

The Future of Arctic Governance: Broken hopes for Arctic exceptionalism?

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1 Introduction

On 24 February 2022, the president of the Russian Federation (hereinafter “Russia”), Vladimir Putin, started a “special military operation”¹ in which Russian troops entered the territory of Ukraine. The reaction to this act by the international community was almost unanimous; a few regimes² supported the attack and a number remained “neutral”³ in relation to the conflict. The collective opinion of most states characterized Russia’s move as an act of aggression against Ukraine, a member of the United Nations and an independent state. In invading Ukraine, Russia is clearly in breach of the norms of the United Nations Charter under its Article 2(4),⁴ an unprecedented violation of international law. After the escalation of military operations, Russia entered into a

potentially long-lasting confrontation, primarily with the West, including the Arctic states. This in turn has led to heightened tensions between the West and Russia on political, diplomatic and economic fronts. Western nations located along the Arctic Circle found it increasingly challenging to maintain dialog, collaboration and joint projects with Russia. Despite the epicenter of military actions being located outside of the Arctic, it soon became clear that cooperation on Arctic matters would suffer serious consequences. Geographically, half of the Arctic belongs to Russia, and over the years Russia has been an active player in Arctic cooperation via the Arctic Council, a high-level intergovernmental forum of the Arctic nations. Interestingly, Russia is the current Chair of the Council and the next Ministerial Meeting – the highest-level

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¹ Transcription of the “Communication of the President of the Russian Federation”, official website of the President of the Russian Federation, 24 February 2022, available at <http://kremlin.ru/events/president/transcripts/67843>.

² Belarus – para. 10 of the Resolution deplores the involvement of Belarus in this unlawful use of force against Ukraine, and calls upon it to abide by its international obligations, available at <https://press.un.org/en/2022/sc14808.doc.htm>.

³ China, India and the UAE all abstained in voting on the Resolution, available at <https://press.un.org/en/2022/sc14808.doc.htm>

⁴ Resolution adopted by the General Assembly on 2 March 2022 ES-11/1. Aggression against Ukraine, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/293/36/PDF/N2229336.pdf?OpenElement>.

gathering of the Council – was to be held in Russia in 2023. With the invasion causing serious mistrust, the seven Western Arctic states – Canada, Denmark, Finland, Iceland, Norway, Sweden and the United States – suspended cooperation with Russia. Although the founding document of the Arctic Council, the Ottawa Declaration,⁵ explicitly excludes military security from its mandate, regional security has now become a salient concern in the present circumstances, leading as it has to the suspension of Arctic cooperation. Among the immediate consequences of the invasion one saw Finland and Sweden applying for NATO membership; if and when they are admitted, the reshaped Arctic security infrastructure – NATO vs. Russia – will pose an intractable challenge for continuing the present model of Arctic cooperation. In fact, this can be felt already: the perception of Arctic exceptionalism, much desired, has apparently been shattered, with no, or very little, hope of revival, at least in the foreseeable future. Against this background, the following article aims to sketch what might be a “new

normal” in Arctic governance vis-à-vis the broken hope of Arctic exceptionalism.

2 The position of the seven Arctic states regarding the “new normal” in Arctic governance

The invasion of Ukraine marked the beginning of an era of substantial policy changes in the Arctic and forced the seven Western Arctic states to reconsider their plans for mutual cooperation with Russia. For decades the Arctic was considered to be a peaceful region unaffected by geopolitical tensions, a status that came to be termed “exceptionalism”.⁶ However, the invasion of Ukraine is precipitating a “new normal” in Arctic cooperation, dashing hopes that the Arctic as an exceptional region might become a zone of peace. The fastest reaction to the invasion was the suspension by the seven Arctic states of any official meetings of the Arctic Council or its subsidiary bodies during the Russian Chairmanship until further notice.⁷ Since the Arctic Council is frequently considered the most progressive regional forum on Arctic issues, this also marked the end of any discussions of Arctic affairs for the time

⁵ Declaration on the Establishment of the Arctic Council, Article 1 (a)*, Ottawa, Canada, September 19, 1996, available at https://oaarchive.arctic-council.org/bitstream/handle/11374/85/EDOCS-1752-v2-ACMMCA00_Ottawa_1996_Founding_Declaration.PDF?sequence=5&isAllowed=y.

⁶ P. Whitney Lackenbauer and Ryan Dean, “Arctic Exceptionalisms” (Chapter 14) in *Kristina Spohr and Daniel S. Hamilton, Editors; Jason C. Moyer, Associate Editor, The Arctic and the World Order*, Paul H. Nitze School of Advanced International Studies, Johns Hopkins University, available at <https://transatlanticrelations.org/wp-content/uploads/2020/12/The-Arctic-and-World-Order-ch14.pdf>.

⁷ See the official website of the Arctic Council, available at <https://www.arctic-council.org/>.

being.⁸ Among the interests that have been affected are collaborative efforts on global climate change, biodiversity, energy, food, and water security,⁹ as well as issues related to Indigenous peoples and scientific cooperation.

Moreover, shortly after the beginning of the invasion, the Diplomatic Service of the European Union's suspended regional cooperation with Russia in the Arctic.¹⁰ It issued three joint statements regarding the Northern Dimension policy,¹¹ Barents Euro-Arctic cooperation,¹² and the Council of the Baltic Sea States,¹³ all of which highlighted the "special military operation" as an "unprovoked and unjustified

aggression".¹⁴ The EU has stated that full engagement in the Arctic was not a question of convenience, but a geopolitical necessity.¹⁵ In the framework of the Arctic Council, the other seven Arctic states unanimously expressed their opinion concerning the Russian invasion in Ukraine, with the opinion supported by the EU.

The collective position of the seven Arctic states shortly after the beginning of the invasion was to temporarily isolate Russia from joint Arctic governance and to focus on results that might be achieved without Russia's involvement.¹⁶ Of particular concern is how the Arctic Council's Strategic Plan for the period 2021 to 2030

⁸ Benjamin J. Sacks and Kristin Van Abel, August 22, 2022, "How the Russian Invasion of Ukraine May Impact the Arctic", *Los Angeles Times*, available at <https://www.rand.org/blog/2022/08/how-the-russian-invasion-of-ukraine-may-impact-the.html>.

⁹ Andreas Raspotnik, Adam Stępień and Timo Koivurova, "The European Union's Arctic Policy in the Light of Russia's War against Ukraine", 26 April, 2022, *The Arctic Institute*, available at <https://www.thearcticinstitute.org/european-union-arctic-policy-light-russia-war-against-ukraine/>. See also Žižek S., "From Cold War to Hot Peace", *Project Syndicate*, 25 March 2022, available at <https://www.project-syndicate.org/onpoint/hot-peace-putins-war-as-clash-of-civilization-by-slavoj-zizek-2022-03>.

