

Schrödinger's Euro-Arctic: The New Arctic Policy of the European Union and the Limits of Arctic Exceptionalism

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On 13 October 2021, the European Union (EU) presented its new Arctic policy. The Joint Communication by the European Commission's High Representative of the Union for Foreign Affairs and Security Policy to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions (EU, 2021) is entitled "A stronger EU engagement for a peaceful, sustainable and prosperous Arctic". The new policy document outlines the EU's vision for its own future role in the Arctic region. In this short text, the EU's new Arctic policy is presented with a particular focus on the question of how the EU sees itself and in how far it buys into the idea of Arctic exceptionalism.

The document is somewhat contradictory right from the start as the policy falls within the remit of the High Representative for Foreign Affairs, even though the European Union "is in the Arctic" (EU, 2021: 1). The EU begins by recognizing its own "environmental

footprint" (EU, 2021: 1; see Koivurova et al., 2021) and its shared responsibility for sustainable development and the well-being of the people who live in the Arctic (EU, 2021: 1). The term "responsibility" (EU, 2021: 1) is to be understood in a specific context, that is, in light of the EU's economic power and its demand for resources from the Arctic region (EU, 2021: 1). That the EU recognizes that it does have responsibilities in the region is not to be understood as an attempt to take away anything from the sovereignty of the eight Arctic States. In fact, the EU emphasized that "[t]he Arctic States have the primary responsibility for tackling challenges and opportunities within their territories" (EU, 2021: 1, footnote omitted). The EU sees its own role in connection with its own legislative competences for the EU Arctic (EU, 2021: 1) and in international cooperation with regard to issues that transcend nation States (EU, 2021: 1). The EU recognizes the increasing interest of non-Arctic States in obtaining observer status with the Arctic Council (AC), the most important diplomatic forum in the Arctic (EU, 2021: 3). For the EU, it is this increasing interest that "reflects the new geopolitical environment" (EU, 2021:

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3). This part of the policy document seems to have been prepared prior to the rejection of Estonia's - very reasonable - bid for observer status. Today, one can wonder if the rejection of the application by the northernmost non-Arctic State in 2021 marks the turn of the tide when it comes to the Arctic Council's willingness to accept new observers (cf. Kirchner, 2021) or if this rejection was specifically directed against Estonia. Given that the Arctic Council decides on the basis of unanimity and that there is no requirement for the AC to publish its reasons for a decision.

Already the AC ministerial meeting in Rovaniemi in 2019 highlighted the risk of a politization of the work of the AC. So far, the AC is contributing to maintaining the idea of the Arctic as a region where cooperation is possible despite significant political differences. The European Union's new Arctic policy not only perpetuates this approach, the EU also appropriates it (EU, 2021: 2 et seq.). The EU not only portrays itself as an insider actor in the Arctic (EU, 2021: 1) but sees the outside interest in the Arctic as a "threat" (EU, 2021: 2). Accordingly, the "new geopolitical environment" (EU, 2021: 3) is created by non-Arctic interest in the Arctic. This view appears dangerously short-sighted.

The wish on the part of decision-makers in Brussels that the EU is perceived as an insider in the Arctic is understandable and indeed the EU needs to strengthen its ties to its own Arctic and other Arctic partners outside of the European Union (Kirchner, 2021). The ability to cooperate in the Arctic, similar to cooperation on board the International Space Station (ISS), is important for Arctic States. The EU, however, is not a member of the AC, in fact, it is only "a *de facto* observer" (Koivurova et al., 2021: 7) but does not enjoy observer status *de jure*. By making the narrative of the Arctic as a place where political differences impact cross-border cooperation less than elsewhere, the European Union risks sending a wrong signal. On one hand is the EU cognizant of the increased militarization on the Russian side of the border (EU, 2021: 3), on the other hand do the ongoing conflicts with Russia, such as the war against Ukraine, the interference in domestic politics and the support for the illegitimate regime in Minsk, apparently not feature in the EU's plans for its own future in the Arctic. The good cooperation across borders on numerous technical and scientific issues, from research to search and rescue operations, shows that Russia can become a valued partner in the Arctic. For many State governments across the EU, the interference by the

current government in Moscow remains unacceptable. The EU would be well advised to avoid even the appearance of appeasement. However, by self-identifying as Arctic right at the start of the policy document, the EU set itself on a course for cross-border cooperation. This includes cooperation with all Arctic actors, including Russia. With regard to EU member States and non-members that have been particularly impacted by activities that are attributed to the current government in Moscow, the EU has now placed itself in a position in which it has to be able to explain the special nature of cooperation in the Arctic. The pressure to do so will only grow as questions over gas supplies from Russia, interference by Belarus in Lithuania and Poland become louder. The Arctic provides Russia and the West with an opportunity to overcome political differences but the European Union will have to be able to explain the reasons for this opportunity and the EU's reasons for emphasizing the opportunities for cooperation.

