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Editor's Note

Kamrul Hossain

The Current Developments in Arctic Law (CDAL) has stepped into its 11th year. The current volume – volume 11 – embodies topics under a special theme: “Interpolar perspectives: connecting the Arctic with the Third Pole”. The theme has resulted from the successful organization of the first “Inter-Polar Conference: Connecting the Arctic with the Third Pole.” The Conference was organized at the beginning of September this year, attracting approximately a hundred participants and bringing them to the capital of Nepal – Kathmandu.

The Arctic Centre of the University of Lapland and the International Centre for Integrated Mountain Development (ICIMOD) jointly organized the conference in collaboration with the University of the Arctic, its Chair in Arctic Legal Research and Education, and the Law Thematic Network. ICIMOD in Kathmandu hosted the event and provided all logistic support, including bringing prominent keynote speakers and scholars from the Third Pole region. The ATLAS project at the University of Lapland under the Profi-7 framework offered generous funding to cover some organizational costs and significant travel costs for attendees from the University of Lapland. Among others, the Arctic-5, the University of the Arctic, and several Institutions from the Arctic

and the Third Pole regions covered the travel costs of their participants.

Although the two regions are far apart, the presence of cryosphere across territories transcending many countries in both regions links them. The impacts of climate change lead to the thawing of the cryosphere in both regions, transforming local, national, and regional environmental and socio-political infrastructure, which provide somewhat identical issues to study both regions together. Studying the two regions together with scholars from both regions interacting with each other is expected to bring first-hand knowledge and shared understanding. The dynamics of learning the commonalities and differences are expected to contribute to exploring planetary concerns holistically, as much as the impacts of climate change and the climate crisis in the two regions offer significant consequences globally and regionally.

While developing such an understanding, the Conference focused on social and human science disciplines to study the regions together. This is because, unlike the natural science disciplines, there has yet to be much systematic demonstration in the prevailing body of knowledge on exploring two regions together. The Conference primarily involved young and

early career scholars from both regions in facilitating academic dialogues, interacting, developing networks, and sharing ideas and thoughts, particularly regarding identical threats arising out of climate change that unite the two regions to study together towards understanding the planetary concerns and exploring for solutions.

The current volume provides details of the Conference in the form of a report in the next section, followed by other contributions, where individual authors

presented their views on several interlinked issues. The contributions have not been peer-reviewed, and the opinions expressed in the papers are those of the individual authors.

I sincerely hope that the articles published here will interest many of you. I am grateful to all the contributors for their insightful thoughts and deliberations, which bring this volume unique. Enjoy reading them!

Kamrul Hossain
December 10, 2023

Messages from the First Inter-Polar Conference Connecting the Arctic and the Third Pole – Hindu Kush Himalaya

Medy Deroovic,¹ Kamrul Hossain,² Deepshikha Sharma,³ Albert van Wijngaarden,⁴ Marco Volpe,⁵ Arun Bhakta Shrestha,⁶ Avash Pandey,⁷ Pradyumna Rana,⁸ Udayan Mishra⁹ & Kirsi Latola¹⁰

Imagining a connection between the Arctic and the Third Pole – Hindu Kush Himalaya regions may seem daunting at first. One might intuitively reduce the connection to their easily identifiable common denominator: the (nearly-) continuous presence of ice. Yet, the connection between these two poles vastly exceeds the mere presence of cryosphere components. This was demonstrated during the first iteration of the Inter-Polar Conference held in Kathmandu, Nepal, on September 6-8th, 2023. This conference was co-organized by the Arctic Centre of the University of Lapland, Finland, and the International Centre for Integrated

Mountain Development (ICIMOD), Nepal, in collaboration with the UArctic's Chair in Arctic Legal Research and Education and its Thematic Network on Arctic Law.

The Conference marked a milestone in collaborative efforts between these two regions. The following objectives were identified while planning the conference:

- Discuss inter-polar perspectives from both the Arctic and Hindu Kush Himalaya regions, and scope out the possibilities of creating an inter-polar knowledge network bringing experts from both regions.

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² Research Professor and Director, Northern Institute for Environmental and Minority Law (NIEM), Arctic Centre, University of Lapland; Chair, UArctic Thematic Network on Arctic Law.

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#ArcticHKH

The first Inter-Polar Conference: Connecting the Arctic with the Third Pole – the Hindu Kush Himalaya

6–9 September 2023

www.icimod.org/arctichkh



- Better understand climate change-driven impacts on the regions and help prepare scholars and stakeholders to develop an in-depth understanding of sustainability in both regions.

While most readers of the *Current Developments in Arctic Law* series have, to different extents, an understanding of the Arctic, the same cannot be assumed regarding the Third Pole Hindu Kush Himalaya region (HKH). Here, the HKH refers to the sovereign territory of the eight States connected to the Hindu Kush, Karakoram, and the Himalayan mountain ranges. These States are, in alphabetical order: Afghanistan, Bangladesh, Bhutan, China, India, Myanmar, Nepal, and Pakistan. The snow and ice of the HKH mountains supply seasonal freshwater to

river basins that serve 2 billion people in Asia. ICIMOD’s latest report – *Water, Ice, Society, and Ecosystems in the Hindu Kush Himalaya (HI-WISE)* – examined the impact that the changing cryosphere has on water resources, ecosystems, and livelihoods. Glaciers in the HKH region shrank 65% faster in the 2010s than in the previous decade, and 80% of the current glacier volume will vanish by 2100 on current emissions trajectories. Vulnerable mountain communities are already suffering losses in lives, heritage, economy, and infrastructure. The impacts do and will cascade into countries downstream. This conference report will use the “HKH” acronym and “Third Pole” expression for legibility purposes.

Like many Arctic Centre projects, the idea to organize this conference emerged from a coffee-table discussion in autumn 2022 based on three realizations: 1) the Arctic and Third Pole are almost always considered separately in social and legal sciences, 2) the connections between these regions need to be deepened, and 3) the voices of Third Pole scholars do not always reach the Arctic. A series of informal brainstorming between Professor Kamrul Hossain and promising early career scholars interested in the Third Pole research at the Arctic Centre created a path to move ahead with the project. In March 2023, Professor Kamrul Hossain and Albert van Wijngaarden traveled to the Arctic Circle Japan Forum with a panel session highlighting the “legitimate” connection between the Arctic and the Third Pole. The Panel gave four academic presentations and was attended by an enthusiastic audience.

The idea of exploring this knowledge gap further materialized as they met, and discussed with Dr Pema Gyamtsho, ICIMOD’s Director General. Their discussions sparked a resounding enthusiasm that led the organizers to set up a conference in the Hindu Kush Himalaya region the very same year. This enthusiasm later became one of the predominant leitmotifs driving the Inter-Polar Conference. The University of Lapland and ICIMOD jointly named a steering group under the leadership of

Prof. Kamrul Hossain. The other organizing group members included Albert van Wijngaarden, Medy Dervovic, and Marco Volpe from the Arctic Centre; Deepshikha Sharma, Arun Bhakta Shrestha, Avash Pandey, Pradyumna Rana, and Udayan Mishra from ICIMOD; and Kirsi Latola from UArctic.

During the conceptualizing stage, the organizers wished to keep the call for abstracts as broad as possible. The call is annexed to this report. The rationale behind it was to grant scholars from the Arctic and HKH the greatest freedom in terms of topic selection rather than imposing clear-cut and restrictive views of what are the linkages between these two regions. Giving local scholars the opportunity to get their voices heard and emphasizing what aspects matter to them was always of paramount importance throughout the process. This approach has been well-received by the participants, as reflected in the high number and variety of submissions.

Diversity, inclusiveness, and interdisciplinarity were cornerstone elements that made this conference special and successful.

The event gathered close to one hundred speakers from the Arctic and Hindu Kush Himalaya regions, with a significant representation of early-career scholars, including indigenous and local

perspectives. The organizers were aware that it would have been difficult to gather such a diverse crowd had the conference been organized in the European or American Arctic due to financial and bureaucratic intricacies. Organizing the Inter-Polar Conference in the Third Pole appears, for now, as a necessary step in

bridging the social inequalities researchers may face and enhancing accessibility to academic conferences. As a result, the promotion of diversity and inclusiveness enriched the discussions held during the event beyond expectations.



©Jitendra Raj Bajracharya/ICIMOD

The program is annexed to this report. It contains one inaugural session, one keynote session, and six breakout sessions (each composed of three simultaneous panels). A wide array of disciplines was represented, mirroring the multifaceted

link connecting the Arctic and the Third Pole as framed by the participants.

Therefore, the main aspects of this link explored during the conference encompass legal, governance, societal, cultural, spiritual, environmental, scientific, technological, resource management, and

urbanization questions. Moreover, these categories include different sources of knowledge ranging from indigenous and local knowledge to traditional academic and scientific knowledge.

Interdisciplinarity embodies an essential tool for comprehensive, efficient, and impactful research. Nevertheless, it does not come without any challenges, the main one being communication between disciplines. There are several remedies available, including, *inter alia*, tailoring a presentation to accommodate laypersons (e.g., introducing key notions), using simple language, and employing easy-to-understand narratives. While these were not written rules of the Inter-Polar Conference, participants naturally strived to make their presentation as clear and accessible as possible. Such efforts paved the way for constructive, enthusiastic, and inspiring discussions across all disciplines, thereby facilitating the collaborative identification of the connections between the Arctic and the Third Pole.

Upon close observation of the program's structure, one may identify two priorities the organizers had in mind when they conceived it. First, implementing an interdisciplinary component had to go beyond having different disciplines in the program. The goal was twofold: expose everyone to most scheduled disciplines and have the audience and panelists engage in a fruitful, interdisciplinary

dialogue. Second, the conference was considered an opportunity to form connections and build networks rather than a mere knowledge-production event. It is visible from the numerous tea breaks, relatively extensive lunch breaks, networking time slots, and the excursion to ICIMOD's Living Mountain Lab mid-conference.

Symbiotic learning and cross-fertilization of knowledge are other underlying goals of the first Inter-Polar Conference. As mentioned above, the Arctic and HKH are often addressed separately in the humanities and social and legal sciences, highlighting knowledge gaps concerning the connection, commonalities, and differences between these regions. In this context, symbiotic learning is a reciprocal and foundational process that intervenes at the inter-polar level, *i.e.*, introducing the Arctic to scholars from the Third Pole, and vice-versa. Building on this, the cross-fertilization of knowledge refers to incorporating the acquired knowledge from one pole into the other, taking into account regional particularities.

During the three-day conference, multiple inter-regional connections emerged. As anticipated, the following trifecta dominated: cryosphere, people, and climate change. At the same time, the manner in which the participants addressed these three themes surpassed the organizer's (and participants')

expectations in many regards. For instance, some participants unveiled non-mainstream perspectives, shared personal experiences, and made connections with the other pole during their presentation. Also, the dynamism and curiosity of the participants bolstered the discussions: each time someone talked about one pole, the audience would ask for comparative perspectives from the other pole to understand the commonalities and differences better. In turn, it contributed to accomplishing the goals of the Inter-Polar Conference.

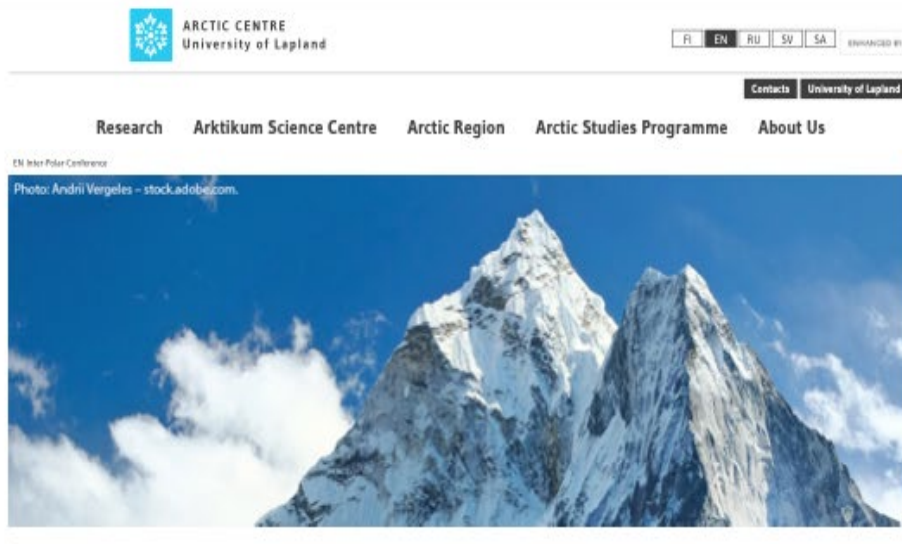
Some of the principal takeaways from the first Inter-Polar Conference, in no particular order:

1. There are clearly many connections that can be drawn between the Arctic and Third Pole. These connections extend beyond the continuous presence of cryosphere components. Nevertheless, cryosphere remains the focal point.
2. However, we should also be careful not to mistake similarity with identity and draw connections too easily, hence further research collaborations are required.
3. Cooperation between scientists from both regions can be very fruitful, and many participants requested further organizations to facilitate this in the future.
4. Due to the complexity in both regions, interdisciplinary approaches are most likely to provide a fuller picture.
5. Indigenous and local voices are paramount to understanding the Arctic and HKH, and should be a major focus point of future collaboration. One area for collaboration would be to form an inter-polar knowledge network and carry out joint activities in the two regions with an emphasis on the co-production of knowledge.
6. As both regions face the effects of a warming climate and a declining cryosphere, studies on communities and their relationship to their changing environment should be one of the points of priority for scholars.
7. In both regions water and the melting of ice play a crucial role, but the effects, narratives and issues in both regions are very different. The water issues also lead to major risks to human life in both regions, prompting many social concerns like those related to disaster management or food and livelihood provisions.
8. Politically, legally and governance-wise, there are many interesting topics to explore; Models of cooperation in the Arctic could be transplanted to the Third Pole.
9. Many different scientific and technological innovations facilitate the studying of climate change in the regions, and might help in mitigating the effects or associated risks of cryospheric melt in both regions.
10. The participation of underrepresented communities and early-career scholars in this conference contributes to their empowerment regarding the future of their region.

Finally, local and foreign media outlets reported on the holding of the first Inter-Polar Conference during and after the event ([The Economic Times](#), [News Drum](#), [Devdiscourse](#), [Nepal Live Today](#), [Nepali Times](#), [Dawn](#), [Nepal TV Plus](#), [Lapin Yliopisto](#)). This testifies to the heightened and genuine interests not only of scholars but also of the general population in the development of knowledge in this area of study. In turn, it encourages the organizers to prepare for the next steps. Future endeavors include conducting a workshop and organizing the second iteration of the Inter-Polar Conference. More details will be communicated in due course!

Organizing the Inter-Polar Conference in the Third Pole appears, for now, as a necessary step in bridging the social inequalities researchers may face and enhancing accessibility to academic conferences.





The first Inter-Polar Conference: Connecting the Arctic with the Third Pole, 06. - 09. September 2023



The Northern Institute for Environmental and Minority Law of the Arctic Centre, University of Lapland and collaborators invite abstract submissions for an **Inter-Polar Conference** in Kathmandu, Nepal, from 6-9 September 2023.

The Arctic and the Third Pole-Himalayan region both contain important elements of the cryosphere, the near-permanent presence of water in a frozen state. However, as temperatures in both regions are currently increasing rapidly, these areas are rapidly thawing, and several elements of the cryosphere are at the tipping points. Changes in the cryosphere will have major impacts on local communities and ecosystems, and also lead to larger-scale changes: the melting of the Himalayan glaciers and changes in the snowpack will have significant regional effects related to the provision of water to a quarter of humanity, and the melting of cryosphere in the Arctic will contribute significantly to global sea level rise, affecting the 10% of humanity living within 10 m above of sea level, as well as global trade as docks and other infrastructure at sea level are affected.