¹⁰ See the official website of the European Union (External Action), available at https://www.eeas.europa.eu/eeas/eu-arctic_en#:~:text=The%20EU%27s%20updated%20Arctic%20policy,least%20Indigenous%20Peoples%2C%20and%20future.

¹¹ European Union website, The Diplomatic Service of the European Union, press release dated 08.03.2022, available at https://www.eeas.europa.eu/eeas/northern-dimension-policy-joint-statement-european-union-iceland-and-norway-suspending_en.

¹² European Union website, The Diplomatic Service of the European Union, press release dated 08.03.2022, available at https://www.eeas.europa.eu/eeas/northern-dimension-policy-joint-statement-european-union-iceland-and-norway-suspending_en.

¹³ European Union website, The Diplomatic Service of the European Union, press release dated 08.03.2022, available at https://www.eeas.europa.eu/eeas/russiabelarus-members-suspend-russia-and-belarus-council-baltic-sea-states_en.

¹⁴ Denmark, Finland and Sweden are members of the EU; Iceland and Norway belong to the European Economic Area (EEA).

¹⁵ European Commission, Questions and answers on the EU's Arctic Strategy, official website of the European Union, available at https://ec.europa.eu/commission/presscorner/detail/en/qanda_21_5164.

¹⁶ See Trine Jonassen, "An Arctic without Russia", *High North News*, 12 June 2022, available at <https://www.highnorthnews.com/en/arctic-without-russia> and Timo Koivurova, "The Arctic Council can continue without Russia", *Arctic Today*, available at <https://www.arctictoday.com/the-arctic-council-can-continue-without-russia/>.

can be implemented without Russia. Namely, the plan sets the goals of “strengthening the Arctic Council”¹⁷ through effective coordination and cooperation as well as improving its ability to efficiently respond to emerging challenges and opportunities in the Arctic.

Apart from the collective position stated above, each Arctic state has expressed its individual reactions and put forward ideas for how the Arctic will be governed in the future in the light of events in Ukraine. These positions are taken up below.

2.1 Norway

After the Crimean crisis in 2014, relations between Russia and Norway saw heightened tension but cooperation continued.¹⁸ In 2021 the Norwegian government announced on its official platform that it would “further develop bilateral cooperation with Russia in the north” in addition to “strengthening the foreign and security policy dialogue.”¹⁹ However, as a reaction to Russia’s invasion,

when voting for the Security Council’s resolution on the Ukrainian crisis in February 2022, the Norwegian representative added a remark saying “Norway will join its allies and partners in swift and concrete countermeasures, including the intensified sanctions.”²⁰ These words have had concrete consequences and heightened tensions between two neighbors. A number of developments are affecting Norway directly: Russia has recently positioned strategic forces in the Arctic²¹ next to the Norwegian border; it has expanded its civilian and military infrastructure²²; and it may even renew claims to Spitsbergen Island²³ (Norwegian territory with a right for other states to exercise certain

¹⁷ Arctic Council, Arctic Council Strategic Plan 2021 to 2030, goals 6 and 7.

¹⁸ See more in Norwegian Arctic Strategy 2021, at 19, available at https://www.regjeringen.no/globalassets/departementene/ud/vedlegg/nord/arctic_strategy.pdf.

¹⁹ Andreas Østhagen, “Relations with Russia in the North were already tense. Now it’s getting worse”, 25 February 2022, The Arctic Institute, available at <https://www.thearcticinstitute.org/relations-russia-north-tense-getting-worse/>.

²⁰ Security Council, 8979TH MEETING (PM), SC/14808, 25 FEBRUARY 2022, MONA JUUL’s speech as a representative of Norway, available at <https://press.un.org/en/2022/sc14808.doc.htm>.

²¹ See Andreas Østhagen, “For Norway, the risk of conflict in the Arctic has increased”, 20 October 2022, *The Arctic Institute*, available at <https://www.thearcticinstitute.org/norway-risk-conflict-arctic-increased/>.

²² Norwegian Arctic Strategy 2021, at 16, available at https://www.regjeringen.no/globalassets/departementene/ud/vedlegg/nord/arctic_strategy.pdf.

²³ See Gonzalo Vázquez, “High North, low tension: Norway’s challenge in the Arctic with Russia and China”, available at <https://www.unav.edu/web/global-affairs/norway%C2%B4s-challenge-in-the-arctic-with-russia-and-china>.

activities²⁴). Another source of tension is NATO's particular interest in the north.²⁵

2.2 Finland and Sweden

One of the promptest reactions of the Western countries to Russia's invasion of Ukraine was the sudden readiness of and active steps taken by Finland and Sweden to join NATO, despite popular opinion previously being opposed to the countries doing so.²⁶ Finland and Sweden joining would mean extension of the physical border that Russia shares with the NATO allies. What is more, it would give the alliance the possibility to conduct more exercises in the Arctic under its severe climatic conditions and to increase its permanent military presence²⁷ in the region. This in turn would change the Arctic from a region of low tension to one of high tension.

Finland and Sweden have customarily focused on developing closer security ties,

because the two "share a distaste for a full NATO membership"²⁸; this no longer appears to be a relevant position. The Finnish government issued a report on 11 October 2022 analyzing the impact of the Russian aggression on international cooperation in the Arctic. The document states that there will be "no return to the pre-war reality" in the implementation of Finland's Arctic policy strategy; the report nevertheless admits the possibility that many things may change in the following months.²⁹

With the expression of a strong desire to join NATO one may clearly observe how the position of both countries has changed after the Russian invasion. Finland and Sweden reconsidered their course of neutrality and opted to join the defense alliance to deter any potential aggression by Russia. The Russian Federation reacted to this immediately, pointing out "This is, of course, a very alarming tendency, the

²⁴ See Treaty between Norway, The United States of America, Denmark, France, Italy, Japan, the Netherlands, Great Britain and Ireland and the British overseas Dominions and Sweden concerning Spitsbergen, signed in Paris 9 February 1920, available at http://library.arcticportal.org/1909/1/The_Svalbard_Treaty_9ssFy.pdf.

²⁵ Op-ed article by NATO Secretary General Jens Stoltenberg, "NATO is stepping up in the High North to keep our people safe", 24 August 2022, available at https://www.nato.int/cps/en/natohq/opinions_206894.htm.

²⁶ Paul, Michael (2022), "Arctic repercussions of Russia's invasion: Council on pause, research on ice and Russia frozen out", SWP Comment, No. 39/2022, Stiftung Wissenschaft und Politik (SWP), Berlin, available at: <http://hdl.handle.net/10419/263350>

²⁷ After joining the North Atlantic Treaty, Sweden and Finland would become full members of NATO, whose Article 3 allows treaty members to "maintain and develop their individual and collective capacity to resist armed attack." See the text of the Treaty here: https://www.nato.int/cps/en/natolive/official_texts_17120.htm.

²⁸ Nima Khorrami, "Sweden's Arctic Strategy: An Overview", *The Arctic Institute*, available at <https://www.thearcticinstitute.org/sweden-arctic-strategy-overview/>.