In the words of *Durfee* and *Johnstone*, "Cooperation in the Arctic is not new, though the scope had increased dramatically since the end of the Cold War" (Durfee & Johnstone, 2019: 3; see also Hønneland, 2020: 153 and Dodds & Nuttall, 2019: 150 et seq.). One

possible explanation for the willingness, and ability, of States to cooperate with each other in the Arctic, despite serious political differences, that is commonly heard in the Arctic is that the Arctic is particularly dangerous and that operations in the region require technical expertise and skills. In a way, the parallels between cooperation in the Arctic and cooperation in outer space are visible. Indeed, the Arctic is seen by many in the Arctic as a special case, as an exception where political rules that apply everywhere else simply do not apply in the same way. Today, there may be doubts as to whether this exceptional nature of the Arctic can be maintained (see also Lackenbauer & Dean, 2020: 341 et seq.). In some ways, due to climate change and globalization, the Arctic is becoming more like the rest of the world. International treaties, rather than soft law, gain in importance and the Arctic Council has played a role in the legalization of international Arctic politics (cf. Koivurova et al., 2020: 73 et seq.). This could contribute to the end of exceptionalism.

The European Union's new Arctic policy document emphasizes the cooperation with the EU's existing partners and particular emphasis is placed on the situation of Greenland

(EU, 2021: 4). For example will the European Commission open an office in Nuuk (EU, 2021: 4). Were Greenland to gain independence, the EU would have a *de facto* embassy on day one. Until then, this office is a tool to keep Greenland closer to Europe. Although the EU sees itself as an Arctic actor now, it looks at the Arctic as 'the other'. This is visible by the localization of the new role of the EU's Special Envoy for Arctic Matters within the European External Action Service (EU, 2021: 4). This emphasis on the EU's own Arctic territories and on the established partners, rather than on Russia, and the distancing that comes with approaching the Arctic through the lens of foreign policy reduces the need to justify the willingness to cooperate with Russia in the Arctic.

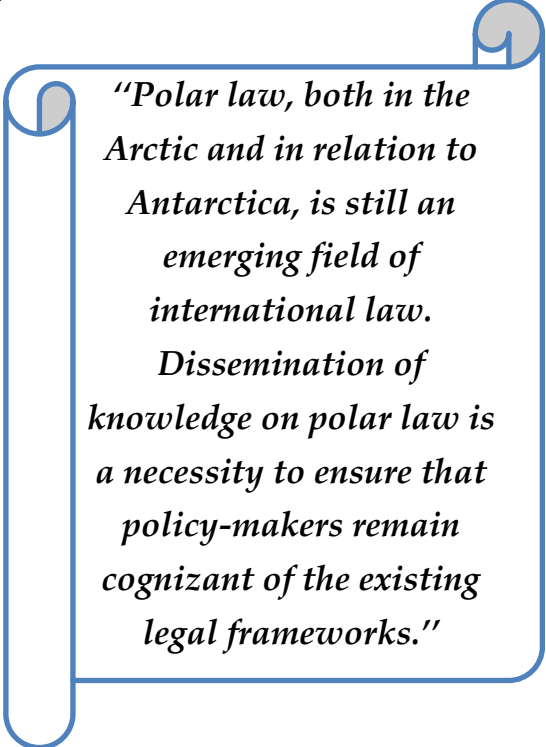
Cooperation is a core value of polar law (Scott & VanderZwaag, 2020: 12). It is essential to communicate this characteristic of polar law. Polar law, both in the Arctic and in relation to Antarctica, is still an emerging field of international law. Dissemination of knowledge on polar law is a necessity to ensure that policy-makers remain cognizant of the existing legal frameworks. During the preparatory phase of the new EU Arctic policy, the EU showed some openness to local inputs and listened to voices from the

region. But this approach was by no means immersive. By continuing to look at the Arctic from the outside, while recognizing its responsibility and desiring to be more of an Arctic insider, the European Union wants both: the benefits of being inside the Arctic, including as an insider of international Arctic governance, while continuing to utilize foreign policy tools and structures. This approach is similar to the approach the EU has towards indigenous peoples, often seeing the right of indigenous peoples as a foreign policy topic, although there are seven indigenous peoples within the European Union: in addition to the Sámi of Northern Europe, including the northernmost parts of EU member states Sweden and Finland, the Kali'na, Lokono/Arawak, Palikur/Pahikweneh, Teko, Wayana and Wayapi peoples in French Guiana. While small in number, the indigenous persons who live in different parts of the European Union are citizens of the EU. Right now, the EU is lacking a coherent approach to both indigenous peoples and to the Arctic.

The EU's new Arctic policy contains a number of positive and noteworthy developments, in particular in relation to climate change and the protection of the natural environment. It remains to be seen, however, whether the EU can

continue its approach of being simultaneously within and outside the Arctic. The new Arctic policy is a step in the right direction and the European Union appears to be listening more to those who live in the Arctic. By perceiving the Arctic as both an issue of foreign and of internal policies, the EU might even contribute to stemming the apparent trend to an end of Arctic exceptionalism. The Arctic remains a special place and the level of cross-border cooperation that is visible in the Arctic, despite political differences, remains exceptional. The EU will have to find a balance between the need to cooperate with difficult partners and the essential duty to defend its values. In order to remain a credible actor, not only in the Arctic but globally, the EU might be better served in the long run by defending its values forcefully if needed. The examples of the handling of Brexit, open to cooperation when it makes sense while remaining steadfast on essential topics, such as Good Friday Agreement and the prevention of the emergence of a hard border on the island of Ireland, can - despite all shortcomings - help Arctic actors to predict how the EU will handle future conflicts with Arctic partners, in particular the Russian Federation. A willingness to cooperate in an important region that faces many challenges therefore should not be

misunderstood as appeasement. It will be important for the EU to communicate this to non-Arctic partners, such as Ukraine.



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