The interlinked aspect of cryosphere thaw and climate change is crucial in promoting polar science. However, the Arctic and Third Pole are almost always considered separately, demonstrating very little knowledge about the commonalities and links between both regions, especially concerning (geo-) political, socio-cultural, environmental and legal dynamics of effects of and responses to these changes.

To remedy this deficiency, the Northern Institute for Environmental and Minority Law (NIEM) of the Arctic Centre, University of Lapland, in collaboration with the International Centre for Integrated Mountain Development (ICIMOD), the UArctic Chair in Arctic Legal Research and Education, and the UArctic Law Thematic Network, is organising an Inter-Polar Conference in Kathmandu, Nepal, from 6-9 September 2023. This Conference is intended to be a starting point for a durable network that will bring together experts from both regions and explore Arctic and Third Pole topics from an inter-polar perspective. We hope that this shift can not only help understand the climate change-driven effects on the two Poles but also help prepare scholars and stakeholders in both regions to develop an in-depth understanding of sustainability in a changing climatic and geopolitical landscape. This Conference's focus will be inter- and cross-disciplinary, underlining broad areas of social and legal sciences. But there will also be ample room for scholars to bring knowledge from natural and life science disciplines.

Call for abstracts

We invite abstract submissions, not exceeding 300-words, by scholars from the Arctic and the Third Pole regions that look at the following or closely related topics, either from a focused, but preferably through a comparative or connecting lens:

- Climate change and environmental governance
- Cryosphere and the governance of the Polar regions
- International law and legal arrangement in a transnational setting
- Institutions and regional and global cooperation
- Geopolitics and security
- Science diplomacy and science communications
- Livelihood, culture and identity
- Indigenous and tribal peoples' studies
- Human Rights and Human Security
- Rights of Nature, and human-nature and human-environment relations
- Climate actions and sustainable development
- Regional and urban developments
- Education, social justice and equality
- Sustainable and responsible tourism
- Food and water security
- Storytelling, artistic representation and media studies
- Local and regional economic development
- Risk and disaster management

Important dates:

- April 15, 2023: Call for Abstracts open
- July 07, 2023: Deadline for Abstract submissions
- July 14, 2023: Notification of acceptance
- July 31, 2023: Confirmation of participation
- September 6-9, 2023: Conference

Conference program:

PROGRAM (Final, September, 5) [pdf]

Practical information:

- [Conference Venue and Practical Information](#) [pdf]
- [Instructions for Speakers](#) [pdf]
- Conference hashtag: #Arctic4th

Online participation

If you are interested to attend the plenary session of the conference virtually, [please register at this link](#).

Conference coordination group:

- Prof. Kamrul Hossain (University of Lapland)
- Mr. Marco Volpe (University of Lapland)
- Mr. Albert van Wijngaarden (University of Lapland)
- Mr. Medy Denovic (University of Lapland)
- Dr. Kirsi Latola (University of the Arctic)
- Dr. Arun Bhakta Shrestha, Group Lead, (ICIMOD)
- Dr. Deepshikha Sharma, Conference coordinator (ICIMOD)
- Mr. Udayan Mishra, Communications officer (ICIMOD)

Conference Poster

You can find a PDF of the conference poster with all important information [here](#).



#ArcticHKH

The first Inter-Polar Conference: Connecting the Arctic with the Third Pole – the Hindu Kush Himalaya

6–9 September 2023

www.icimod.org/arctichkh

About the conference

The Arctic Centre of the University of Lapland and ICIMOD are jointly organising the first Inter-Polar Conference in collaboration with the UArctic Chair in Arctic Legal Research and Education, and the Law Thematic Network.

The Arctic and the Third Pole – the Hindu Kush Himalaya (HKH) region, both contain important elements of the cryosphere, the near-permanent presence of water in a frozen state. However, as temperatures in both regions are currently increasing, these areas are rapidly thawing, and several elements of the cryosphere are possibly at tipping points.

Changes in the cryosphere will have major impacts on local communities and ecosystems, and also lead to larger-scale changes: the rapid melting of the Himalayan glaciers and changes in snowpack will have significant regional effects related to the provision of water to a quarter of humanity, and the melting of cryosphere in the Arctic will contribute significantly to global sea level rise, affecting the 10% of humanity living within 10 m of sea level, as well as global trade as docks and other infrastructure at sea level are affected.

The interlinked aspect of the cryosphere thaw and climate change has been evidenced as crucial in promoting polar science. However, the Arctic and Third Pole are almost always considered separately, demonstrating very little knowledge about the commonalities, links, and differences between both regions, especially concerning geo-political, socio-cultural, environmental, and legal dynamics of effects of and responses to these changes.

Objectives

- Discuss inter-polar perspectives from both Arctic and the Hindu Kush Himalaya region, and scope out the possibilities of creating an inter-polar knowledge network bringing experts from both regions
- Better understand climate change-driven impacts on the regions and help prepare scholars and stakeholders to develop an in-depth understanding of sustainability in both regions

AGENDA

DAY 01: 6 September, 2023

Venue: Kailash hall, ICIMOD

Time (NPT)	Programme
09:00 – 09:30	Registration
Inaugural plenary session	
Moderator: Pradyumna JB Rana , Climate Change Adaptation and Governance Analyst, ICIMOD	
09:30 – 11:00	<p>Opening remarks</p> <ul style="list-style-type: none"> - Pema Gyamtsho, Director General, ICIMOD <p>Opening presentation</p> <ul style="list-style-type: none"> - Arun Bhakta Shrestha, Strategic Group Lead, Reducing climate and environmental risks <p>Welcome remarks</p> <ul style="list-style-type: none"> - Kamrul Hossain, Director of NIEM at the Arctic Centre & UArctic Chair (Law) <p>Introduction to the Arctic: a holistic way of looking to the Arctic region</p> <ul style="list-style-type: none"> - Markku Heikkilä, Head of Science Communication, Arctic Centre, University of Lapland <p>UArctic and its thematic networks and cooperation</p> <ul style="list-style-type: none"> - Kirsi Latola, Vice-President TN, University of the Arctic <p>#SaveOurSnow: A science-communication campaign for a cause</p> <ul style="list-style-type: none"> - Annie Dare, Head of Communications, ICIMOD
11:00 – 11:30	Group photo, tea break, and networking
Keynote session	
Moderator: Udayan Mishra , Communications Officer, ICIMOD	
11:30 – 13:00	<p>Keynote 1: Arctic governance amidst geopolitical tensions</p> <ul style="list-style-type: none"> - Timo Koivurova, Arctic Centre, University of Lapland <p>Keynote 2: Science, technology, and resilience building in the face of climate change in the Himalayas</p> <ul style="list-style-type: none"> - Akhilesh Gupta, Senior Adviser, Department of Science and Technology Secretary, Science and Engineering Research Board, Government of India (Virtual) <p>Keynote: 3: Building climate resilience of vulnerable communities in the face of cryospheric change</p> <ul style="list-style-type: none"> - Aisha Khan, Chief Executive, Civil Society Coalition for Climate Change (CSCCC), Pakistan
13:00 – 14:00	Lunch

14:00 – 15:30	Breakout session 1 Cryosphere – Theory, Ideas and practice	
Panel 1 Venue: Kailash Chair: Deepshikha Sharma	Panel 2 Venue: Tirich Mir Chair: Avash Pandey	Panel 3 Venue: Hkakabo Razi Chair: Albert van Wijngaarden
Kamrul Hossain Cryosphere: Legitimising deconstruction of the normative structure of international law? Reference to the Arctic and the Third Pole	Medy Dervovic Melting Boundaries in the Cryosphere: Connecting Arctic Baselines and Himalayan Land Borders	Suman Chakrabarty People's Perception on Climate Variability in the Sub-Himalayan Regions: A Case Study among the Rabha Tribe in West Bengal State of India
Ranjan Datta Climate change and disaster research from indigenous perspective - Lessons to be learned from the Arctic	Shazzad Mohashin Inuit Jurisdiction in the Arctic: An Assemblage Encounters Sovereignty	Marlene Payva Almonte Rethinking nature in a climate-changing world: An Inter-Polar perspective
Ayushi Nirola How much can the hills hold? - Perspectives on transformation of a Tiny Sikkim Himalayan State	Daniel Stein 20th Century Polar Literature	Tom Tshering Lepcha Effects of Climate Change, Resilience and Sustainability among Lepcha Indigenous Community in the Sikkim Himalayas: Challenges and Opportunities
Margot Hurlbert Indigenous rights and time of the Anthropocene	Deo Raj Gurung Assessment to inform adaptation actions in high mountains geographies of Central Asia – AKAH's pilot study	Raushan Tara Jaswal Arctic Amplification and its Impacts on Indian Summer Monsoon: Navigating Climate Vulnerabilities and Collaborative Conservation
15.30–16.00	Tea Break	

16:00 – 17:30		Breakout session 2 Societal and Political issues			
Panel 4 Venue: Kailash Chair: Pradyumna Rana		Panel 5 Venue: Tirich Mir Chair: Babar Khan		Panel 6 Venue: Hkakabo Razi Chair: Medy Dervovic	
Laura Junka-Aikio Military use of Indigenous lands: on the colonial dimensions of militarization of the Arctic		Marco Volpe Comparative analysis of science diplomacy in the Arctic and in the third pole		Asylbek Aidaraliev et al. Consolidation of Institutional, Regional and Global Cooperation for Global Sustainable Mountain Development	
Trym Eiterjord Toward an Inter-Polar Epistemic Community: Navigating Science Diplomacy and Geopolitics		Tapas Ranjan Chakraborty Communicating Science with Mass Community in Rural Bangladesh		Ahmed Nawaz Linking conservation with socio-economic benefits of local communities: An analysis of resources regimes of Central Karakoram National Park, Pakistan	
Shreya Sinni Assessing the Social Impact of Climate Change on Livelihoods in the HKH Region: The Role of Communication in Advancing the SDG13		Avash Pandey Institutionalizing regional cooperation in the Hindu Kush Himalaya		Binita Verma Challenges to Peace and Stability in the Arctic: Role of the Arctic Council	
Eleni Kavvatha Melting: Linkages, Similarities, and Best Practices on Sustainability and Climate Change Mitigation from Indigenous Communities in the Arctic and the Himalayan Region				Tanuja The role of adaptation policy and governance in addressing climate change in himalayas	

=== End of Day 1 ===

DAY 2: 7 September, 2023

09:00 – 09:15	Day 2 opening plenary, and tea
Venue: Kailash	Introductory presentation on Living Mountain Lab - Surendra Joshi , Head, Living Mountain Lab, ICIMOD

09:15 – 10:45	Breakout session 3 Melting glaciers and water	
Panel 7 Venue: Kailash Chair: Pem Kandel	Panel 8 Venue: Hkakabo Razi Chair: Aisha Khan	Panel 9 Venue: Tirich Mir Chair: Albert van Wijngaarden
Hasina Spiritual ecology of Glaciers: A case study of Gilgit Baltistan	Khusboo Sharma & Pramod Kumar Snowfall Shift and Precipitation Variability over Sikkim Himalaya Attributed to Elevation Dependent Warming.	Suhail A. Lone Basin-wise dependence of streamflow on meltwater in Upper Indus Basin, western Himalayas
Sewa Bhattarai Love for the mountains in songs of Himalayan communities	Aman Kumar Analysing the Spatiotemporal Evolution and Transitions of Dry and Wet Events in the Upper Indus Basin for Water Resource Management.	Surbhi Vyas Assessing climate-related risks at the district level: A profile of Sikkim, India
Tanmay Dhar Calibration of WRF-Hydro for Bhagirathi-Alaknanda basin	Shristy Kayastha Assessment of wastewater treatment Plant at Dhulikhel Hospital	Kabiraj Rokaya Estimating Glacier Velocity and Understanding Climate Change Impacts in the Nepalese Himalayas
Mohd. Sayed Ul Hasan Pixel Based Assessment of Future Trend and Directional Distribution of Precipitation in the Hindu Kush Himalaya (HKH) Under Changing Climatic Condition	Shaheena Gulam Assessing Cryosphere Contributions to Streamflow in the Upper Indus Basin: Insights from Stable Isotope Analysis	Anna Maria and Roger Norum Growing Glaciers – Validating Indigenous Expertise
10:45 – 11:00	Tea break	

11:00 – 12:30		Breakout session 4 Polar perspectives	
Panel 10 Venue: Kailash Chair: Medy Dervovic		Panel 11 Venue: Tirich Mir Chair: Marco Volpe	
Sara Fusco Negating “ecological grief”: Reposition of Indigenous Environmental Rights in constitutional law: A reference to Arctic Constitutions.		Balasubramanian C Emerging Geopolitical and Environmental Challenges: China's Impact in the Arctic and Himalayas	
Suprita Suman Reflection of Interpolar Connectivity of the North Pole and the Third Pole: Envisioning through the Prism of Science, Law and Geopolitics		Federico Prizzi Italian Scientific Research between the Arctic and the Third Pole-Himalaya - A winning example of Cultural Diplomacy among the ice	
Pratap Bikram Khand Thakuri Preventing Transboundary Harm in the Third Pole: Prospects of Modelling the Arctic Practice for the Himalayas		Yitong Chen What Can We Learn from the Arctic Governance to Protect the Third Pole?	
Tiina Seppälä Entangling Global South/Arctic: Disaster Social Work for Sustainable Development in the Himalayan Region		Kanagavalli Suryanarayanan India's unique role as a ' Tripolar state' in connecting the Arctic and the Third Pole	
		Akriti Sharma Security Perspectives from the Arctic and the Third Pole: A Case for Cooperation	
		Sanna Kopra The Role of China in Polar Geopolitics, especially in the Arctic	
		Monila Limboo Saving the Sacred Groves: A case study of Devithans in the Sikkim Himalayas	
		Rajan Kotru Indo German Development Cooperation Programme - GOPA Consultants Worldwide International CTA	

12:30 – 13:30	Lunch
13:30 – 17:00	Excursion to ICIMOD’s Living Mountain Lab This excursion will include a guided tour of ICIMOD’s Living Mountain Lab, which is located at Godavari (30-minute drive from the ICIMOD headquarters premises). The tour will take around 1 hour of slow hiking through a hilly forest landscape, observing the demonstration of sustainable technologies for mountains. Please come prepared with comfortable outdoor clothing, and a pair of hiking shoes!
Prior registration required: https://hkh.pub/LMLVisit2023	
Max capacity: 75-80	

=== End of Day 2 ===

DAY 3: 8 September, 2023

09:00 – 09:15	Day 3 opening plenary, and tea
Venue: Kailash	

09:30 – 11:00		Breakout session 5 The role of science and technology in changing polar landscapes	
Panel 13 Venue: Kailash Chair: Marco Volpe		Panel 14 Venue: Tirich Mir Chair: Medy Dervovic	
Sher Muhammad Malik Impact of Climate Change on Irrigation Water in the Hindu Kush-Karakorum-Himalayas: A Case Study of Irrigation Water Management in Village Kushum, Pakistan		Michelle Blade Two-eyed seeing: pairing of permafrost science with Indigenous knowledge for enhanced characterization of Nunavut, Canada permafrost and changing permafrost landscape dynamics	
Nitish Mondal Climate sustainability and its impact on health from the perspective of the Sikkim Himalaya		Saeeda Estimation of above ground biomass of a forest area in bunerswat to evaluate their environmental significance in combating climate change	
Albert van Wijngaarden Desperate times require desperate measures?: Technoscientific interventions to mitigate cryospheric decline in the Arctic and the Third Pole		Archana Bawari Assessment of Aerosol Characteristics and its Impact on Radiative Forcing Over the Central Himalayan Region	
Zhanna Anshukova Advancing Regional Sustainability: Exploring the Strength of Scientific and Educational Collaboration in Climate, Cryosphere, and Community Resilience through the Arctic Five		Bishnu Maya K.C. Bamboo based eco-rehabilitation technology in Siwalik (Churia) hills: A low cost climate change resilience technology to mitigate the cryosphere thawing	
		Namdu Lhamo Thermal Performance of Different Building Typology in Thimphu	
		Surjeet Singh Randhawa Multi-Sensor Capability to Map the Climate Induced Hazard Threat in parts of Upper Indus Basin from Himachal and Trans Himalayan Region of Tibetan Catchment, India	
		Sidra Tul Muntaha Satellite-based Analysis of Drought and Heat Wave Events in Arid and Semi-arid Regions of Pakistan	
11:00 – 11:30	Tea break		