²⁹ A report commissioned by the Prime Minister's Office and published on 11 October 2022, English summary, available at <https://www.arcticcentre.org/loader.aspx?id=dc19ee9b-6ede-4ffb-9611-0aa531bef0b7>.

transformation of the Arctic region into an international theater of military actions and that it is a matter of concern for Russia.”³⁰

2.3 Canada

Canada’s reactions were visible in its initiative to expand military defense measures in the Arctic. In summer 2022, it unveiled an ambitious \$4.9 billion continental defense program with Arctic dimensions to help detect and track military threats,³¹ and announced the purchase of F-35 fifth-generation fighters to replace its aging fleet of F-18s.³² Canada is also planning to allocate funds for “satellite-based radar” that can spot incoming bombers or missiles “over the horizon” and to deploy a network of sensors with “classified capabilities” to monitor Arctic air and sea approaches to the continent. Earlier, in March 2022, the country announced Arctic military exercises, the Noble Defender operation,³³

jointly with the United States and named the United States its premier partner in the Arctic.³⁴ This might be indirect evidence of Canada’s realization that more military capabilities have to be transferred into the Arctic territories and it has to prepare an adequate response to any threats to the region.

2.4 Iceland

Iceland appears to have reacted the least (individually) to the Russian invasion among all Arctic countries in terms of changing its own Arctic strategy³⁵ and taking any concrete responsive actions. However, even Iceland made its position clear, highlighting that “[t]he reality is that everything has changed, and ... the work within the Arctic Council will change given

³⁰ Ambassador-at-Large of the Russian Foreign Ministry, Chairman of the Committee of Senior Officials of the Arctic Council Nikolai Korchunov, 22 May 2022, available at <https://katehon.com/ru/news/mid-rf-arktika-prevrashchaetsya-v-internatsionalnyy-teatr-boevyh-deystviy>.

³¹ Legere Hope, “Canada to Invest Billions in Military Spending to Counter Russia, China Threat in Arctic”, 24 June, 2022, available at <https://www.visiontimes.com/2022/06/24/canada-to-invest-billions-in-military-spending-to-counter-russia-china-threat-inarctic.html>.

³² Pierre Leblanc, “In a Conflict, the Canadian Arctic Could be on Russia's Radar”, *The Maritime Executive*, 6 June 2022, available at <https://maritime-executive.com/editorials/in-a-conflict-the-canadian-arctic-could-be-on-russia-s-radar>.

³³ Leyland Gecco, “Canada and US announce Arctic military exercises amid Russia tensions”, *The Guardian*, 16 March 2022, available at <https://www.theguardian.com/world/2022/mar/16/canada-us-arctic-military-exercises-russia>.

³⁴ See STATEMENT ON CANADA’S ARCTIC FOREIGN POLICY, available at https://www.international.gc.ca/world-monde/assets/pdfs/canada_arctic_foreign_policy-eng.pdf.

³⁵ Iceland’s Policy on Matters Concerning the Arctic Region was issued in October 2021, and since that time has announced no change concerning Icelandic policy in the Arctic even in the light of the Russian aggression against Ukraine, available at https://www.government.is/library/01-Ministries/Ministry-for-Foreign-Affairs/PDF-skjol/Arctic%20Policy_WEB.pdf.

Russia's attack."³⁶ One of the main messages communicated by the Icelandic Minister for Foreign Affairs is that the North should continue to work together in the light of the new geopolitical situation.

2.5 Denmark

Denmark's Arctic strategy was drafted for the period from 2011 to 2021, and the country was working with the Faroe Islands and Greenland on a new strategy for 2021-2030³⁷ until work stopped due to elections in Greenland. While the Arctic strategy has not yet been released, a new strategy for foreign and security policy was issued in which the Arctic was mentioned as one of five priorities.³⁸ Significantly, the skepticism about involving NATO in the Arctic has been replaced by support, especially after warnings from the Danish intelligence

services about Russian cyber espionage³⁹ and recent undersea cable accidents near the Faroe Islands,⁴⁰ which might qualify as acts of sabotage. Given the great dependence of its two territories – Greenland and the Faroe Islands⁴¹ – on undersea cables and increased concerns over cable security, Denmark is strengthening its security policy. One recent measure it has taken in response to Russia's aggression⁴² is to join the EU's defense pact with the aim, among others, of defending its submarine cables in the Arctic.

2.6 United States

In October 2022, the United States issued a new National Strategy for the Arctic Region,⁴³ in which it reconsiders its interests in the Arctic in the light of the

³⁶ See quotations of Icelandic Foreign Minister Thórdís Kolbrún Reykjörd Gylfadóttir, available at <https://www.wilsoncenter.org/event/arctic-cooperation-shadow-russian-aggression-armchair-discussion-icelandic-foreign-minister>.

³⁷ See the official website of the Ministry of Foreign Affairs of Denmark, available at <https://um.dk/en/foreign-policy/the-arctic>.

³⁸ Dr. Andreas Østhagen & Peter Wilhelm Lund Linde, "Why Norway and the Kingdom of Denmark should work closer together vis-à-vis the United States on security in the Arctic", 6 July 2022, available at <https://www.wilsoncenter.org/blog-post/no-13-why-norway-and-kingdom-denmark-should-work-closer-together-vis-vis-united-states>.

³⁹ Marc Jacobsen, "Arctic Aspects in Denmark's New Foreign and Security Policy Strategy", *The Arctic Institute*, 8 February 2022, available at <https://www.thearcticinstitute.org/arctic-aspects-denmark-new-foreign-security-policy-strategy/>.

⁴⁰ "Fiber-optic Submarine Cable near Faroe and Shetland Islands Damaged; Mediterranean Cables also Cut", *High North news*, 24 October 2022, available at <https://www.highnorthnews.com/en/fiber-optic-submarine-cable-near-faroe-and-shetland-islands-damaged-mediterranean-cables-also-cut>.

⁴¹ Greenland is connected by the cable Greenland Connect to Iceland and the United States, while the Faroe Islands are linked by the SHEFA-2, FARICE-1 and CANTAT-3 cables to the United Kingdom, Iceland and Denmark, respectively.

⁴² "Denmark set to join EU defence pact in response to Russia's war in Ukraine", *South China Morning Post*, 2 June 2022, available at <https://www.scmp.com/news/world/europe/article/3180088/denmark-set-join-eu-defence-pact-response-russias-war-ukraine>.

⁴³ The United States National Strategy for the Arctic Region is available at <https://www.whitehouse.gov/wp-content/uploads/2022/10/National-Strategy-for-the-Arctic-Region.pdf>.

