republic of Korea, and Singapore, have positioned themselves as maritime states that are willing and able to make substantive contributions to Arctic scientific research as well as Arctic shipping.

In summary, as the Arctic changes rapidly, there is increasing justification for international collaboration in the region. Increasing global interests in the Arctic present both opportunities and challenges to the Arctic and its peoples. In this context, as argued by Akiho Shibata and others, Arctic law, especially Arctic international law, cannot be legitimately developed and effectively implemented without all relevant actors being involved. How to balance the interests of the Arctic states, Arctic peoples, as well as non-Arctic actors has become a critical issue in the development of Arctic legal orders.

### **For more on this, read...**

Bloom E T, 'The Rising Importance of Non-Arctic States in the Arctic' (2022) 46(1)*The Wilson Quarterly* <https://www.wilsonquarterly.com/quarterly/the-new-north/the-rising-importance-of-non-arctic-states-in-the-arctic>

Finger, M and L Heinen (eds.) *The Global Arctic Handbook* (Springer 2019)

Shibata A and Others (eds.) *Emerging Legal Orders in the Arctic: The Role of Non-Arctic Actors*. (Routledge 2019)