11:30 – 13:00		Breakout session 6 Life on Thawing Land	
Panel 16 Venue: Kailash Chair: Mandira Shrestha		Panel 17 Venue: Tirich Mir Chair: Sonam Chuki	
		Panel 18 Venue: Hkakabo Razi Chair: Neera Shrestha Pradhan	
Narayan Gautam An overview of climate change and water resources: special case of Nepal		Anna Sinisalo Changing cryosphere- changing values – a case study from the Arctic to Himalaya	
Gunjan Ghimire Regional Cooperation Among Youths Towards Shaping Climate Resilience		Laxman Khatri Climate Change, Food Security, and Migration: Nepal's Interconnected Challenges	
Sudarshan Prasad Regmi Valuation of Common Property Resource – The Pastureland a Means of Livelihood Security in Nepal		Gh Jeelani Permafrost: An important component of the cryospheric system in the Upper Indus Basin	
Jose Edgardo Gomez Jr Urbanization and a Warmer Third Pole: Climate Change and Strategic Responses of Nepalese Cities		Sangay Diki Bhutia Climate Change and Religious Practices with Special reference to the Eastern Himalayas	
		Yashika Subba Tea gardens of Darjeeling Hills in changing climate	
		Govinda Choudhury Climate change, vulnerability and rural livelihood diversification in the Himalayan region of Eastern India	
		Anusree Ghosh Impact of Climate Change on Livelihoods and Culture in the Meghalaya Foothill Wetlands located in Bangladesh	

13:00 – 14:00	Lunch
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14:00 – 14:30	Closing session Moderator: Udayan Mishra
	Closing remarks - Albert van Wijngaarden , Visiting Researcher, Arctic Centre, University of Lapland Vote of thanks - Pem Narayan Kandel , Chief Policy Advisor, ICIMOD
14:30 – 16:00	Interactive networking, and Tea

=== End of the conference ===

Comparative Analysis of the Arctic and the Third Pole Region

*Kanagavalli Suryanarayanan**

What is the Third Pole?

The term Third Pole was first coined by Marcel Kurz, a Swiss geographer in 1933 to denote the large number of frozen glaciers in the Himalayas which was outside the two poles, the Arctic and the Antarctic.¹ The Himalayas are a new fold mountain that was formed due to the collision of the Indian subcontinent with the rest of Eurasia. It stretches across 2,500 km starting from the Pamir Knot on the northwestern border of Afghanistan-Tajikistan and across the northern part of the Indian subcontinent (South Asia) separating it from the Tibetan plateau. Also, the Himalayas are the tallest mountain ranges in the world comprising more than 100 peaks above the height of 7,300 m over the sea level.² Many major rivers and their tributaries originate from the glaciers in the Himalayas. Because of the high altitude and the presence of large

glaciated terrain the Himalayan region is called the Third Pole.³ *While the Arctic and the Antarctic are clearly defined by their high latitude, the Third Pole is defined by its high altitude.*

While there is no single definition of the Arctic region, it is understood as the overall geographical region around the North Pole. Even though there are multiple ways of defining it, the latitude (66°N), beyond which the sun never rises in mid-winter and never sets in mid-summer, is the generally used as the criterion for state membership of the Arctic Council. However, within the Arctic Council working groups, different definitions are used depending on the focus of the study. The other definitions are based on various other factors such as the temperature, treeline, ice cover, vegetation (high, low, sub-Arctic), political delimitations, etc.⁴

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¹ Xiaoming Wang & Others, 'From the third pole to north pole: a Himalayan origin for the arctic fox,' (22 July 2014) 28 (1787). The Royal Society Publishing DOI: <https://doi.org/10.1098/rspb.2014.0893>

² World Atlas, 'The world's tallest mountain ranges' (World Atlas) < <https://www.worldatlas.com/articles/the-world-s-tallest-mountain-ranges.html> > accessed on 02 Aug 2023

³ Anil V Kulkarni and Yogesh Karyakarte, 'Observed Changes in the Himalayan glaciers' (2014) 106 (2) Current science p. 237,237: para 1

⁴ Mary H Durfee and Racheal Lorna Johnstone, 'Arctic Governance in a Changing World' (Rowman & Littlefield, 2019) Pg 23-26; Arctic Centre, 'Basic information about the Arctic: What and where is the Arctic?' (Arctic Centre, University of Lapland) < <https://www.arcticcentre.org/EN/arcticregion> > accessed on 31 July 2023

Similar to the Arctic region, there is no single definition that defines the Third Pole region.⁵ The land area that is counted as the Third Pole region is anywhere between 3.4 million sq. km to 5 million sq. km.⁶

The Imaginary ‘Third Pole’ Region:

According to the International Centre for Integrated Mountain Development (ICIMOD)⁷, the Third Pole-Hindu Kush Himalayan ranges covers 8 countries Afghanistan, Pakistan, India, Nepal, Bhutan, Bangladesh (6 South Asian Countries), China (East Asia), and Myanmar (South East Asia) that covers the entire mountainous region of **Nepal, and Bhutan**; most of **Afghanistan** (except for Kandahar, Helmand, Nimroz, Farah, and Herat); the Chittagong Hill tracts of **Bangladesh**; parts of the provinces of Yunnan, Sichuan, Gansu, Xinjiang autonomous region, all of the Tibet and Qinghai provinces of **China**; all of Assam, Uttarakhand, Himachal Pradesh, Manipur, Jammu and Kashmir and Ladakh; Meghalaya, Mizoram, Nagaland, Sikkim, Tripura, Arunachal Pradesh and

Darjeeling district of West Bengal of **India**; the Chin, Shan, Rakhine, and Kachin states of **Myanmar**; the Kyber Pakhtunkhwa Province, Balochistan (24 out of 32 districts), Pakistan controlled Jammu & Kashmir (also called as Azad Jammu and Kashmir), Gilgit Baltistan and federally administered tribal areas of **Pakistan** form part of the Third Pole region.⁸ However, ICIMOD excludes the Gorno Badakshan or the Badakshan Mountainous autonomous region of **Tajikistan** which is home to much of the Pamir mountains but expands to cover large portions of China beyond the mountainous regions of the Himalayas and the surrounding glaciated terrain.

The whole of the Third Pole Region as defined by ICIMOD⁹ is not a naturally interconnected region geographically, linguistically, and culturally. The region is extremely diverse in its identity. The Himalayas have been separating the Indian subcontinent from the rest of Eurasia. It has acted as a barrier against invasion and against the harsh and dry winds from Siberia. The Shivalik,

⁵ Simon Marsden, ‘From the High North to the Roof of the World: Arctic Precedence for the Third Pole Governance’, (2016) VIII, The Year Book on Polar Law 56, 58

⁶ ICIMOD: 3.4 million sq. km; Wikipedia: 4.2 million sq. km; Third Pole Environment: 5 million sq. Km;

⁷ ICIMOD is an intergovernmental institution and a knowledge-sharing center that deals with the issues of the Hindu Kush Himalayan region and is based in Katmandu, Nepal.

⁸ ICIMOD, ‘Who we are-Hindu Kush Himalaya: the pulse of the planet’ (ICIMOD), <https://www.icimod.org/who-we-are/the-pulse-of-the-planet/> accessed on 07 Mar 2023

⁹ ibid

Himachal, and Himadri Mountain ranges of the mighty Himalayas acted as a series of huge walls and the passes acted as openings through the Himalayan ranges. The high-altitude tough mountain terrain has not been an easy place to commute, unlike the frozen Arctic Ocean which has played a key role in the movement of the indigenous communities in the region and future explorations by the Vikings, Danish, and Nordic explorers to create settlements in Greenland, Iceland and Faroe Islands. The Indigenous communities in the Arctic also play a key role in unifying the region, as there is a major commonality of being subjugated by the settler colonial powers. On the other hand, there has been no such single unifying factor or common identity amongst the people of the entire Third Pole region.

Historically there has been trading, pilgrimage, and people-to-people contact in the trans-Himalayan border region (that separated China and South Asia). However, it has been only to a limited extent. These limited trading routes that connected the people in the Indo-Tibet (China) border region through the passes (Nathula in Sikkim with Tibet, Lipulekh Pass in Uttarakhand with Tibet, and the

Shipki La Pass in Himachal Pradesh with Tibet) are today heavily militarized zones. The Indian and Bhutanese enclaves in the Tibetan region are also currently under Chinese occupation. Mensar and Darchen-Labrang are of extreme importance to the pilgrims who visit the Kailash Manasarovar yatra (Pilgrimage). These places acted as resting places for the tourist and the taxes collected from Mensar was used to support Mt Kailash and support the facilities for the yatris (pilgrims). Unfortunately, after the occupation of Tibet, India, and Bhutan have neither officially raised the issue with the Chinese nor ceded the territory.¹⁰ Today, post occupation of Tibet by China, the Trans Himalayan connectivity between India and China is extremely limited except for the few religious pilgrimages that take place every year to visit the Kailash-Manasarovar, which is a place of extreme importance to the Hindus, Jains, and Buddhists of India, Nepal, and Bhutan. The trade links and religious connections that exist to a very limited level, will not hold the space together and establish a sense of community. At the same time, the idea of an 'imagined community' like the European Union will be difficult to achieve without a common goal and political will

¹⁰ P Stobdan, 'Resituating Mensar and Darchen-Labrang in the Boundary Negotiations with China', (16 Feb 2018) IDSA < <https://idsa.in/policybrief/resituating-menser-darchen-labrang-in-boundary-negotiations-china-pstobdan-160218>> accessed on 01 May 2023

to engage and resolve border disputes.¹¹ Hence, the Third Pole has never been a single unit (both geographically and politically), thereby making it an imaginary region unlike the Indian subcontinent (South Asia)¹².

Similarities and differences between the Arctic and the Third Pole:

The Third Pole, like the other two poles, is an extremely fragile ecosystem. It has a large number of glaciated water bodies, which is the lifeline of the largely populated states in the region. The Himalayas are new fold mountain ranges, and they undergo a high amount of tectonic activity with the most active seismic zone. The IPCC's Special Report on Ocean and Cryosphere (2019) mentions how the shrinking cryosphere has led to negative impacts on people and ecosystems in both the Arctic and the Himalayas.¹³ This is the primary reason that necessitates scientific data collection, observation, and science-driven policy implementation in the region through a

regional governance mechanism. Also, unlike the Antarctic region, the Arctic and the Third Pole region are inhabited by humans, even though the numbers are vastly different. This necessitates a governance mechanism that would factor in the overall needs and well-being of the people and also look at environmental protection in the respective regions. While the Arctic and Himalayas may find similarities in the need to adopt regional governance mechanisms due to climate impact, there are also solid positions of divergence between these two regions, such as the continuing impact of the separation of the Indian subcontinent into post-colonial nation states, the existence of serious regional boundary disputes, cross-border infiltration of terrorists, and heavy deployments of the military across the state borders, to name a few, which are completely non-existent in the Arctic context.

¹¹ Rakhahari Chatterji, 'Rethinking Regionalism: The idea of China-South Asia Trans-Himalayan Regional Cooperation' (Dec 2019) 228 ORF 1,19 < https://www.orfonline.org/wp-content/uploads/2019/12/ORF_OccasionalPaper_228_Regionalism.pdf> accessed on 27 Feb 2023

¹² South Asia or the Indian sub-continent are terms interchangeably used to define, based on geography, an insular India that moved away from Gondwana and merged with Eurasia during the Cretaceous period. This resulted in the creation of the new fold mountains of the Himalayas in the North; the southern region is bordered by the Indian Ocean. The 6 of the Third Pole states (ICIMOD) -Afghanistan, Bangladesh, Bhutan, India, Nepal, and Pakistan are South Asian states that share geographical, cultural, and civilizational identities.

¹³ IPCC Special Report on Ocean and Cryosphere 2019 Pg 1,15 -16

People and diversity:

There are vast expanses of land with a lesser number of inhabitants in the Arctic, and on the other hand, the Third Pole region has a large population with less land to occupy. Around 4 million people live in the Arctic whereas 236.90 million (2017) live in the Third Pole-Himalayan region. Even though there is cultural, ethnic, and linguistic diversity in the Arctic, the Third Pole is extremely diverse and much more complex. The region that is called a 'Third Pole' has never been a single unit geographically or politically and hence it is difficult to create an 'imaginary community' that can subscribe to a membership, create influence, to fulfill the needs of people, and develop an emotional connection.¹⁴ In the Arctic, historically, the sea ice-covered oceans acted as connectors for the movement of Indigenous people in winter, and in summer the open seas helped them commute. In fact, for the Inuit, the frozen sea acted as highways¹⁵, while in the Himalayan region, the mountains acted

more as a barrier with narrow passes to commute.

Territorial Disputes, Militarization, and Terrorism:

The Arctic, unlike the Third Pole, is without any major territorial dispute. Since the resolution of the boundary over Tartupaluk (Hans Island) between Canada and Denmark (Greenland) in 2022, there have been no land border disputes in the Arctic region.¹⁶ The militaries of the Arctic states have not engaged in a conflict or skirmishes in recent memory. On the other hand, in the Himalayan region, the militaries are in close proximity and there is also heavy infrastructure development across the Line of Actual Control between India and China. Following Russia's 2022 invasion of Ukraine, the US and Canada are also looking at increasing the number of icebreakers and upgrading their equipment to expand their presence in the Arctic in order to counter the dominance of Russia and the growing Chinese presence in the Arctic. However, the major

¹⁴ See David McMillan and D. Chavis, 'Sense of Community: A definition and theory' (1986) 14 Journal of Community Psychology Pg 6-23

¹⁵ Inuit Circumpolar Council, 'The Sea ice is our highway: An Inuit Circumpolar Perspective on the transportation in the Arctic' (ICC, Canada March 2008) p I, ii < <https://www.inuitcircumpolar.com/project/the-sea-ice-is-our-highway-an-inuit-perspective-on-transportation-in-the-arctic/>> accessed on 01 Aug 2023

¹⁶ P. Whitney Lackenbauer & Rasmus Leander Nielsen, 'Close, like-minded partners committed to democratic principles: settling the Hans Island/Tartupaluk Territorial dispute' (2022) Arctic Year Book <https://arcticyearbook.com/arctic-yearbook/2022/2022-briefing-notes/442-close-like-minded-partners-committed-to-democratic-principles-settling-the-hans-island-tartupaluk-territorial-dispute> accessed on 05 August 2023

distinguishing factor in the Third Pole region is in fact the unresolved boundary dispute that has been prolonged for a very long time and continues to disturb the peace in the border areas. While the Arctic has evolved as a society to discuss human security issues, in the case of the Himalayan region, the militarization, threat of infiltration of terrorists, and armed conflict threaten the territorial integrity and sovereignty of the nation-states, which becomes the primary focus of these states. Hence states in the region focus more on military security issues and to secure their borders than focusing on environmental and human security problems in the Himalayan region. What the Arctic currently deals with is not a territorial dispute between neighbouring states, but the invasion of Ukraine (a non-Arctic state) by Russia which has a spillover effect in the Arctic region.