Russian invasion. Security is named Pillar 1 of the Strategy and the document asserts that the United States will exercise U.S. government presence in the Arctic to protect American interests. Moreover, the Strategy puts an emphasis on cooperation with the allies, other Arctic states, to promote the rule of international law and states that the United States “will enhance and exercise both [...] military and civilian capabilities in the Arctic as required to deter threats”.⁴⁴ Since the Russian invasion began, the United States has taken several steps towards implementing the Strategy: it has signed an agreement with Norway allowing the use of agreed areas in Norwegian territory for training and exercises, deployment of forces⁴⁵ and similar activities and has allocated \$20

million to set up an Arctic Security Cutter program office in 2023.⁴⁶

3 The Russia’s position on the future of Arctic governance

Development in the Arctic region was one of the Soviet Union’s internal priorities.⁴⁷ The Soviet era saw many scientific discoveries, infrastructural achievements and much social progress. After the fall of the Soviet Union, the Russian Federation paused development in the Arctic due the internal crisis of the 1990s. It restored the Arctic as one of its strategic objectives in the mid-2000s and again held itself out as the dominant Arctic state.⁴⁸

Since invading Ukraine, Russia has become more proactive and strengthened its military presence in the Arctic by committing increased resources and using internally available tools.⁴⁹ The decision of

⁴⁴ See page 8, section “Pillar 1—Security: Develop Capabilities for Expanded Arctic Activity” of the United States National Strategy for the Arctic Region.

⁴⁵ New Norway-USA Defense Agreement Allows Extensive US Authority in the North, 6 June 2022, *High North News*, available at <https://www.highnorthnews.com/en/new-norway-usa-defense-agreement-allows-extensive-us-authority-north>.

⁴⁶ Bryant Harris, “White House Arctic strategy calls for enhanced military presence”, 7 October 2022, *DefenseNews*, available at <https://www.defensenews.com/pentagon/2022/10/07/white-house-arctic-strategy-calls-for-enhanced-military-presence/>.

⁴⁷ For instance, the mining industry. See Gonzalo Vázquez, “High North, low tension: Norway’s challenge in the Arctic with Russia and China, 12 July 2022, Universidad de Navarra, available at <https://www.unav.edu/web/global-affairs/norway%C2%B4s-challenge-in-the-arctic-with-russia-and-china>.

⁴⁸ Sergey Sukhankin, “War in Ukraine dilutes Russia’s Arctic successes and damages future plans”, *North American and Arctic Defence and Security Network*, 25 July 2022, available at <https://www.naadsn.ca/wp-content/uploads/2022/07/22jul-Sukhankin-upload.pdf>, p. 2.

⁴⁹ See, for instance, the Order dated 1 August 2022 No. 2115-p signed by the Prime Minister of the Russian Federation M. Mishustin approving the development plan for the Northern Sea Route for the period up to 2035. It includes, among other objectives, implementation of projects at the oil fields “Vostok Oil”; implementation of the coal project “North Star”; organization of regular coastal flights over the waters of the Northern Sea Route; preparation of the list of critical products; requiring import substitution for Arctic investment projects; construction of facilities for the liquefied natural gas and gas

the other Arctic states to suspend the work of the Arctic Council prompted Russia to essentially shift its focus from international cooperation to domestic Arctic interests and to pursue its aims with respect to the region without external support.⁵⁰ One of the important events in elaborating the domestic Arctic strategy after the events of February 2022 was the meeting held by V. Putin on 13 April 2022 dealing with strategies of development for the Russian Arctic zone.⁵¹ Some statements formulated during this meeting are worth discussing in detail, and these are taken up below.

In the beginning of his speech, the president highlighted that implementation of large-scale investment projects in the Arctic has always been and remains a priority for Russia. All of the country's national security interests are represented in the Arctic, with these including resources, military-political concerns and

technology. The focus has recently shifted to identifying the threats and challenges in the Arctic posed by the so-called "unfriendly" states.⁵² The president highlighted various external restrictions and pressures from sanctions affecting projects in the Russian Arctic. He did not urge that projects be postponed but, on the contrary, that their implementation should be expedited. In his view, a fitting response to attempts to restrain Russian development would be to maximize the pace of efforts of current and future tasks.⁵³ The president mentioned that the actions of "unfriendly countries" have disrupted a number of transport and logistical chains and that some foreign companies have failed to fulfill their contractual obligations. However, he reiterated that Russia has all the resources it requires and, despite the imposed sanctions, can confidently continue with its own development and

condensate terminals "Morning" in the port of Sabetta; construction of a marine terminal at Cape Nagleinin in the seaport Pevek; building a fleet for liquefied natural gas production projects; construction of an additional 4 icebreakers; construction of 30 ships for a rescue fleet for the Northern Sea Route by 2030, and many more. In total, more than 150 actions are planned, available at <http://static.government.ru/media/files/StA6ySKbBceANLRA6V2sF6wbOKSyxNzw.pdf>.

⁵⁰ For example, Russia has ambitious plans to finish building the unique ice-resistant platform "NORTH POLE", a special-purpose ship with the functionality of a research center, by the end of 2022 (see <https://www.aari.ru/fleet/ledostoykaya-platforma-%C2%ABsevernnyy-polyus%C2%BB>). Moreover, domestic military exercises of the Northern Fleet were conducted in September 2022 in the area of the Northern Sea Route (see <https://rg.ru/2022/09/08/reg-szfo/korabli-severnogo-flota-v-arktike-vstupili-v-boj-s-uslovnym-protivnikom.html>). The Decree "On the Approval of the Naval Doctrine of the Russian Federation" was signed on 31 July 2022 specifying development of the Arctic zone as a strategic resource base (see <http://kremlin.ru/events/president/news/69084>), etc.

⁵¹ Official internet portal of the President of the Russian Federation, Meeting on the matters of Arctic zone development, available at <http://www.kremlin.ru/events/president/news/68188>.

⁵² The designation "unfriendly states" refers to those that have imposed sanctions on Russia. See the list available at https://m.gazeta.ru/infographics/infografika_nedruzhestvennye_strany.shtml.

⁵³ Official internet portal of the President of the Russian Federation, Meeting on the matters of Arctic zone development, available at <http://www.kremlin.ru/events/president/news/68188>.

projects in the Arctic.⁵⁴ Apart from these observations, the speech placed a clear focus on the involvement of extra-regional states and associations in cooperation in the Arctic.⁵⁵ He specifically mentioned the Russian priority of shifting collaboration to partnership with non-Arctic states such as China, Brazil and India rather than with northern neighbors.