Non-Regional players

The cooperation amongst the Arctic states becomes important to manage regional affairs and Arctic Ocean governance and to ensure that non-Arctic players do not position themselves as near Arctic states and dominate the region. The melting of sea ice facilitates the possibility of new shipping routes and increased potential for

resource exploitation and hence the Arctic states have found it necessary to cooperate with the non-Arctic players and to include them in the Arctic regional cooperation as observer states. But the conditions upon which the inclusion is granted and constrained show the old powers including and limiting the access of the Non-Arctic states, especially the rising Asian Powers.¹⁷ In the case of the Third Pole, these are land territories that are subject to state laws, and there is no space for a non-regional player to play any major role in the region; hence, the warring parties in the region find no serious point to unite and defend the resources in the region.

Rights of Non-Regional players: The Law of the Sea and the Svalbard treaty

Unlike the Antarctic, where land is surrounded by ocean, in the Arctic it is the Arctic Ocean that is surrounded by land masses. In the case of the Himalayan region, these are territories joined together by international land borders or lines of control and with no ocean or sea separating these territories. While the land in the Arctic is governed by the sovereignty of the respective states, the ocean is governed by the law of the sea, such as the

¹⁷ Durfee and Johnstone, n (4) Pg 77

UNCLOS¹⁸, the Polar Code¹⁹, and the Central Arctic Ocean Fisheries Agreement.²⁰ The law of the sea includes rights and duties for coastal and distant-water States.

Even though the Arctic cannot be claimed as a global commons, certain legal rights are provided equally to both Arctic and non-Arctic states on the high seas (Central Arctic Ocean) as per UNCLOS.²¹ Also, the Svalbard Treaty guarantees certain Economic, commercial and scientific rights in Svalbard and in the territorial waters of Svalbard to the contracting parties to the treaty.²²

Settler Colonies Vs Post-Colonial countries

Some of the Arctic states are settler colonies where the Indigenous peoples continue to be colonized without the right to self-determination. However, many of the Himalayan states are post-colonial states that were under physical occupation of the European colonizers. The Indian subcontinent (South Asia) not only has been subjugated by European colonization

but also has a history of Islamic rule for over 8 centuries. This created a completely complex structure of post-colonial nation-states that were subjugated by back-to-back colonization for around 1000 years. This is further accentuated by the division of the region into nation-states by the European colonizers and coupled with the Chinese dominance over Tibet, hence the region is split in multiple ways.

Ongoing crisis:

The Arctic circumpolar cooperation was made possible initially through the Arctic Environment Protection Strategy (AEPS) and later through the Arctic Council. However, it was only possible at the end of the Cold War era. On the other hand, in the Himalayan region, there are ongoing military standoffs and tense situations across the Line of Actual Control between India and China. Some of the worries in South Asia are related to the increased presence of China in the region. China is accused of deploying its BRI (Belt and

¹⁸ Convention on the Law of the Sea (adopted 10 December 1982, entered into force on 16 November 1994) 1833 UNTS 3 (UNCLOS)

¹⁹ International code for Ships operating in Polar water (Polar code),2017

²⁰ The Agreement to Prevent Unregulated High Seas Fisheries in the Central Arctic Ocean, 2018

²¹ Convention on the Law of the Sea (adopted 10 December 1982, entered into force on 16 November 1994) 1833 UNTS 3 (UNCLOS), Art 87

²² The Spitzbergen (Svalbard) Treaty, 1920, Art 2,3

Road Initiative) strategy²³ to debt-trap states²⁴ and encircle India. Some of China's initiatives in neighbouring countries have been unilaterally designated as "part of BRI."²⁵ China also intends to develop three major routes in South Asia. India regards the China-Pakistan Economic Corridor (CPEC) route through Pakistan-occupied Kashmir (POK) as an explicit violation of sovereignty. While Arctic states such as the US are worried about the increase in Chinese presence in the Arctic, there is a similar concern in India about the penetration of China into the Subcontinent and encircling it through the String of Pearl strategy²⁶. BRI seems to be one area of common concern due to the threat of the increasing presence of non-regional players both in the Arctic and the Indian subcontinent (South Asia). However, due to territorial proximity to the Indian subcontinent and the prevailing boundary disputes, there are more serious concerns about the violent clashes in the border and

Chinese penetration into the Indian subcontinent region through the Himalayas.

Conclusion:

Both the Arctic and Himalayan regions are fragile ecosystems that are impacted by global climate changes, and they are home to some of the world's largest glaciers and freshwater supplies. Even though the Third Pole, is similar to the Arctic in some of these aspects, there are important points of differences between these two regions. The Third Pole region is an imaginary region unlike the Arctic and it lacks a sense of community and belongingness; hence, it becomes difficult to integrate it under a single umbrella. There are no land boundary disputes in the Arctic and on the other hand, a substantial portion of the Himalayan region is heavily militarized with long unsettled borders. These Himalayan post-colonial nation-states have large populations and extremely low

²³ See, NC Bipindra, 'China completes 10 Years of \$1.4 Trillion BRI Project; puts south Asia, barring India and Bhutan, in a bind' (23 July 2023, Eurasian Times) < <https://www.eurasiatimes.com/china-completes-10-years-of-1-4-trillion-bri-project-puts/>> accessed on 21 July 2023

²⁴ Times Now, 'Unforgiving lender: How citizens of poor nations caught in Chinese debt trap are paying the price' (21 May 2023, Times of India) < <https://timesofindia.indiatimes.com/world/south-asia/unforgiving-lender-how-citizens-of-poor-nations-like-pakistan-sri-lanka-caught-in-chinese-debt-trap-are-paying-the-price/articleshow/100397634.cms?from=mdr>> accessed on 16 July 2023

²⁵ Economic Times, 'Controversy erupts in Nepal over China's Belt and Road initiative' (05 Jan 2023, Economic Times) < <https://travel.economictimes.indiatimes.com/news/destination/international/controversy-erupts-in-nepal-over-chinas-belt-and-road-initiative/96765711>> accessed on 16 July 2023

²⁶ The String of Pearl strategy is a network of Chinese-owned military and commercial ports throughout the Indian Ocean region (IOR). It is criticized as an attempt to encircle India and to strategically gain naval dominance over the IOR, through which 50% of the world's oil trade is carried out.

GDPs in comparison to the Arctic nations, and these states have to deal with poverty, food, and energy challenges. They must additionally fulfill their global commitment to achieve net zero targets. Since, the Third Pole region battles different kinds of challenges than the ones that affect the Arctic region, an integrated engagement and governance mechanism in similar lines to the Arctic would be difficult to achieve. Hence, any regional cooperation model or models planned for the region should be only after careful and holistic consideration of the issues affecting the region and not by merely transposing a model from the Arctic.

The militaries of the Arctic states have not engaged in a conflict or skirmishes in recent memory. On the other hand, in the Himalayan region, the militaries are in close proximity and there is also heavy infrastructure development across the Line of Actual Control between India and China.



Protected area governance challenges in the Arctic and Hindu Kush Himalaya: A comparative assessment of interconnections of the Polar regions

Ahmed Nawaz¹ & Jón Geir Pétursson²

1. Introduction

There is a growing interest in understanding linkages and interconnections between the Arctic and Hindu Kush Himalaya (HKH) regions. Different influential regional actors, such as the Arctic Circle, Arctic Council, University of the Arctic (UArctic), and International Centre for Integrated Mountain Development (ICIMOD) are promoting mutual knowledge building and learning between these regions, also referred to as the First and Third poles [1-3]. The Arctic and HKH are critical components of global cryosphere, and jointly hold a significant part of the globe's frozen water. Both regions are home to some of the Earth's most challenging environments, where species and communities have biologically and culturally evolved to adapt and thrive in extreme conditions [4, 5]. However, both regions are experiencing cryosphere thawing, glacier retreat, permafrost degradation, and other manifestations of climate change [6], which are affecting the ecological status of their local ecosystems,

economies and livelihoods of regional populations, as well as amplifying impacts that are far-reaching and worldwide.

The two regions are also experiencing accelerated rate of warming relative to global rates as ramifications of climate change are unevenly spread across the globe [6, 7]. In the HKH specifically, climate change and other drivers such as population growth and unprecedented development are bringing profound ecological and geophysical transformations that require new avenues of collaboration and cooperation. Studies indicate a growing enthusiasm for international research collaboration in the HKH region, accompanied by a shift in research focus from sector-specific to a more interdisciplinary approach [8].

Establishment of protected areas (PAs) is considered to be a key global strategy for nature conservation, provision of ecosystem services, and promoting sustainable development [9, 10], and recent studies from the two Polar regions indicate

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that a significant area of both has been put under PA land use regimes [10, 11]. Moreover, there is a strong likelihood of further expansion of PAs in both regions as nation states attempt to meet the new global target set under the Global Biodiversity Framework (GBF) of bringing 30 percent of their territory under conservation by 2030 [12].

Hence, with PAs being a significant land-use category in the Arctic and HKH, attempts to promote sustainable development, counter degradation, and ecosystem restoration become, to a large extent, their governance system issue. This exploratory paper provides a brief overview of the status of conservation efforts in the Arctic and Third Pole regions, and puts a focus on governance commonalities and challenges of the conservation landscapes of the two regions. Using interdisciplinary lens, the paper aims to explore the interconnectedness between the Arctic and HKH, and what issues might be of interest for the two distinct, yet somewhat similar regions. We then provide insights from two large glacier PAs, Vatnajökull National Park in Iceland and Central Karakorum National Park in Pakistan.

2. PA estate of the Arctic and the Hindu Kush Himalaya

Conservation areas in the form of PAs are a major land use category in both the Arctic and HKH regions. According to recent studies, as of 2021, 20.77 percent of the

Arctic's terrestrial area is protected (Figure 3) [11], whereas the HKH has a total of 575 PAs covering 40.17 percent of the region (Figure 4) [10]. Both regions have experienced recent increase in size, as the extent of terrestrial PAs in Arctic region has doubled since 1980s, and the number of PAs in HKH has increased significantly from 142 PAs in 1980 to 575 PAs in 2020 [10, 11].

Moreover, around 99 percent of terrestrial PAs in the Arctic have been assigned an International Union for Conservation of Nature (IUCN) management category I-VI [11], whereas only about 79 percent of PAs in HKH have IUCN categories [10]. The six management categories identified by IUCN serve as global standards for defining, documentation and communication concerning PAs, and are closely linked to the flexibility allowed for land use in the definition of PAs [13]. A vast majority of Arctic region's terrestrial PAs, about 50 percent, have been assigned the Category II, National Park [11], whereas in the HKH region, a majority of PAs fall under the Category V, Protected Landscapes/Seascapes [10]. The key difference between the two categories is that while Category II PAs focus on minimizing human activities, PAs in Category V attempt to strike a balance between nature conservation and continuous human interaction [13], which is more important for the HKH due to the unique socio-ecological systems of the

region, developed through centuries of human interactions [14]. This illustrates

the importance of both regions for nature conservation.

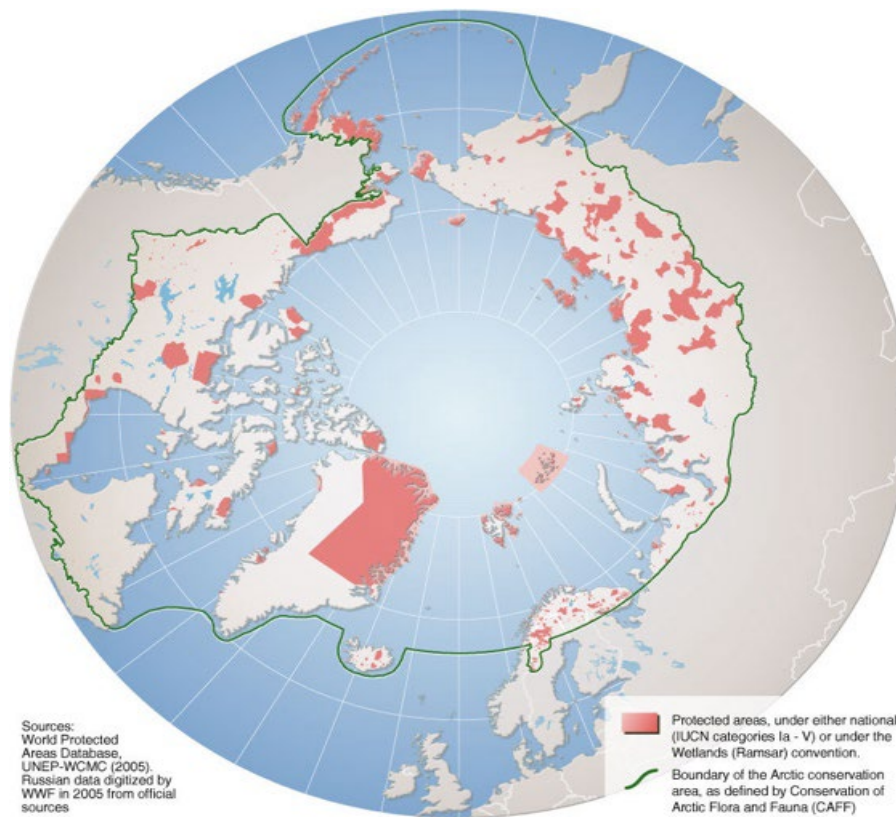


Figure 1. PAs in the Arctic region (Source: [15])

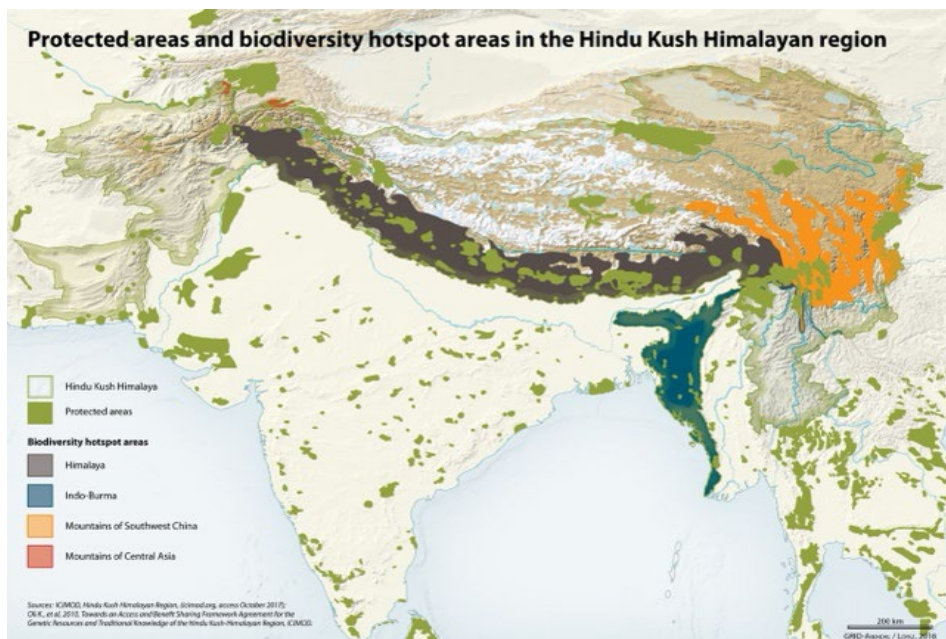


Figure 2. PAs in HKH region. (Source: [16])

3. Some interconnected PA governance issues

PAs are, fundamentally, governance systems that are, established by law, clearly demarcated geographical spaces with significant natural and cultural values, governed by actors with various roles and decision-making powers, and institutions that guide and are guided by human interactions [17-19]. Since PAs are organized in accordance to the attributes of the area under protection, expected outcomes, and level of human interaction allowed within its boundaries, the approach and effectiveness of governance systems can vary considerably [20]. Thus, in addition to PA coverage, effective management and equitable governance of PAs become critical elements for meeting conservation objectives [21, 22]. Equitable governance refers to distribution of costs and benefits of conservation, recognition of traditional values and rights, and how decisions regarding PAs are made, whereas management effectiveness indicates achievement of desired outcomes [23]. Both elements are strongly linked with positive conservation and socioeconomic outcomes, as evidenced by GBF targets, which also require PAs to be effectively and equitably governed [12]. Thus, how the large PA estate of Arctic and HKH is being governed becomes a major conservation and sustainable development issue for both regions, creating an interesting and important platform for

exploring multiple interconnected interests. Here we explore a few such issues.