There were also comments relating to the situation with the Arctic Council. Here the president recalled that the main theme of Russia's Chairmanship of the Arctic Council for the period 2021-2023 is the sustainable development of the region and joint action to combat climate change. He noted that no country in the world will be able to carry out this work alone, and it will be all the more impossible without Russia, which spans 58 percent of the Arctic coast. The Minister of Natural Resources and Ecology called upon neighbors in the Arctic region to realize their responsibility and return to working together.⁵⁶ The Russian Foreign Ministry Ambassador-at-Large, Senior

Arctic Official Nikolai Korchunov said that the temporary freeze would lead to soft security risks and challenges in the region. He also pointed out that the Arctic Council has always been a platform for depoliticized dialogue and that questions of military security are not included in the organization's terms of reference. As he stated, "[t]he founding and strategic documents of the Council clearly spell out the need to preserve the Arctic as a territory of peace, stability and constructive cooperation. And in this regard, it is important to protect this unique format of interaction from the introduction of extra-regional topics so that it does not become their hostage."⁵⁷

Since the beginning of invasion Russian researchers working for national research institutes have also given their views on how governance of the Arctic will develop and which problems and challenges may appear. The main external challenge mentioned is the embargo on the supply of Russian oil and gas. This will reduce the

⁵⁴ For instance, the "North Pole" a project to build a special vessel, unique and the first multifunctional ship in the world to conduct Arctic research; the project "Clean Arctic" (internal Russian project to clean Arctic territories) (see more at <https://cleanarctic.ru/>); the project "Arctic hectare", offering every Russian citizen the opportunity to receive one hectare of land for free in the Arctic to build a house or start economic activity on (see more at <https://www.kp.ru/putevoditel/dom/arkticheskij-gektar/>)

⁵⁵ Official internet portal of the President of the Russian Federation, Meeting on the matters of Arctic zone development, available at <http://www.kremlin.ru/events/president/news/68188>.

⁵⁶ Speech of A.A. Kozlov, Minister of Natural Resources and Ecology, Official internet portal of the President of the Russian Federation, Meeting on the matters of Arctic zone development, available at <http://www.kremlin.ru/events/president/news/68188>.

⁵⁷ Ambassador-at-Large of the Russian Foreign Ministry, Chairman of the Committee of Senior Officials of the Arctic Council Nikolai Korchunov, 22 of May 2022, available at <https://katehon.com/ru/news/mid-rf-arktika-prevrashchaetsya-v-internacionalnyy-teatr-boevyh-deystviy>.

quality of life of the permanent population of the Russian Arctic, cut investments – leading to an economic recession – and cause difficulties in implementing previously announced national projects.⁵⁸

Leaving aside official announcements and opinions of Russian scientists, it is worth looking at what Russia has done in practice in the Arctic after the beginning of the invasion. One of the alarming activities is a growing military presence in the north, marked by missiles, submarines and military exercises.⁵⁹ On the civilian side, the “Polar Express” submarine cable project keeps evolving slowly; the most recent milestone was completed in July 2022 when the Government of the Chukotka Autonomous Okrug and Morsvyazspudnik signed a cooperation agreement.⁶⁰ Polar Express is a fully state-owned project to lay the first transarctic submarine cable. All

collaboration, for instance a plan with the Finnish company Cinia to construct a joint cable, was already discontinued in 2021.⁶¹ This development places the construction of the first large-scale submarine cable in the Arctic squarely in Russia’s domain, bringing yet another potential source of tension to the Arctic. The project is encumbered by the prospect of potential sabotage, which would lead to an intentional crippling of critical infrastructure as a means of warfare. Recent cases of damage to the Nord Stream pipeline⁶² and probable cuts of undersea cables suggest such incidents might be repeated in the Arctic. The Arctic Council would have done well to think earlier about a strong legal framework for submarine cables in the Arctic, adequate responsibility and joint efforts to investigate such cases.⁶³ However, this no longer appears to be feasible, at least in the

⁵⁸ Lukin Y.F., “Arkticheskiye vysovy Rossii” (Arctic challenges for Russia), *Obschestvennyye process y javleniya* N 2(2), May 2022, available at <https://www.ru-society.com/jour/article/view/24>.

⁵⁹ Ethan Wong, “The Arctic This Week Take Five: Week of 19 September, 2022”, 23 September 2022, *The Arctic Institute*, available at <https://www.thearcticinstitute.org/arctic-week-take-five-week-19-september-2022/?cn-reloaded=1>.

⁶⁰ See official website of the Polar Express submarine cable, available at <https://xn--e1ahdckegffejda6k5a1a.xn--p1ai/>.

⁶¹ See more on the Polar Express submarine cable in Daria Shvets, “The Polar Express Submarine Cable: The First Transarctic Cable and Security Concerns in the Arctic”, 2021, *University of Lapland*, available at <https://lauda.ulapland.fi/bitstream/handle/10024/64902/The%20Polar%20Express%20Submarine%20Cable%20-The%20First%20Transarctic%20Cable%20and%20Security%20Concerns%20in%20the%20Arctic.pdf?sequence=1&isAllowed=y>.

⁶² Julian Borger, “Nord Stream attacks highlight vulnerability of undersea pipelines in west”, 29 September 2022, *The Guardian*, available at <https://www.theguardian.com/business/2022/sep/29/nord-stream-attacks-highlight-vulnerability-undersea-pipelines-west>.

⁶³ Daria Shvets, “The Polar Express Submarine Cable: The First Transarctic Cable and Security Concerns in the Arctic”, 2021, *University of Lapland*, available at <https://lauda.ulapland.fi/bitstream/handle/10024/64902/The%20Polar%20Express%20Submarine%20Cable%20-The%20First%20Transarctic%20Cable%20and%20Security%20Concerns%20in%20the%20Arctic.pdf?sequence=1&isAllowed=y>.

near future. Submarine cables located in the Arctic might become the next target as a critical element of infrastructure in the light of the Russian confrontation with Western countries and the United States.⁶⁴ Such a possibility has led some Russian experts to believe that the Arctic has become a territory marked by high military tension.⁶⁵

There are some tendencies that might be identified in the announcements made by Russia after February 2022. The first is a reorientation of Russia's Arctic development to cooperation with non-Arctic states. One is China, which calls itself a "near-Arctic state" and is expressly interested in Arctic issues. On the other hand, there are some states that did not think of the Arctic as a potential policy objective but may soon realize it might be beneficial.⁶⁶ Then again, some states might find it harmful for their reputations and further relations with the EU and the West to maintain business relations with the Russia. They might be afraid or reluctant to

cooperate with Russia. This is the case with South Korea, which canceled a contract to build several ships for transporting liquified natural gas to the Russian state-owned company Sovkomflot.⁶⁷

Second, it has become clear that Russia will work to make domestic industry connected to the Arctic as independent as possible of foreign actors. For this purpose, it would aim to build its own infrastructure without external involvement. The focus on international cooperation with Arctic states has shifted to internal policy. Russia's revised position on the Arctic after the invasion takes into account Western sanctions, and the country is looking for ways to continue with internal projects without international support. Russia counts on alternative initiatives and aims at establishing its own strong Arctic governance. Paralleling this effort, the other seven Arctic countries are discussing how to continue the Arctic Council's work

⁶⁴ John Naughton, "Vladimir Putin's latest frightening gambit lies at the bottom of the ocean", 1 October 2022, *The Guardian*, available at <https://www.theguardian.com/commentisfree/2022/oct/01/vladimir-putins-latest-frightening-gambit-lies-at-the-bottom-of-the-ocean>.