3.1. Human – environment interactions and rights of indigenous people

Demography of both regions pose interesting challenges to their constituent nation states. The Arctic, with about 4 million people, is a sparsely populated region [1], whereas HKH is home to approximately quarter of a billion people [5]. A key demographic feature of both populations is the significant proportion of indigenous people inhabiting the regions. While the settlements in Arctic are dispersed, the indigenous people in certain areas make up the majority of the population, exhibiting high economic dependence on natural resources, and in some cases, enjoying a greater per capita disposable income than the national average [24]. The HKH is also home to indigenous people, albeit in millions, who, along with the rest of HKH inhabitants, are significantly dependent on resources of the region, but in contrast of the Arctic region, face greater economic, social and political marginalization [25, 26]. Some of the key human environment interactions common to both regions that require conservation actions include, hunting of wildlife, livestock herding, resource and mineral extraction, and tourism [4, 25, 27]. These interactions create similar issues for conservation, indigenous peoples' rights,

and sustainable use and development that need to be addressed across regions. It is important to acknowledge that indigenous people and communities have multiple traditional and historic rights to resources that go beyond the formal regulatory framework, which are important for PA governance in both regions.

3.2. Evolutionary trajectories of governance and inclusion of stakeholders

PA governance, as a concept, has seen considerable evolution over decades as conservation discourse has developed [28]. Historically, the establishment of PAs had often been used as a tool of colonialism by European nations, which typically resulted in dispossession and displacement of indigenous communities from their lands [12]. Both the Arctic and HKH have been significantly impacted by colonialism, albeit in different ways [29, 30]. Nation states that emerged from the decolonization process often continued the “fortress” conservation approach of separating nature and humans, and up until the 1990s, PAs were commonly being established under strict, exclusionary patterns [31]. Hence, many of the earlier PAs in HKH were also based on laws and policies prohibiting human interactions with ecosystems [32].

As a consequence of this legacy, and the realization that conservation goals are often not attainable without giving due consideration to local communities’ needs,

the narrative shifted from the “fortress” model towards community-based conservation approach [33]. Among the various types of PA governance arrangements that have evolved, co-management has emerged as an influential approach of joint decision-making and power sharing between state and local level actors [34]. This governance type has gained prominence by obtaining an expanded role for community involvement in decision-making, and is seen as a suitable compromise between top-down and bottom-up governance approaches [35]. Consequently, governance systems that engage, and are inclusive of local and indigenous communities have become a priority in several countries of the Arctic region [36]. Similarly, the HKH is also exhibiting a general trend of moving towards participatory and decentralized forms of PA governance in recent years [32]. Since governance approaches are generally case-specific and context-dependent [18], and both regions exhibit a significant concentration of PAs [8, 36], there exists an opportunity to analyse the diversity of PA governance across the regions.

3.3. Complex neighbourhood with transboundary landscapes

The location and geo-politics of both the Arctic and HKH attract security concerns, territorial and border tensions, and militarization. In building an effective model of governance for cooperation, the

Arctic states have long ensured scientific and research collaboration between them rather than regional conflicts [1]. Through an intergovernmental forum, the Arctic Council, the regional states have developed a range of recommendations and goals for protection of critical Arctic habitats, and to strengthen key national and international processes [11]. While this cooperation has eroded in recent years due to Russian engagement and contestation in the Arctic [37], evolution of the Arctic cooperation is considered to be an important model for building trust and fostering cooperation within a region [1]. In stark contrast, perpetual border conflicts between the key nation states of HKH have limited any significant intergovernmental response to intensifying regional environmental concerns [38]. A key issue arising from this lack of cooperation is that HKH is an area of interconnected transboundary landscapes, where PAs are being governed by individual countries [39]. While avenues of cooperation have been limited, ICIMOD, provides an important regional platform for networking, knowledge exchange and building, and sharing of ideas across borders, including PA issues [1].

4. Glacier park co-management across regions in local settings

Looking at the interconnections at different scale, it is informative to explore governance challenges of PAs from the two regions (Table 1). Vatnajökull National

Park (VNP) is the largest national park in Europe outside of Russia, and incorporates the Vatnajökull glacier and some contiguous landscapes [18]. The park was established in 2007 after a merger of two existing national parks, and has a site-specific co-management governance system, which was established by a park-specific legislation, allowing VNP to run as an autonomous government agency [20]. This shift away from traditional, top down approach of governance, and finding a balance between nature conservation and rural development are generally seen as the impetus behind VNP's establishment [18]. Consequently, what we see is that despite being spread over a vast region with different natural characteristics, populations, perceptions and priorities, co-management governance structure has benefited the institutional fit of VNP [20]. Central Karakoram National Park (CKNP), nestled in the western region of HKH, is the largest alpine PA in Pakistan, which was gazetted as a national park in 1993 [40]. There is a legacy of notifying PAs in Pakistan under strict top-down governance models, and without community involvement [41], which has generally resulted in lack of ownership and legitimacy among the local communities. Hence, CKNP existed as a "paper park" after its inception, and only became operational in 2008 after community participation in the planning process and readjustments to the Park's resource regimes [42, 43]. In so doing,

CKNP became one of the few PAs in Pakistan with an approved management plan, seeking shared governance and

allowing sustainable resource use in the PA's buffer zone.

Table 1. Examples of interconnected governance issues for two PAs in Polar region

Governance challenges	Vatnajökull National Park	Central Karakoram National Park
Attributes	Major glacier with several outlet glaciers	Snow and several glaciers cover majority of the area
	Highest peak and largest PA in Iceland	Second highest peak in the world, K2, and largest PA in Pakistan
	Size: 14,700 km ²	Size: 10,557 km ²
System of governance	Park specific legislation	State legislation for all PAs
	Co-management approach	Aspires to co-management model
	Stretches across six municipalities	Spread over five administrative districts
Approach to sustainable use	Sustainable use of some natural resources allowed	Sustainable resource use allowed in the buffer zone
	No permanent human settlement within the park	Settlements on the southern and western boundaries of CKNP
	Specific resources regimes to regulate resource use	Resource regimes modified to make park functional
Tourism	Grown exponentially, major issue of the PA	Objective of increasing tourism, tourism related issues a concern
International designation	World Heritage status since 2019	On World Heritage tentative list since 2016
	Ramsar site within VNP	
IUCN category	Mainly category II with embedded Ib and VI areas inside VNP	Category II, with strict conservation zones inside CKNP

5. Conclusions and way forward

The objective of this exploratory paper is to identify some common themes within the conservation landscapes of the Arctic and HKH that highlight their interconnectedness, and provide avenues of further exploration and analysis. We have compared the PA estate of the two regions, and briefly described interconnected issues concerning PA governance in both Poles. Looking at the local level, the brief comparison of two large glacier parks, VNP and CKNP, indicates that PAs of similar attributes tend to have many similar governance issues and challenges. This short review clearly

illustrates that there exists substantial scope for mutual learning between the regions for addressing conservation and PA governance issues in an interdisciplinary perspective.

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Inadvertently connecting the first and third poles: the role of the International North-South Transport Corridor in Arctic resource development and Russian foreign policy

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1 Introduction

The Russian invasion of Ukraine in February 2022 and the ongoing war has generated geopolitical tension to a level unseen since the Cold War. Russia's war in Ukraine has all but severed ties between Russia and Europe, with such frosty relations tagged 'the new cold war'. A major impact of Russia's action in entering Ukraine has been on the security of Europe, and the relationship of Russia with European States and NATO members. In reality, the dissolution of the Soviet Union and the pivoting of Eastern European States westward into the arms of the European Union and NATO have seen a realignment of Russia's geopolitical and strategic foci in the 21st century.

After the series of gas crises in the 2000s, where Russia stopped the flow of gas to

Europe through Ukraine over payment for gas,¹ Russia began, like the golden two-headed eagle that signifies the Russian state, to cast its economic and geopolitical eye eastwards, all the while remaining engaged in economic and geopolitical activities westwards. However, Russia's annexation of the Crimea in 2014, and the poisoning of Sergei and Yulia Skripal in 2018, heralded an era of increased tension, countered by Russia with a geopolitical pivot eastward to trading partners such as China and Japan, and deepening alliances with Iran, and India. From the 2010s, Russia has forged new alliances and gained status as a strong and independent actor in international affairs, demonstrated by military operations in Syria and the South Caucasus.²

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¹ Aleksandar Kovacevic, *The impact of the Russia-Ukraine gas crisis in south eastern Europe* (2009) Oxford Institute of Energy Studies NG 29.

² Nicolau Silayev and Andrei A Sushentsov, 'Russia's allies and the geopolitical frontier in Eurasia' (2017) *Russia in Global Affairs* <<https://eng.globalaffairs.ru/articles/russias-allies-and-the-geopolitical-frontier-in-eurasia/>>

The actions of the Russian Federation in Ukraine have also had a severe impact on its Chairmanship and participation in the Arctic Council. In advance of its tenure as Arctic Council Chair in 2021, the Russian Federation (Russia) released several critical arctic documents,³ which together define the goals, strategies, directions, and ambitions for economic development in the region. Russia sought to utilise its chairmanship to action priorities in the region,⁴ as well as promoting collective approaches to the sustainable development of the Arctic.⁵

The military action of the Russian Federation in Ukraine not only served as a distraction to Russia's Arctic agenda during its tenure as Arctic Council Chair from summer 2021 to summer 2023,⁶ it was also viewed as a failure to respect the

fundamental tenets of the rule of law. In response to Russia's invasion of Ukraine, the member states of the Arctic Council expressed their view and action in a *Joint statement on Arctic Council Cooperation Following Russia's Invasion of Ukraine* on 3 March 2022, which stated:

... 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

³ Russian Federation, *On the fundamentals of the State policy of Russian Federation in the Arctic for the period up to 2035* (2035 Russian Arctic Policy); 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.

⁴ Including the development and improvement of the life of Arctic inhabitants and indigenous peoples, climate change and its impact on the Arctic, and environmental protection in the Arctic. See Arctic Council, *Russian Chairmanship 2021-2023* (2021) <<https://www.arctic-council.org/about/russian-chairmanship-2/>>.

⁵ Which included environmentally, socially and economically balanced development of the region, enhanced synergy, cooperation, coordination with other regional structures, and 'the implementation of the Council's Strategic Plan, while respecting the rule of law' Arctic Council, *Russian Chairmanship 2021-2023* (2021) <<https://www.arctic-council.org/about/russian-chairmanship-2/>>.

⁶ 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/>>

continue the Council's important work in view of the current circumstances.⁷

More than eighteen months after the invasion, Russia's participation in the Arctic Council has continued to be limited. A Joint Arctic Council Statement on 8 June 2022 signalled limited resumption of work in the Arctic Council on projects that do not involve the participation of the Russian Federation.⁸ Upon assuming the Chairmanship of the Arctic Council in the summer of 2023, Norway co-opted some thaw in Arctic Council relationships with Russia by enabling Russia to be involved in the working groups of the Arctic Council, although the exclusion from the main meeting remains.⁹

The legitimacy of such exclusion of Russia from the workings of the Arctic Council, although not the subject of this paper,¹⁰ along with increased international

sanctions due to the Russo-Ukrainian war, has forced Russia to strengthen its relationship with the eastern states it has already engaged with, as well as cementing new geopolitical alliances as it pivots south in an effort to circumvent sanctions that restrict trade in its natural resource wealth, particularly oil and gas.

The sanctions imposed in February 2022 by the US and Europe, designed to cripple Russia's trade and investment, have instead revived trade, investment, and transport relationships with India, an economically emerging Arctic Council observer nation.¹¹ In doing so, Russia has invigorated geopolitical alliances with former USSR states, including Turkmenistan, and Kazakhstan, as well as Iran, with such alliances not only translating into trade, transport, and investment relationships, but also establishing trade and transport links

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/>

⁸ *Joint Statement on Limited Resumption of Arctic Council Cooperation* by the Arctic Council's member states US, Norway, Finland, Canada, Sweden, Iceland and Denmark 8 June 2022 <https://www.state.gov/joint-statement-on-limited-resumption-of-arctic-council-cooperation/#:~:text=We%20remain%20convinced%20of%20the,participation%20of%20the%20Russian%20Federation.>

⁹ Arctic Council, *Three months into the Norwegian chairmanship: a status update with Morten Høglund* 31 August 2023 <https://arctic-council.org/news/three-months-into-the-norwegian-chairship-a-status-update-with-sao-chair-morten-hoglund/>

¹⁰ The legitimacy of this action is discussed in Tina Soliman-Hunter, 'War, exclusion and geopolitical tension: the accepted normal in Arctic Council governance' (2022) 10 *Current Developments in Arctic Law* 64-69.

¹¹ Lydia Kiulik, 'Russian-India economic cooperation: current trends and promising directions' (2023) 16(2) *MGOMO Review of International Relations* 159-175, 161.

between the first pole (the Arctic) and the third pole (the Hindu-Kush-Karakoram-Himalayan system - HKKH).

Contemporary studies of the HKKH have to date mostly focused on physical geography, climate change, and the impact of change on water and the environment.¹² This paper provides a different perspective, examining instead the geopolitics of the overland and maritime route that connects the first and third poles – the International North South Transport Corridor (INSTC). The aim of this paper is to examine Russia's geopolitical actions and relationships in Eurasia, as it seeks new markets for its Arctic petroleum commodities. Firstly it will examine the economic power of Russia's Arctic, in particular the gas resources available for export, and the need to find markets. Secondly it will examine Russia's foreign policy, and particularly how the 2023 foreign policy expresses this pivot towards Eurasia and the South. Finally, this paper examines the economic linking of the Arctic and India, the International North-

South Transport Corridor INSTC as the western gateway to the third pole.

2 The first pole – Russia's economic powerhouse

The Russian Arctic is truly a petroleum economic powerhouse. The vast Yamal Peninsula holds one of the world's largest natural gas deposits, and has an annual production capacity of around 16.5 million tons.¹³ Prior to 2022, the gas from Yamal was transported by two primary routes: south-west to Europe via the Nord stream and the Yamal pipeline, and as liquified natural gas (LNG) via ship to Asian markets along the Northern Sea Route. Although Russian Arctic crude oil production is significantly less than its gas (477,000 barrels of oil per day (bbl/d) in 2022), it too is transported via pipeline to predominantly western markets.¹⁴ Together the Russian Arctic produced around 10.65 million barrels of oil equivalent per day (mboe/d) in 2022.¹⁵

¹²See for instance: Michelle Fernandes, et. Al. 'Comparing recent changes in the Arctic and the Third Pole: linking science and policy' (2022) *Polar Geography*, 45:3, 197-225; Katherine Morton (2011) 'Climate Change and Security at the Third Pole', *Survival*, 53:1, 121-132; Nengye Liu, 'Environmental Regimes in Asian Subregions, China and the Third Pole' (2018) *Asia Pacific Law Review*, 26:1, 105-108.

¹³ *Yamal LNG*, 2023 <<http://yamallng.ru/en/>>

¹⁴ Statista, *Production of Arctic oil and gas worldwide from 2010 to 2022, by country*, (2022) <<https://www.statista.com/statistics/1300235/arctic-oil-production-by-country/>>

¹⁵ Ibid.

As figure 1 below demonstrates, the Russian internal pipeline system is vast, connecting production fields with internal and European consumers. Russia's Arctic petroleum resources are not only connected to Europe through various oil and gas pipelines, but also to former Soviet states Kazakhstan and Turkmenistan, laying a strong foundation for gas exports southwards. In addition, new petroleum connections eastward is demonstrated by the recent construction of Siberian pipelines, including the 'Power of Siberia' (Russ. Сила Сибири) pipeline to China.

Contemporary studies of the HKKH have to date mostly focused on physical geography, climate change, and the impact of change on water and the environment.

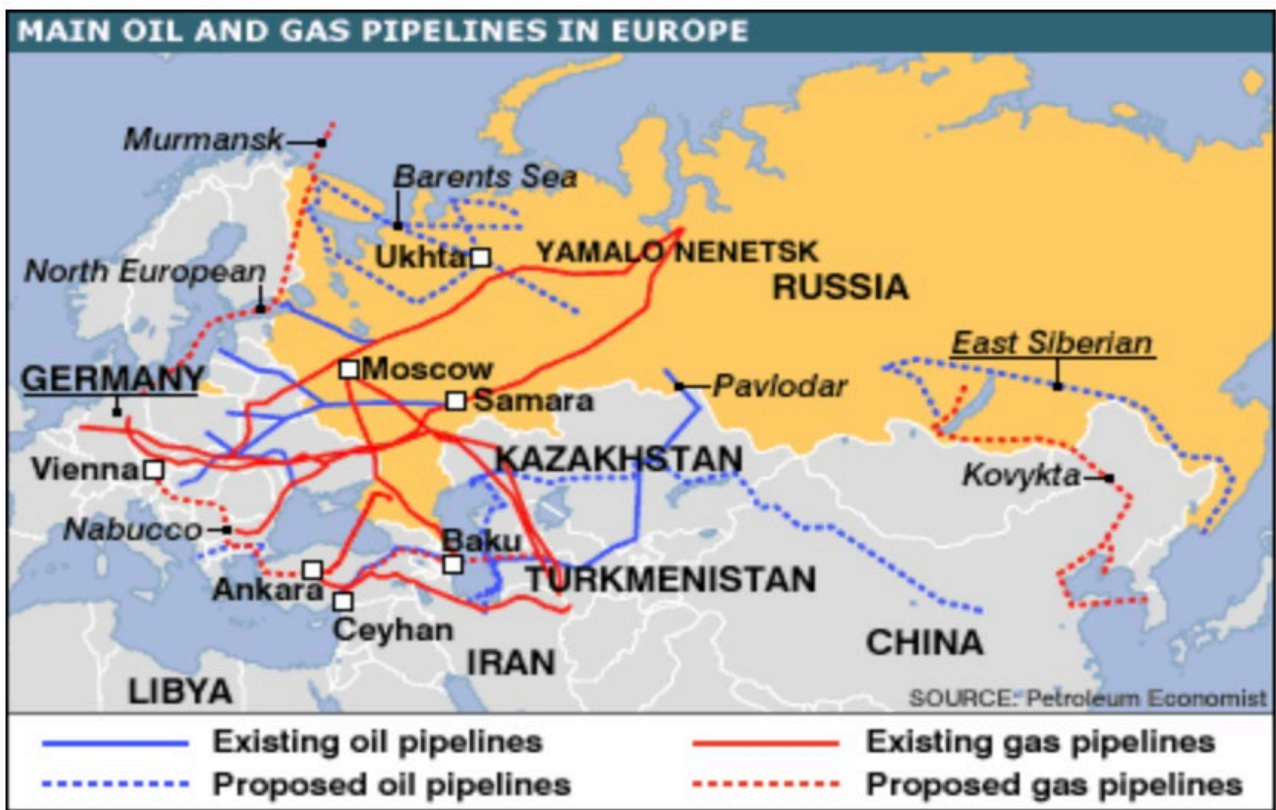


Figure 1: Major Russian pipelines: Internal, European, and former Soviet States (Source: BBC news <http://news.bbc.co.uk/2/shared/spl/hi/guides/456900/456974/html/nn4page1.stm>)

3 Russian foreign policy – an economic and geopolitical tilt to the east

3.1 Foreign policy objectives

Russia's 2023 Foreign Policy¹ clearly outlines the shift away from the west and towards the east and south. According to Art. 19, foreign powers are actively encroaching on Russian sovereignty in the region.² In order to facilitate the adaptation of the world order to the realities of a multipolar world, the Russian Federation intends to 'eliminate the vestiges of dominance of the United States and other unfriendly states in world affairs'.³ In addition, Art. 19 outlines Russia's priority to non-traditional international cooperative organisations, including BRICS, the Shanghai Cooperation Organization (SCO), the Commonwealth of Independent States (CIS), the Eurasian Economic Union (EAEU), the Collective Security Treaty Organization (CSTO), and RIC (Russia, India, China).

Foreign policy concerning the Arctic is reflected in Art 50 of Russia's Foreign

Policy. No longer mentioned are international cooperation structures like the Arctic Council and the Barents Euro-Arctic Council. Instead, Art 50(1) emphasises 'peaceful resolution of international issues relating to the Arctic'. Perhaps most importantly, Art. 50(4) seeks to demonstrate 'mutually beneficial cooperation with non-Arctic states pursuing a constructive policy towards Russia and interested in carrying out international activities in the Arctic, including the infrastructure development of the Northern Sea Route'.

Pivot to India

Article 51 of the foreign policy clearly demonstrates Russia's pivot towards Asia, as Russia seeks comprehensive deepening of ties with friendly nations having global centres of power and development in the Eurasian continent. Furthermore, Art. 53 outlines Russia's plan to 'build up a particularly privileged strategic partnership with the Republic of India' in order to 'increase the volume of bilateral trade, investment in technology ties, and to

¹ Указ об утверждении Концепции внешней политики Российской Федерации (Decree no. 229 on approval of the Foreign Policy Concept of the Russian Federation) 31 March 2023 <http://static.kremlin.ru/media/events/files/ru/udpiZePcMAycLXOGGAgmVHQDIoFCN2Ae.pdf> (Decree no. 229 on approval of the Foreign Policy Concept of the Russian Federation, 31 March 2023).

² Russian Federation, Decree no. 229 on approval of the Foreign Policy Concept of the Russian Federation, 31 March 2023 Article 19.

³ Russian Federation, Decree no. 229 on approval of the Foreign Policy Concept of the Russian Federation, 31 March 2023, Art. 19(1).

ensure resistance to the destructive actions of unfriendly states and their association'. This reorientation to India is supported through trade along the Northern Sea Route. The NSR is utilised for two reasons. Firstly, transport from Yamal to the eastern Indian port of Chennai along the NSR takes significantly less time than that through traditional shipping through the Suez canal, reducing the journey time from 20-45 days to 15-24 days.⁴ The second reason is the increased risk associated with maritime cargo through the Suez Canal due to threats of sanctions and potential seizure of cargo in European ports.⁵ However, there are seasonal limitations to the Northern Sea Route, driving Russia to seek alternative, year-round forms of transport.

3.2 Eurasia as a single continent

The former soviet states that now form the Commonwealth of Independent States (CIS) in Eurasia continue to be a focus for Russia. Article 54 of Russia's foreign policy articulates the desire to 'transform Eurasia

into a single continent-wide space of peace, stability, mutual trust, development, and prosperity'. To achieve these goals Russia sees the importance of strengthening economic and transport interconnectedness throughout Eurasia, including the modernization of rail corridors, and the early completion of the INSTC, as well as increasing regional cooperation through the formation of energy partnerships.⁶ The completion of the INSTC is a priority for Russia, along with forging new energy partnerships, highlighting the importance of connecting the Arctic through Eurasia and into India.

Valued ties with the Islamic world – Iran

Establishing and maintaining relationships with 'friendly Islamic civilisations'⁷ is critical for future trade, transport, and investment relations. Russia's plans of connecting its Arctic resources to India via the INSTC, thus connecting the first and third poles, relies on establishing a transport corridor through Iran. Therefore, under the 2023 Foreign Policy, Russia

⁴ Evgeny Vinokurov, Arman Ahunbaev, and Alexander Zaboev, 'International North-South Transport Corridor: Boosting Russia's "pivot to the South" and trans-Eurasian activity' (2022) 8 *Russian Journal of Economics* 159-173, 162.

⁵ Aleksei Zakharov, 'the international north-south transport corridor: the prospects and challenges for connectivity between Russia and India' (2023) 16(2) *MGOMO Review of International Relations* 216-234, 218

⁶ Russian Federation, *Decree no. 229 on approval of the Foreign Policy Concept of the Russian Federation*, 31 March 2023, Art. 50(3).

⁷ Russian Federation, *Decree no. 229 on approval of the Foreign Policy Concept of the Russian Federation*, 31 March 2023, Art. 56.

seeks to give priority to developing 'comprehensive and trusting interaction with the Islamic Republic of Iran,⁸ as well as 'harnessing the economic potential of the member states of the organisation of Islamic cooperation in order to form a greater Eurasian partnership'.⁹

Iran is critical to Russia's planned expansion of economic trade and transport ties to India. The INSTC requires the transiting of Iran to its seaport of Bandar Abbas in the Indian Ocean, with the corridor completed with the movement of cargo by sea between Bandar Abbas and Mumbai. Without this link through Iran, the INSTC cannot be completed.

4 The INSTC - the western gateway to the third pole

Similar to other Asian states, India has been keen to utilise the commercial benefits of the Northern Sea Route to take

advantage of Arctic oil and gas thereby diversifying its petroleum suppliers and routes while developing its economy.¹⁰ India also seeks greater involvement in the Arctic to counter its concerns over China's increased Arctic presence, as well as the threat of China controlling the Malacca Straits and therefore Indian Ocean shipping whilst maintaining its own shipping through the Arctic.

India's expressed interest in the Arctic is not only motivated by a desire to secure access to oil and gas resources, but also by a desire to secure Russian commitment to the completion of an extended version of the (INSTC) that, once completed, will not only transport Arctic oil and gas resources to India, but also provide an alternative to China's belt and road initiative.¹¹ Such options are critical for India as it also seeks to utilise the INSTIC for the export of its goods¹² to Iran, Eurasia and beyond.¹³

⁸ Art .56(1)

⁹ Art. 56(6)

¹⁰ Nima Khorrami, 'India-Russia Cooperation in the Arctic and the rising prospect of polarisation in Arctic governance', 21 June 2022 *The Arctic Institute* <https://www.thearcticinstitute.org/india-russia-cooperation-arctic-rising-prospect-polarization-arctic-governance/>

¹¹ Lai-Ha Chan (2020) Can China remake regional order? Contestation with India over the Belt and Road Initiative, *Global Change, Peace, and Security*. 32(2): 199–217

¹² Priority goods include pharmaceuticals, electrical machinery, nuclear reactors and parts, organic chemicals, vehicles, and fish products. See Abhjit Mukhopadhyay, 'Indo-Russian Economic Engagement: Legacy issues, dynamic shifts and possibilities for the future' 92(2023) 16(2) *MGIMO Review of International Affairs* 142-158, 148.

¹³ Abhjit Mukhopadhyay, 'Indo-Russian Economic Engagement: Legacy issues, dynamic shifts and possibilities for the future' 92(2023) 16(2) *MGIMO Review of International Affairs* 142-158, 148

A multimodal transport network comprising sea, rail, and road routes, the INSTC initial members were Russia, Iran and India¹⁴ when the tripartite agreement for the construction of the INSTC was originally signed 2000.¹⁵ Membership has since expanded, and now includes Kazakhstan, Belarus, Oman, Tajikistan, Azerbaijan, Armenia, and Syria, with Bulgaria remaining an observer state.¹⁶ After the initial signing, progress of the INSTC had been relatively slow, particularly due to its complexity as a multi modal transportation route, comprising rail, shipping lines and automobile highways.¹⁷ As noted by Vinokurov et. al, the pivot to the south, and renewed priority of the INSTC is significant 'in light of the abrupt and global geopolitical shifts and required configuration of freight supply chains in Eurasia due to the Ukrainian crisis'.¹⁸ Renewed momentum in the INSTC project has arisen in response to possible sanctions and Western threats to cargo from or to Russia transiting the Suez Canal.¹⁹ For

India, seeking to deepen its economic ties to Russia and expand energy partnerships, such insecurity is unacceptable, thus driving renewed vigour for the INSTC project.

There are three main routes along the INSTC, differing in length, mode of transport, level of infrastructure. As illustrated in figure 2, the routes include the 5,100 km "Western" Route along the western coast of the Caspian Sea through Russia and Azerbaijan utilising mainly road and rail connections; the 4,900 km "Trans-Caspian" route utilising ferry and container transport across the Caspian Sea, and the 6,100 km "Eastern" Route along the eastern coast of the Caspian Sea through Kazakhstan and Turkmenistan.²⁰

¹⁴ Vinokurov, 160.

¹⁵ Zakharov, 222

¹⁶ Zakharov, 222

¹⁷ Vinokurov, 160.

¹⁸ Evgeny Vinokurov, Arman Ahunbaev, and Alexander Zaboev, 'International North-South Transport Corridor: Boosting Russia's "pivot to the South" and trans-Eurasian activity' (2022) 8 *Russian Journal of Economics* 159-173, 161.

¹⁹ Vinokurov et. al., 161-2

²⁰ Vinokurov et. al., 161-2



Figure 2: International North-South Transport Corridor, emphasising the Eurasian transport links (Source: Eurasian Development Bank, in Vinokurov et. al.)

All routes through Eurasia converge at a single point for transit through Iran, highlighting the geopolitical importance of Iran in the INSTC project. However, as

noted by Voinokurov et. al., and illustrated in figure 3 below, the INSTC project still faces geostrategic, economic, institutional, technological, and structural constraints.

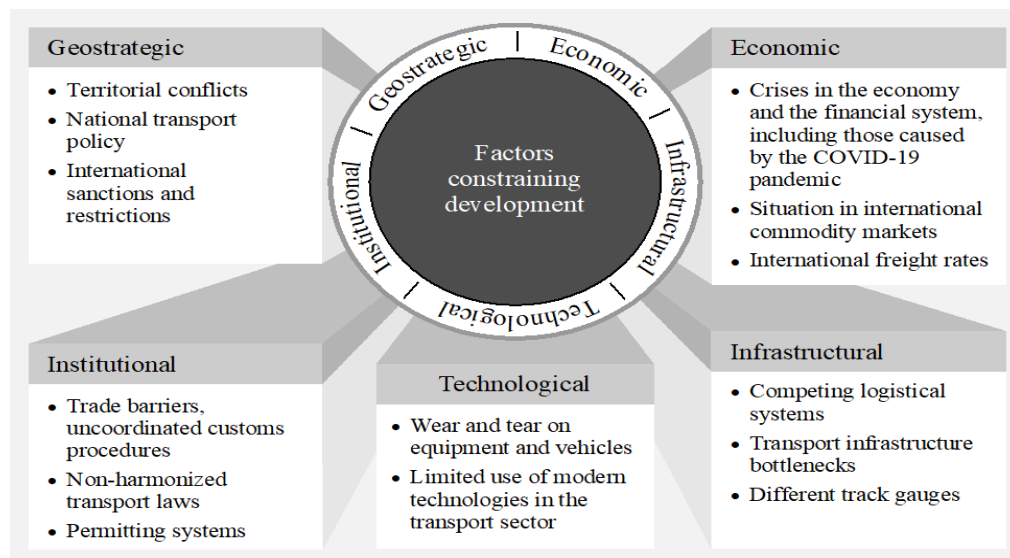


Figure 3: Factors constraining the development of the INSTC (Source: Vinokurov et. al.)