⁶⁵ Viktor Sokirko, "Opasnost conflict v Arktike perestala byt teoreticheskoy", *Gazeta.ru*, available at <https://www.gazeta.ru/army/2022/04/18/14749502.shtml> and Lukin Y.F., "Arkticheskiye vysovy Rossi" (Arctic challenges for Russia), *Obschestvennye process y yavleniya* N 2(2), May 2022, available at <https://www.ru-society.com/jour/article/view/24>, page 67.

⁶⁶ See, for instance, Prof. Kamrul Hossain's article "WHY SHOULD BANGLADESH SEEK AN OBSERVER SEAT ON THE ARCTIC COUNCIL?" providing arguments why Bangladesh is interested in Arctic affairs and why it should get observer status in the Arctic Council, available at <https://polarconnection.org/bangladesh-observer-arctic-council/>.

⁶⁷ Sergey Sukhankin, "War in Ukraine dilutes Russia's Arctic successes and damages future plans", *North American and Arctic Defence and Security Network*, 25 July 2022, available at <https://www.naadsn.ca/wp-content/uploads/2022/07/22jul-Sukhankin-upload.pdf>, p. 6.

without Russia.⁶⁸ Here they face the challenge of answering the question of how much the Arctic countries may progress without Russia's participation in the areas of environmental governance, maritime regulations, and climate change.

Third, the consequences of Russia's new policy in the Arctic will be noticed in many areas that have previously been ones of dialog and cooperation. Severing scientific cooperation will further worsen transfer of knowledge about the Arctic and increase the gap with Russian scientists. For example, the future of the Agreement to prevent Unregulated High Seas Fisheries in the Central Arctic Ocean⁶⁹ might be affected, bearing in mind that sustainable and regulated fishing may only be implemented and achieved by mutual efforts of all Arctic states. The same applies to the United Nations Convention on the Law of the Sea and the passage rights⁷⁰ through the Northern Sea Route, a large stretch of which arguably belongs to Russian internal waters. Russia's self-interpretation of international law may influence the implementation of these two

agreements and affect the rule of law in the Arctic.⁷¹ Another major concern is the effort to prevent climate change and how the dramatically changing Arctic climate will be addressed without Russian involvement. While all these concerns argue for maintaining the long-standing position of the Arctic as an exceptional region, it has become clear that the era of Arctic exceptionalism ended in February 2022. The Arctic has apparently become a region like any other in global great power politics, and governance of the Arctic is now predicated on a new security infrastructure with NATO on one side and Russia on the other.

4 Conclusion

The question of Arctic governance in the future and how the new normal might look is very multifaceted and dynamic. It entails various issues and dimensions since governance in the Arctic affects many spheres of activity. What appears to be clear today is that when Russia invaded Ukraine, a shield fell that had protected the region from broader geopolitics—a

⁶⁸ Nikolaj Skydsgaard; editing by Barbara Lewis, "Arctic Council to resume limited work excluding Russia", 8 June 2022, *Reuters*, available at <https://www.reuters.com/world/arctic-council-countries-resume-limited-work-excluding-russia-2022-06-08/>.

⁶⁹ Agreement to prevent unregulated high seas fisheries in the Central Arctic Ocean, ST/10788/2018/INIT, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A22019A0315%2801%29>.

⁷⁰ United Nations Convention on the Law of the Sea, 1833 UNTS 397, 21 ILM 1261 (1982), available at https://treaties.un.org/pages/ViewDetailsIII.aspx?src=TREATY&mtdsg_no=XXI-6&chapter=21&Temp=mtdsg3&clang=_en.

⁷¹ See, for instance, the recent draft law discussed in the Russian State Duma on the requirement that foreign war ships request authorization 90 days in advance for passage through the Northern Sea Route in Russian internal waters, even though this right is foreseen in Part 2, Section 2, Article 8.1 of UNCLOS, available at <http://duma.gov.ru/news/55051/>.

privileged position it enjoyed for many decades.⁷² To be sure, some opinions suggest that the absence of an open conflict in the Arctic has not meant that the conflict potential of the Cold War disappeared. These voices would say it just took a little nap and is now coming back, replenished with new triggers,⁷³ as seen in the remilitarizing of the Arctic.

On the one hand, we are witnessing a blockade and isolation of Russia from discussing the Arctic matters. The Arctic states (excluding Russia) appear to be some of the most advanced and innovative economies in the world,⁷⁴ and certain sectors may succeed in developing even without Russia's involvement. Examples are social welfare of Indigenous peoples, Arctic-7 scientific cooperation and transportation. Russia's reaction to this isolation has been to increase its power in the Russian Arctic and shift its focus to domestic Arctic issues. However, the

ambitious plans Russia drafted before the invasion might also be jeopardized with the need for investments and the redirecting of financial resources to military actions in Ukraine rather than the High North.

On the other hand, and all Arctic states understand it very well, the Russian Federation territory is home to some one half of the Arctic's population and encompasses half of the region's coastline. It dominates Arctic energy production, shipping, fishing and other industries. The Russian Arctic also remains critical to addressing global environmental issues such as permafrost thawing and wildfire prevention.⁷⁵ For this reason, the EU has left the door open for "cooperation on Arctic matters with like-minded interlocutors, in relevant bodies and via suitable channels."⁷⁶

In anticipating what Arctic governance might look like in the future, one may assume that each of the Arctic states will

⁷² Abbie Tingstad, Stephanie Pezard, Benjamin J. Sacks, Scott R. Stephenson, "Putin's Actions in Ukraine Are Spilling North", *Rand corporation*, available at <https://www.rand.org/blog/2022/03/putins-actions-in-ukraine-are-spilling-north.html> and Sergey Sukhankin, "War in Ukraine dilutes Russia's Arctic successes and damages future plans", *North American and Arctic Defence and Security Network*, 25 July 2022, available at <https://www.naadsn.ca/wp-content/uploads/2022/07/22jul-Sukhankin-upload.pdf>, p. 1.

⁷³ K. Labetskaya, "Arctic as a military actions theatre", 29 May 2022, *Independent Newspaper*, available at https://www.ng.ru/dipkurer/2022-05-29/9_8447_arctic.html.

⁷⁴ Sergey Sukhankin, "War in Ukraine dilutes Russia's Arctic successes and damages future plans", *North American and Arctic Defence and Security Network*, 25 July 2022, available at <https://www.naadsn.ca/wp-content/uploads/2022/07/22jul-Sukhankin-upload.pdf>, p. 2.

⁷⁵ Daniel McVicar, "How the Russia-Ukraine War Challenges Arctic Governance", *Council on Foreign Relations*, available at <https://www.cfr.org/blog/how-russia-ukraine-war-challenges-arctic-governance>.