5 Conclusion

Because of Russia's actions in the Ukraine, there have been increased western

sanctions imposed on Russia. These sanctions, combined with Europe's 'conscious uncoupling' from Russian

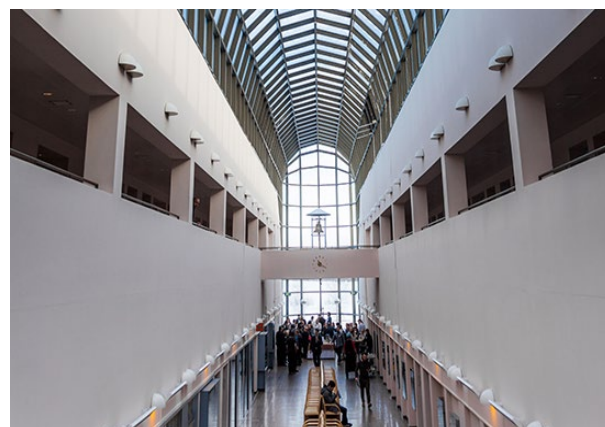
pipeline gas, has necessitated Russia's development of new economic partners and markets particularly in the east. It has also renewed Russia's drive to complete the INTSC, forged in 2000 but still unfinished. At present, the vital link to complete the INSTC is Iran, with north-south-transiting rail infrastructure critical to the completion of the Corridor. Russia's 2023 foreign policy reflects these emerging relationships, articulating a desire to engage in non-traditional international structures such as BRICS, and a commitment to India, Eurasia, and Iran.

As the INSTC project progresses, challenges continue evolve. These challenges include uncoordinated transport policies of INSTC member states, international threats and sanctions, issues of harmonization of international transport law and standards, procedures and formalities at border-crossing, missing infrastructure links, and continued bottlenecks in some sections of the corridor.¹ However, geopolitical shifts, western sanctions, and a desire by India to deepen economic ties means that the INSTC will continue to completion.

Critical to the completion of the INSTC is India, with its ever-growing need for

energy, particularly gas. India sees gas from Russia's Arctic as necessary to meet its energy needs, and seeks a continuous, year-round supply, rather than the seasonal supply available through the Northern Sea Route. As such, India also sees the completion of the INSTC as crucial for its economic goals.

Whatever the motive for each of the INSTC member states to be part of the Corridor, what remains clear is that sanctions, threats, geopolitical shifts, old rivalries, and new relationships have physically connected the Arctic to India via new overland and maritime route, inadvertently connecting the first and third poles.



¹ Vinokurov et. al., 169.

The Legal Protection of Indigenous Peoples in the Arctic and the Third Pole-Himalaya

Maddalena Cogorno*

1. Introduction

When we think of the Arctic and Himalayas, we often picture icy, uninhabitable landscapes or impenetrable mountains buffeted by winds. However, upon closer inspection, we discover that these regions are home to a diverse array of life, including lush vegetation and unique cultures. Many Indigenous peoples still live in these areas, but their way of life is threatened by the changes occurring in the cryosphere.

This article explores the legal protections available to Indigenous peoples in the Arctic and Himalayas, highlighting the similarities and connections between the two regions.

2. The definition of “Indigenous people” in international law

Before discussing the subject, it’s important to understand what the term “Indigenous people” actually means.

There exists a significant current that opposes the positivist approach to defining this term. This perspective, supported by Indigenous peoples’ associations and scholars, suggests that a single viable definition is unattainable without being grossly exclusive or “hyper-inclusive.” Therefore, this group advocates for a definition that offers a certain degree of elasticity, allowing for a flexible adaptation to reality and a precise identification of the individuals who should enjoy the protections intended for this category.¹

The term “Indigenous people” has only recently gained recognition in international law, serving as a basis for political interventions, actions by NGOs, and private initiatives.²

The definition proposed by the 1989 International Labour Organisation (ILO) Convention refers to peoples in independent states who are considered “Indigenous” because of their descent

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¹ UN Doc. E/CN.4/Sub.2/1996/21; UN Doc. E/CN.4/Sub.2/1997/14.

² KINGSBURY, “Indigenous Peoples in International Law: A Constructivist Approach to the Asian Controversy”, in *American Journal of International Law*, 1998, vol. 92, no. 3, pp. 414-457.

from the peoples who inhabited a certain country or a particular geographical area when it was conquered, colonised, or since the establishment of contemporary state borders. These peoples, regardless of their legal status, maintain all or part of their social, economic, cultural, and political institutions. The definition emphasizes that self-identification is a fundamental criterion to distinguish Indigenous peoples as such.³

The United Nations, following the anti-positivist approach, left the identification of a people as Indigenous to the practice, with the assistance of authoritative opinions expressed by competent UN bodies. One such opinion was expressed by the UN Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its 1986 Report.⁴ It stated that “Indigenous peoples” are those communities, peoples, and nations that have historical continuity with the pre-invasion and pre-colonial societies that developed in their respective territories.

They consider themselves distinct from other sectors of societies that now prevail in those territories, or parts of them. As a result, they form a non-dominant group of a given society that is determined to preserve, develop, and transmit to future generations their ancestral territories and their ethnic identity, which is a founding element of their continued existence as a people. They accomplish this through their legal and institutional system and their social and cultural fabric.⁵ This “historical continuity” can be indicated by the prolonged persistence of one or more of the following factors: the occupation of areas of land, common ancestry with the original occupants of the land, culture and its specific manifestations, language, residence in certain areas of the country, or certain regions of the world.⁶

Following the definitions, there are approximately 40 different Indigenous peoples in the Arctic, 11 of which are settled north of the Arctic Circle. In total, these Indigenous groups represent nearly

³ ILO Convention No. 169, *Convention Concerning Indigenous and Tribal Peoples in Independent Countries*, 1989, art. 1.

⁴ UN Doc. E/CN.4/Sub.2/1986/Add.3, *Study of the Problem of Discrimination against Indigenous populations*, 1986; UN Doc. E/CN.4/Sub.2/1986/Add.4, *Study of the Problem of Discrimination against Indigenous populations*, 1987.

⁵ UN Doc. E/CN.4/Sub.2/1986/Add.4, *Study of the Problem of Discrimination against Indigenous populations*, 1987, para. 379.

⁶ UN Doc. E/CN.4/Sub.2/7/Add.4, *Study of the Problem of Discrimination against Indigenous populations*, 1987, para. 380.

one million individuals.⁷ In the Third Pole, the number of Indigenous peoples is even higher, with 8.4 million individuals in Nepal Himalaya alone belonging to at least 59 distinct groups.⁸

3. The sources of international law that protect the rights of Indigenous peoples in the Arctic and Himalayan regions.

The Arctic and Himalayan Indigenous peoples are protected through the recognition of their fundamental rights. Two international instruments that are relevant in this regard are the ILO Convention and the 2007 UN Declaration on the Rights of Indigenous Peoples (UNDRIP)⁹.

The ILO Convention remains one of the primary instruments of international law that protects Indigenous peoples.¹⁰ The preamble of the treaty shows the connection with the evolution of the international community's sensitivity to human rights that occurred during the 20th century. The preamble of the Convention considers the developments in international law since 1957, as well as the changes in the situation of Indigenous and

tribal peoples worldwide. These developments made it necessary to adopt new international norms on the subject and eliminate the assimilationist orientation of previous norms. The Convention recognizes the aspirations of these peoples to exercise control over their institutions, their ways of life, and their economic development. Moreover, it acknowledges their right to maintain and develop their own identity, language, and religion within the framework of the nation-states on whose territories they are settled. The Convention recognizes and protects various rights connected to the use of land, conditions of employment, and selection of Indigenous workers, handicrafts, rural industries, social security, health, education and access to the media, cross-border cooperation, and administration. In contrast, Article 1 of the UNDRIP acknowledges the right of Indigenous peoples to enjoy all human rights and fundamental freedoms, both individually and collectively, as outlined in the Universal Declaration of Human Rights and other internationally recognized human rights instruments. Additionally, it confirms their right to self-determination,

⁷ WANG, ROTO, "Indigenous population in the Arctic", in *Nordregio*, 2019, ww.nordregio.org.

⁸ KIRAT KAMAL SAMPANG RAI, "Climate Change and its Impact on Indigenous Peoples in Nepal Himalaya", in *Indigenous Affairs* 1-2/08, p. 61.

⁹ *United Nations Declaration on the Rights of Indigenous Peoples*, A/RES/61/295, 13 September 2007.

¹⁰ Among the states where Indigenous communities of the Arctic and the Third Pole-Himalayas are settled, only Denmark (1996), Nepal (2007), and Norway (1990) ratified the ILO Convention.

autonomy, and self-government in their internal affairs, as well as the right to nationality and other rights that protect their unique identity, such as those related to the preservation of their culture, language, education, media, and religion. UNDRIP also recognizes the rights of Indigenous peoples to economic development and their governance, the right to health, the protection of vulnerable groups like women, children, and the elderly, as well as certain rights related to land ownership, including restitution or reparation, and its protection in the context of environmental concerns.

The UNDRIP is currently the most comprehensive and detailed framework for protecting the rights of Indigenous peoples. It establishes universal standards for their survival, dignity, and well-being, while also adapting general human rights and fundamental freedoms to the unique situation of Indigenous peoples. Its nature and binding character differ from that of the ILO Convention: the latter has an *inter partes* binding force, while the UNDRIP, being a declaration, is not legally binding on the signatory states.¹¹ Unfortunately, some states, such as Russia, do not adhere to it, which weakens its symbolic

significance. On the other hand, some states, like Norway, Finland, and Sweden, have used the UNDRIP to draft and adopt national legislation on Indigenous peoples' rights. In addition, they engaged in the draft of a Nordic Sami Convention, which has not entered into force yet.¹²

Therefore, the recognition and protection of specific Indigenous peoples' rights offered by international law are equivalent for communities in the Arctic and the Third Pole-Himalaya, although largely relying on the willingness of the states to adhere to such instruments.

4. Organs that protect the rights of Indigenous peoples in the Arctic and Third Pole regions.

The mere recognition of rights for Indigenous peoples is not enough to implement them. It is necessary to establish specific organs to safeguard their rights.

Both the ILO Convention and the UNDRIP provide for non-judicial remedies. The Committee of Experts on the Application of Conventions and Recommendations is the primary mechanism within the ILO system

¹¹ CONFORTI, IOVANE, *Diritto internazionale*, Napoli, 2021, p. 68-106.

¹² KOIVUROVA, "The Draft Nordic Saami Convention: Nations Working Together", in *International Community Law Review*, 2008, vol. 10, pp. 279-293.

responsible for monitoring the effective implementation of Convention No. 169 and ensuring compliance with its provisions. It plays a crucial role by providing impartial and technical assessments of how international labour standards are being applied in member states through direct observations and requests.¹³

A second mechanism allows a workers' or employers' organization to lodge a written complaint with the ILO Governing Body for alleged violations of the ILO Convention by a member state. After receiving a complaint, the Governing Body reviews its admissibility and then selects a committee to investigate it. This committee is composed of a representative from the government, one from the workers, and one from the employers. The committee evaluates the complaint and publishes a report that outlines its conclusions and any recommendations for addressing the issue. The ILO then contacts the relevant national government and may ask for additional information or statements on the matter.¹⁴

Within the UN system, the primary responsibility for human rights and fundamental freedoms lies with the

Human Rights Council. The Council focuses on promoting the observance of human rights, assessing situations of alleged violation, and making appropriate recommendations. Several bodies within the Council's structure deal specifically with Indigenous peoples.

The Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) was established in 2007 by a resolution of the Human Rights Council. It is made up of seven independent experts of Indigenous origin, representing different geographical areas of the world. The primary objective of EMRIP is to promote compliance with and full implementation of the provisions of the UNDRIP. This can be done by clarifying terms used in the declaration, reviewing good practices adopted in the field, or suggesting effective measures that states can take at the national level. EMRIP plays a crucial role in monitoring the effective implementation of the UNDRIP and is a key interlocutor of the Human Rights Council.

It's important to note that this particular subsidiary body does not have the authority to accept or pass on any complaints or allegations regarding

¹³ Committee of Experts on the Application of Conventions and Recommendations, in *International Labour Organization*, www.ilo.org.

¹⁴ ILO Constitution, 1944, art. 24.

violations of UNDRIP provisions. This responsibility falls under the jurisdiction of the Special Rapporteur on the Rights of Indigenous Peoples, who was appointed in 2001 by the Commission on Human Rights as part of the thematic Special Procedures system. The Special Rapporteur is responsible for a wide range of tasks related to protecting the rights of Indigenous peoples. These tasks include identifying and sharing best practices, gathering information on violations of Indigenous rights, making recommendations to prevent and remedy violations, and working closely with other UN bodies and human rights organizations. The Special Rapporteur also participates in the annual meeting of the Permanent Forum on Indigenous Issues, engages in dialogue with governments and NGOs, and promotes the UNDRIP. Finally, the Special Rapporteur prepares an annual report on its mandate, which is submitted to the Human Rights Council and the General Assembly.¹⁵

As part of its mandate, the Special Rapporteur receives complaints and reports of human rights violations committed against Indigenous peoples. These complaints can be filed by

individuals or organizations and must include the identification of the victims or communities affected, the identity of the offender, a detailed description of the violation, along with the circumstances in which it occurred, any measures taken by state authorities, and any possible initiatives taken before international bodies to seek redress. Once the allegation has been received, the Special Rapporteur does not pronounce the violation or request the state to remedy it. Instead, the Special Rapporteur initiates a discussion with the member state concerned, inviting it to comment on the allegation, provide clarifications, or remind the state of its duties. At most, the Special Rapporteur can request information on the procedures in place at the national level for redress of the situation reported.¹⁶

The non-judicial remedies are available to Indigenous peoples of the Arctic and the Third Pole equally. When considering supranational judicial protection for Indigenous peoples' rights, the chances appear different instead.

Indigenous peoples of the Arctic are subjected to the jurisdiction of the Inter-American Court of Human Rights

¹⁵ UN Doc. A/HRC/Res/51/16.

¹⁶ "Special rapporteur on the situation of human rights and fundamental freedoms of indigenous people", in *International Justice Resource Center*, www.ijrcenter.org.

(IACtHR) and, in part, to the European Court of Human Rights (ECtHR): the former holds territorial jurisdiction over Alaska, USA, and Canada the latter on Norway, Sweden, Denmark, and Finland, all countries where Indigenous peoples are settled.

The IACtHR has been monitoring the correct application of the American Convention on Human Rights (ACHR) since 1979, which, however, does not devote any specific provisions to Indigenous realities, even though they are present in large proportions in the territories of the state parties.¹⁷ Nevertheless, the Court has repeatedly pronounced on the recognition of the rights of Indigenous peoples, adopting an innovative approach to the criteria of interpretation and remedies, as well as the definition of the content of individual rights and freedoms, in an attempt to ensure the broadest and most effective

protection of Indigenous peoples within national legal systems.¹⁸ The organization, jurisdiction, functions, and procedures of the IACtHR are outlined in the ACHR, Chapter VIII. The Court exercises both an advisory and a contentious function. Only the Inter-American Commission on Human Rights and state parties have standing to act before the Court. Although the geographical area of interest of the Inter-American Court could, in principle, extend to numerous Arctic areas, where multiple Indigenous peoples are settled, the effectiveness of such judicial protection has been – and still is – neutralized by the failure of the United States to ratify and Canada to sign the ACHR.