⁷⁶ See the official website of the European Union (External Action), available at https://www.eeas.europa.eu/eeas/eu-arctic_en#:~:text=The%20EU%27s%20updated%20Arctic%20policy,least%20Indigenous%20Peoples%2C%20and%20future

face a considerable dilemma in deciding how to act towards Russia in Arctic matters. On the one hand, many states have mutually beneficial links with Russia, in particular social ties in border regions and bilateral relations in areas such as science and energy.⁷⁷ On the other, geopolitical change does not go unnoticed: developments will force the Arctic states to adjust their policies and prepare an adequate response to the changing political environment in the region. Selective cooperation in some spheres, especially at a very local level, will still be possible, but at least in the short term there seems to be no possibility of a comprehensive and integrated partnership with Russia in the Arctic. One alarming prospect is that the Arctic might be split in half, into the Russian Arctic, some 50% of the region, and the Western Arctic, comprising the other Arctic states. Such “bi-polar” development of what is a

uniform region might deepen the post-invasion split and would undoubtedly undermine comprehensive and sustainable Arctic development.

As recently as 2021, all eight Arctic states were hoping that the Arctic would be “a region of peace, stability and constructive cooperation” by 2030.⁷⁸ However, with the Russian invasion of Ukraine, the Arctic no longer has the freedom to see itself as an exception, as a region free from military confrontation; there is a strong signal that the era of Arctic exceptionalism is over. The lesson has been learned from the current situation, and it is of great concern. As yet we are unable to depict what form of Arctic cooperation we will have in the future, but obviously there is no return to a normalized cooperation like that in the pre-invasion infrastructure. We are probably in the process of crafting a new normal in Arctic cooperation.

⁷⁷ “Ukraine and the Arctic: Perspectives, Impacts, and Implications”, 14 March 2022, *Wilson Centre*, available at <https://www.wilsoncenter.org/event/ukraine-and-arctic-perspectives-impacts-and-implications>.

⁷⁸ Arctic Council, Arctic Council Strategic Plan 2021 to 2030.

War, exclusion, and geopolitical tension: the accepted normal in Arctic Council governance?

Tina Soliman-Hunter

The Russian invasion of Ukraine in February 2022 has led to heightened geopolitical tension, on a scale unheard of since the Cold War. The invasion has not only affected the security of Europe, but has also had a profound impact on the relationship of Russia with fellow Arctic states. The military dimension of the Russian invasion of Ukraine has overshadowed Arctic cooperation, and according to Wishnick and Carlson, the invasion has distracted attention from key Arctic issues such as climate change, socio-economic development and Indigenous communities.¹ Russia was keen to utilize its tenure as Chair of the Arctic Council from 2021 to engage with other Arctic Council states to advance its priorities, which included the development and improvement of the life of Arctic inhabitants and Indigenous peoples, climate change

and its impact on the Arctic, environmental protection in the Arctic.² Other goals of Russia during its Chairmanship included responsible governance for a sustainable Arctic by promoting collective approaches to the sustainable development of the Arctic, environmentally, socially and economically balanced development of the region, enhanced synergy and cooperation and coordination with other regional structures, as well as 'the implementation of the Council's Strategic Plan, while respecting the rule of law'.³

In advance of its tenure as Arctic Council Chair, Russia released several critical Arctic documents: On the fundamentals of the State policy of Russian Federation in the Arctic for the period up to 2035 (2035 Russian Arctic

¹ Elizabeth Wishnick & Cameron Carlson, 'The Russian Invasion of Ukraine Freezes Moscow's Arctic Ambitions' (2022) *Journal of Indo-Pacific Affairs* <https://www.airuniversity.af.edu/JIPA/Display/Article/3172713/the-russian-invasion-of-ukraine-freezes-moscows-arctic-ambitions/>

² Arctic Council, *Russian Chairmanship 2021-2023* (2021) <https://www.arctic-council.org/about/russian-chairmanship-2/>.

³ Arctic Council, *Russian Chairmanship 2021-2023* (2021) <https://www.arctic-council.org/about/russian-chairmanship-2/>.

Policy), and the Russian Arctic Strategy to 2035 (2035 Arctic Strategy).⁴ Together, these documents define the goals, strategies, directions, and tasks Russia will undertake to implement Russian ambitions for economic development in the region on the back of petroleum development and the expansion of the Northern Sea Route.

The Arctic Council, arguably the most important intergovernmental platform for addressing key questions of Arctic regional development, was rapid and loud in its response to the Ukraine invasion, issuing a *Joint statement on Arctic Council Cooperation Following Russia's Invasion of Ukraine* on 3 March 2022:

Canada, the Kingdom of Denmark, Finland, Iceland, Norway, Sweden, and the United States condemn Russia's unprovoked invasion of Ukraine and note the grave impediments to international cooperation, including in the Arctic, that Russia's actions have caused.

We remain convinced of the enduring value of the Arctic Council for circumpolar cooperation and reiterate our support for this institution and its work. We hold a responsibility to the people of the Arctic, including the indigenous peoples, who contribute to and benefit from the important work undertaken in the Council.

The core principles of sovereignty and territorial integrity, based on international law, have long underpinned the work of the Arctic Council, a forum which Russia currently chairs. In light of Russia's flagrant violation of these principles, our representatives will not travel to Russia for meetings of the Arctic Council. Additionally, our states are temporarily pausing participation in all meetings of the Council and its subsidiary bodies, pending consideration of the necessary modalities that can allow us to continue the Council's important work in view of the current circumstances.⁵

This pause in the Arctic Council's cooperation with Russia means that

⁴ Russian Federation, Strategy of development of the Arctic Zone of the Russian Federation and the provision of national security for the period to 2035, signed into law October 2020. This strategy followed the document On the Principles of the State Policy of the Russian Federation in the Arctic to 2035 signed into law 5 March 2020.

⁵ Arctic Council, *Joint Statement on Arctic Council Cooperation following Russia's invasion of Ukraine* 3 March 2022, <https://www.state.gov/joint-statement-on-arctic-council-cooperation-following-russias-invasion-of-ukraine/>

Russia's attempts to address its pressing Arctic issues during its chairmanship will be significantly hampered at the very least, and more likely completely shelved. The Joint Statement issued was deliberately worded, with the term 'pause temporarily' an indication of a pause rather than an action to remove Russia from the Arctic Council or a reconstitution of the Arctic Council without Russia as a member. In reality, this means that the remaining seven Arctic Council members will continue the Council's activities, to the exclusion of Russia's chairmanship and participation. This raises the fundamental question that addressed in this article - can the Arctic Council operate without Russia?

According to Article 1 of the *Ottawa Declaration on the establishment of the Arctic Council* ('the Declaration'), the Arctic Council was established as a high-level forum to provide a means for promoting cooperation, coordination and interaction amongst Arctic states, particularly regarding the sustainable development of the region, and the interests of the Indigenous peoples in

protecting and assisting the environment during the commercial development of resources.⁶ Thus, the goal of the Arctic Council is to provide cooperation at a governmental level on issues dedicated to the Arctic area, with Indigenous peoples' involvement at the forefront.

There are no provisions in the Declaration regarding the cancellation of host country's chairmanship or capacity to host meetings. On the contrary, Article 5 of the Declaration stipulates the necessity for rotation of the hosting of the meetings between all members of the Arctic Council. The cancellation of the right of a host country to hold a meeting must be by consensus of ALL Arctic Council Members, as Article 7 requires that ALL Arctic Council states agree with the decisions of the Council. This means that the decision of the other seven members of the Arctic Council to 'temporarily pausing participation in all meetings of the Council and its subsidiary bodies'⁷ lacks legitimacy under the provisions of the Declaration.

The Arctic Council is an intergovernmental forum that operates

⁶ Ottawa Declaration on the establishment of the Arctic Council (1996) Article 1(a).

⁷ Arctic Council, *Joint Statement on Arctic Council Cooperation following Russia's invasion of Ukraine* 3 March 2022, <https://www.state.gov/joint-statement-on-arctic-council-cooperation-following-russias-invasion-of-ukraine/>

by consensus, as required under Article 7 of the Declaration – ‘Decisions of the Arctic Council are to be by consensus of the members’. Therefore, the Arctic Council is not the forum for a contemplation of legitimacy or otherwise of Russian actions in Ukraine, or a forum for unilateral action. The decision of the remaining seven Arctic states to ‘temporarily pausing participation in all meetings of the Council and its subsidiary bodies, pending consideration of the necessary modalities that can allow us to continue the Council’s important work in view of the current circumstances’⁸ is a breach of Article 7 of the Declaration, since Russia has not agreed to the temporary pause in meetings, and therefore such a pause, temporary or not, violates Article 7.

The operation of the Arctic Council should not depend on the actions or misdeeds of any state. It should function for the aims that it was formed for, as a high-level forum to promote cooperation, coordination and interaction amongst Arctic states, rather than as a forum for punitive action against a state. Otherwise, the Arctic Council leaves it open to politicization for the misdeeds of any other Arctic

Council member that does not act in a way that others agree with.

The neutral nature of the Arctic Council was demonstrated by Norway nominating the AC for Nobel Peace Prize in early 2022, with Norwegian political conservative Bård Ludvig Thorheim declaring that ‘we believe this cooperation is exceptional in international politics and demonstrates the need for cooperation and trust between countries at a time where peace is threatened around Ukraine and other regions’. Russia’s military actions in the Ukraine, whilst clearly a breach of international law, need to be separated from its membership, chairmanship, and participation in the Arctic Council to protect the continued apolitical and non-military focus of the Arctic Council and to ensure that all Council members adhere to both the purpose and objectives of the Declaration and to the spirit of the Arctic Council, especially in relation to Indigenous peoples and nations. Indeed, matters related to military security are specifically carved out of Article 1(a) of the Declaration, indicating the wish of the signatories to not include or consider matters of a military nature within the confines of the Arctic Council.

⁸ Ottawa Declaration on the establishment of the Arctic Council (1996), Article 7.

In practice, this means that although Russia's military actions in the Ukraine require a response within the international geopolitical arena, the Arctic Council is not the forum to undertake such a response. The Arctic Council should not conflate Russian military aggression and action with Arctic regional development and cooperation, environmental protection, climate change, and Indigenous matters, especially since the role of the Arctic Council is to be depoliticized and demilitarized, sitting outside of politics and military security.

Such conflation has attracted the ire of the crucial Arctic Council observer nation China. In October 2022, China's special Envoy to the Arctic for China Feng Gao questioned the actions against Russia, commenting that 'The Arctic Council is based on a declaration and there is no procedure for leaving the council. I doubt that the chairmanship can be transferred to anyone or that Norway can take over

the chair without Russia from a legal point of view.'⁹ Although only an observer state to the Arctic Council, China undertakes substantial research activities in the Arctic, as well as heavily investing in the region, particularly through the establishment of the Polar Silk Road as part of its *Belt and Road Initiative*.¹⁰ Such activities are designed to buttress China's Arctic influence and strategic position, given it seeks to become a great polar power by 2030.¹¹

Whether such Chinese ambitions will come to pass remains questionable, given the complex relationship between Russia and China, and Russia's ongoing caution over Chinese ambitions in the region. Although China asserts itself as a near-Arctic state and important Arctic stakeholder with the right to a greater role in Arctic governance,¹² Koivurova notes that China perceives Arctic governance to be part of a greater global governance, and therefore China's role in such governance is

⁹ *China: "Will not acknowledge Arctic Council without Russia"* High North News, 15 October 2022, <https://www.highnorthnews.com/en/china-will-not-acknowledge-arctic-council-without-russia>.

¹⁰ Rush Doshi, Alexis Dale-Huang and Gaoqi Zhang, *Northern Expedition: China's Arctic Activities and Ambitions* (2021) Brookings Institute Report, https://www.brookings.edu/wp-content/uploads/2021/04/FP_20210412_china_arctic.pdf

¹¹ Rush Doshi, Alexis Dale-Huang and Gaoqi Zhang, *Northern Expedition: China's Arctic Activities and Ambitions* (2021) Brookings Institute Report, https://www.brookings.edu/wp-content/uploads/2021/04/FP_20210412_china_arctic.pdf, 1-2.

¹² P. Whitney Lackenbauer, Adam Lajeunesse, and Ryan Dean, 'Why China is not a peer competitor in the Arctic' (2022) *Journal of Indo-Pacific Affairs*, <https://www.airuniversity.af.edu/JIPA/Display/Article/3172586/why-china-is-not-a-peer-competitor-in-the-arctic/>.

significant.¹³ China openly declared its interest in the Arctic in its *Arctic White Paper*, which Hossain notes is probably best read as a policy declaration reaffirming China's adherence to pre-existing legal frameworks governing the Arctic region.¹⁴ Such reaffirmation, whilst important in a global context, has little bearing on the decisions and actions of the Arctic Council, given China's observer status and concurrent limited ability to influence the actions and decisions of the Council.

Thus, the actions to limit the participation of Russia in the Arctic

Council remains the purview only of Arctic Council members. The Declaration requires the consensus of all Arctic Council states (including Russia) before Russia can be restricted or prevented from participation in Arctic Council meetings or holding the Chairmanship. Such consensus from Russia is not forthcoming. Thus, the present temporary pause on Russia's Chairmanship and participation breaches Articles 5 and 7 of the *Ottawa Declaration on the establishment of the Arctic Council*.

¹³ Timo Koivurova, 'The current and future role of non-Arctic states in Arctic governance' in Akiho Shibata, Leileu Zou, Nikolas Sellheim, and Marzia Scopelliti (eds) *Emerging Legal Orders in the Arctic: The role of non-Arctic actors* (Routledge, 2019), 26

¹⁴ Kamrul Hossain (2018) "China's White Paper on the Arctic: Legal Status under International Law", *ASIL Insight* 22–7. www.asil.org/insights/volume/22/issue/7/chinas-white-paper-arctic-legal-status-under-international-law