On the other side, the ECtHR oversees the correct application of the European Convention on Human Rights (ECHR). As the ECHR does not contain provisions properly dedicated to Indigenous peoples, it is not called upon to pronounce on

¹⁷ American Convention on Human Rights, San José de Costa Rica, 22 November 1969. Within the Inter-American regional system, the Inter-American Commission of Human Rights (IACHR) stands out as a quasi-judicial and quasi-political organ. It admits petitions from individuals, groups, and NGOs who are recognised in the Organisation of the American States. See IACHR, *Rules of Procedure*, art. 23. If the IACHR finds a violation of rights protected under the Convention, it issues recommendations to the State to end or repair the violations. If the State does not adhere to the recommendations of the Inter-American Commission, the IACHR may decide to refer the case to the IACtHR if it concerns a State party to it.

¹⁸ POSENATO, “La giurisprudenza della Corte interamericana in materia di diritti alla vita e alla proprietà dei popoli indigeni e tribali”, in *DPCE ONLINE*, 2018, vol. 34, p. 2, p. 23. See IACtHR, *Aloboetoe y otros v. Surinam*, 4-12-1991; *Aloboetoe y otros v. Surinam. Reparaciones y Costas*, 10-9-1993; *Bámaca Velásquez v. Guatemala*, 25-11-2000; *Bámaca Velásquez v. Guatemala*, 22-2-2002; *Comunidad Moiwana v. Surinam*, 15-6-2005; *Comunidad Indígena Yakye Axa v. Paraguay*, 17-6-2005; *Yatama v. Nicaragua*, 23-6-2005; *López Álvarez v. Honduras*, 1-2-2006.

claims specifically relevant to them, nor has it ever had to pronounce on human rights issues about Indigenous peoples. Nevertheless, such matters could well arise, due to the jurisdiction that the Court might have over the actions of states where Indigenous peoples live. The ECtHR jurisprudence, however, has over time made a substantial contribution to the treatment of issues concerning Indigenous peoples, with particular reference to rulings on the prohibition of discrimination, the recognition of rights related to identity, language, education, religion, and land ownership, which the other two regional courts, mentioned above, have drawn inspiration from in their decisions.¹⁹

On the contrary, currently, there is no regional court in the Asian Himalayan region. Consequently, Indigenous peoples residing in the Third Pole area are deprived of regional judicial protection of their rights. This means that individuals and communities are unable to file complaints regarding any violation of their fundamental rights before a specific court.

Conclusions

Following the cross-cutting, albeit brief, analysis of the jurisdictional and non-

jurisdictional instruments available to the international community for the protection of Indigenous peoples, it is possible to draw some quick conclusions regarding the effectiveness of these guarantees.

On the substantive level, even though there is no common, shared definition of 'Indigenous people', this does not appear as a lack, but, on the contrary, as an opportunity to adapt the concept in the best possible way to an individual case, to more effectively promote the protection of Indigenous peoples in the different contexts in which they live and carry out their traditions and activities.

The ILO Convention and UNDRIP, with different scopes, then, have certainly enriched the landscape of international law with an extensive catalogue of rights specifically dedicated to Indigenous peoples. Although it has no binding force, the UNDRIP is charged with considerable symbolic importance, both for the authority of the forum in which it was drafted and the detailed enunciation of individual rights and freedoms, in multiple spheres of human life, which are enunciated and recognized precisely in the heads of Indigenous peoples. These two instruments, therefore, offer, at least

¹⁹ THORNBERRY, *Indigenous Peoples and human rights*, Manchester, 2002, p. 292 ff.

potentially, a rich and wide-ranging protection to Indigenous peoples, including those inhabiting the Arctic and Third Pole-Himalaya areas, and thus present themselves as a valuable substantive apparatus to guarantee the identity of Indigenous peoples as such.

On the other hand, the discourse related to the effectiveness and efficacy of the mechanisms for the protection of these rights, both through non-judicial bodies and – above all – through the work of regional courts, appears to be different. Although the IACtHR does not admit individual appeals, it could potentially deal with the rights of the Indigenous peoples of the Arctic zones corresponding to the territories of Canada and the United States, but such effective action is frustrated by the non-adherence of these two countries to the IACtHR system. By contrast, the role of the ECtHR in this regard appears to be entirely marginal.

The Indigenous peoples of the Arctic currently enjoy little – although not

sufficient – jurisdictional protection from supranational tribunals. In contrast, the Himalayan groups are excluded from such protection due to the absence of a regional court that could address their specific needs and claims.

Instead, the protection offered by non-judicial international bodies, covered by both the ILO and the UN system, remains fully available: with their investigative and reporting work, they can offer protection through constant dialogue and cooperation with the national governments of their member states, strengthening the effective implementation of the content of Convention No. 169 and the UNDRIP.

Therefore, it is possible to conclude that, to date, the main instruments for the protection of the – albeit numerous – rights recognized to Indigenous peoples in the Arctic and the Himalayas are not jurisdictional, while their justiciability appears to be lacking.



Unearthing Fresh Perspectives? Situating Mining-Induced Displacement and Resettlement (MIDR) in the Cryospheric Multiverse of the Cosmolegal

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Abstract

The cosmolegal proposal is an application of posthumanist theory to both Outer Space and the Arctic. Based “on the hypothesis of profound interrelatedness in the Earth system” (Cirkovic, 2021), it has the potential to add a contextual dimension to the study of Mining-Induced Displacement and Resettlement (MIDR). In both the Third Pole and the Arctic, in which mining and MIDR disrupt human-cryosphere interrelatedness, recognizing the cryosphere’s agency may enable a better understanding of this relation. However, this touches upon the question of reconciling posthumanism with the study of human rights, for instance in the context of Social Licences to Operate (SLOs) (Burger & Zaehring, 2023).

Introduction: Connecting Poles and Peoples

“Mining is both a human and an environmental catastrophe,” asserts Dorji

Wangdi, leader of the opposition in the National Assembly of Bhutan. Mining causes air pollution, water contamination, damage to homes and crops, as well as infrastructure and road damage (Gyelmo, 2021). In this context, local populations are concerned about the impact of mining on their future and that of their children. These concerns are not limited to Bhutan. Throughout the whole Third Pole, also referred to as the Hindu Kush-Karakoram-Himalayan system (HKKH),¹ human migration is increasing as a result of mining activities. This phenomenon is known as Mining-Induced Displacement and Resettlement (MIDR), which denotes “the involuntary movement of affected people from their original abode and/or socioeconomic activities” [*displacement*], accompanied by “the extensive process of planning and implementing the relocation of people, households and communities” [*resettlement*] (Wilson, 2019).

¹ For a map, see: The Third Pole (2012). About. <https://www.thethirdpole.net/en/about/>.

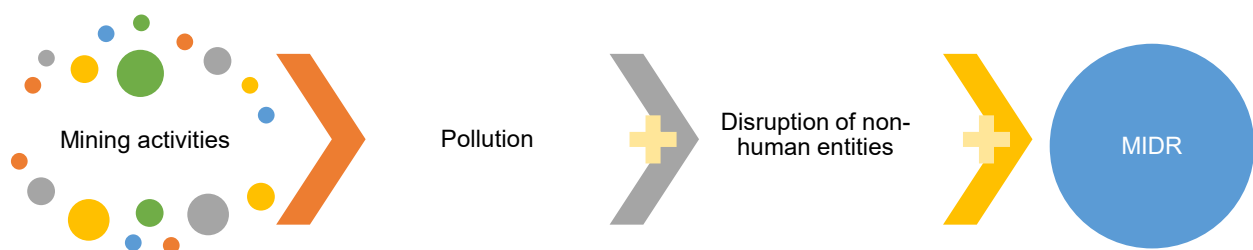


Fig. 3: Mining activities result in pollution, leading to the disturbance of non-human entities, ultimately causing MIDR.

MIDR also extends beyond the Third Pole. For instance, it is observable in the Swedish town of Kiruna, or in Greenland (cf. Hansen et al., 2016). While the scale of MIDR in the Arctic is relatively small, in the Third Pole it is unquestionably large: “As pointed out by Walter Fernandes, in India alone, mining has led to the displacement of more than 1,5 million people over the last fifty years” (Terminski, 2012). However, “even small projects carry risks of major social impacts (...), and have the potential to severely affect the way of life of local indigenous peoples” (Hansen et al., 2016). E.g., in Kiruna, “the relocated railway already cuts through reindeer pasture land”, endangering Sámi livelihoods and culture (Szpak, 2019). Thus, both mining activities and their consequence, MIDR, affect Indigenous peoples negatively.

Mining also impacts these regions in their quality of cryospheres. Such an impact, in turn, causes MIDR.

The Cryosphere, the Climate System, and Mining

“Cryosphere”, originating from Ancient Greek “κρύος” (*krúos*) for “icy cold, chill, frost,” is polysemic, terming both “the part of the earth’s surface characterized by the presence of frozen water” and “a region that is part of the earth’s cryosphere” (Merriam-Webster). Therefore, the Third Pole and the Arctic are concomitantly *cryospheres* and part of *the* cryosphere. It includes seasonal snow cover, sea ice, permafrost, ice sheets, river and lake ice, mountain glaciers, and small ice caps (Huybrechts, 2009). Notable milestones in cryosphere research include its proposal as the fifth Earth sphere in 1972, accelerated studies since the early 21st century, and the establishment of pivotal initiatives such as the World Climate Research Programme’s ‘Climate and Cryosphere’ (CliC) plans in 2000 (Qin et al., 2018).

Several studies show the sensitivity of the mountain cryosphere (Knight & Harrison, 2022). For instance, Tibetan Plateau glaciers are depleting “faster than

anywhere else on earth" (Palmo, 2019). In 2008, 82% of these glaciers had already receded, with almost 10% of the regional permafrost waned (Qiu, 2008).

Although climate change is a primary factor, mining activities are also contributing to this deterioration. E.g., in China, mining activities have led to substantial glacier retreat (Europe Asia Foundation, 2022). Besides, mining-induced pollution contributes to climate change, and therefore to cryosphere disruption, initiating a perilous cycle. For instance, the melting of glaciers contributes to sea level rise (Rush, 2019).

A Cosmolegal Methodology for MIDR?

This section discusses the cosmolegal proposal's relevance as a "research methodology" (Ulmer, 2017) to explore MIDR in the cryosphere.

There is a growing call in International Relations (IR) to consider non-humans. E.g., the Planet Politics manifesto declares that State-centric IR "is failing the reality of the planet" (Burke et al., 2016). However, there is an unresolved debate surrounding "human rights in a posthuman world" (Baxi, 2008). The query "What would human rights with the posthuman become?" (Godin, 2018) still holds relevance.

Indeed, at first glance, posthumanist approaches seem incompatible with MIDR. Posthumanism is often synonymous with anti-anthropocentrism,

as it "questions a world order where humans are at the top" (Hanken, 2021). The cosmolegal proposal, an application of posthumanism to space law, suggests that space law's anthropocentrism is failing the reality of the cosmos. It argues "for a move beyond the centrality, for law, of the human subject that acts upon the world (cosmos), as its object" (Cirkovic, 2021). Accordingly, it advocates a paradigm shift in governance and legal frameworks, recognising the agency and unpredictability of non-humans, both cosmic and Arctic. The study of MIDR, as a human rights issue (Terminski, 2012), cannot exclude humans. Therefore, there seems to be an incompatibility.

However, it can be argued that the cosmolegal englobes humans—albeit without mentioning their *rights*. Both outer space and Arctic pollution "have the capacity to affect all planetary life" (Cirkovic, 2020)—thereby including humans. The objective is not to exclude humans but to "recognise and incorporate non-human agency in international law", with a significant 'non-human agent' being the *cryosphere*.

The cosmolegal proposal recognises the cryospheric nature of the Arctic and the impact of gases such as methane (CH₄) and other GHGs released due to the thawing of the permafrost, which consequently "accelerate future warming". As for agency, Cirkovic (2020) clarifies that the

agency of entities such as GHGs lies “in the manner in which they can affect other entities”, rather than their (hypothetical) intent.

In this context, Cirkovic argues that the “current dominant conceptualization of law” adopts a deterministic stance towards the notion that “humanity has an endless capacity to adapt and thrive through scientific and technological inventions, even in the context of environmental degradation”. Cirkovic contests this developmentalist outlook by promoting the unpredictability of outcomes in “extreme spaces, which are not inherently friendly to human life”. The recognition of this indeterminacy by the cosmolegal aligns with the wider global phenomenon of ‘un-ness’ discussed by Aradau (2014).

Towards a Cosmolegal Methodology?

Following Ferrando’s (2014) statement “towards a posthumanist methodology,” Ulmer (2017) focuses on “posthumanism as research methodology” in education sciences. This study serves as inspiration for the following inquiry: Can the cosmolegal proposal serve as a methodology that can adequately assess mining and MIDR in the cryosphere? Burger (2023) contends that sustainable mining requires context-specific

dimensions. To make progress towards this goal, it is crucial to consider both the intricate interconnectedness of Earth’s environments and the relationship between humans and the cryosphere. This brings us to the question of how the issue of MIDR fits into this context as a matter of human rights.

MIDR as a Human Rights Crisis in a More-than-Human Context

Mining in the Arctic is an integral part of the region’s economic landscape (Hossain & Roncero, 2023), as it is in the Third Pole. Infrastructure development is intricately linked to industrial activities like mining, including both direct and indirect infrastructure, e.g., roads, railways, and telecommunications. However, balancing both social and environmental sustainability with development is a critical concern.

The human and environmental effects are considerably interrelated in MIDR contexts. For instance, in Greenland, land acquisition that triggers MIDR might potentially cause human rights violations alongside social and environmental impacts. Besides, these environmental impacts “have consequent major impacts on people through their use of ecosystem services” (Hansen et al., 2016).

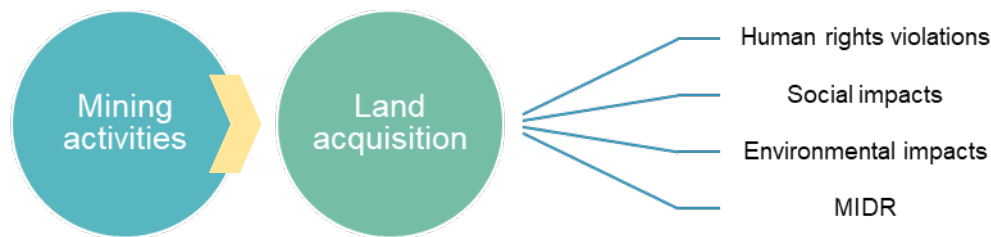


Fig. 2: Land acquisition triggering MIDR might cause human rights violations alongside social and environmental impacts.

More specifically, Su et al. (2019) highlight the importance of *cryospheric services* for human well-being. Nevertheless, the MIDR scholarship seems to lack proper consideration of the cryosphere. Additionally, the legal literature on protecting the Third Pole only briefly touches on the subject, even though Arctic governance is highlighted as a potential source of inspiration for the Third Pole, e.g., due to the regions' similarities in terms of hydrological geography (Marsden, 2016a; Koivurova et al., 2015). Besides, both the Arctic and the Third Pole are home to Indigenous populations who are affected by mining activities leading to MIDR. As highlighted by Downing already in 2002, MIDR poses "major risks to societal sustainability", the severity of which was acknowledged by the World Bank Group's policy on involuntary resettlement (Operational Policy 4.12, approved 23 October 2001):

"[...] involuntary resettlement under development projects, if unmitigated, often gives rise to severe economic, social and environmental risks[:] people face impoverishment [...]; kin groups are

dispersed; and cultural identity, traditional authority, and the potential for mutual help are diminished or lost."

MIDR is more specifically an Indigenous rights issue leading to a positive obligation from States. Article 8(2)(b) of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted in 2007, affirms:

"States shall provide effective mechanisms for prevention of, and redress for [any] action which has the aim or effect of dispossessing [Indigenous peoples and individuals] of their lands, territories or resources".

Article 8(2)(c) affirms the State's obligation to provide such mechanisms for "Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights". Moreover, Article 10 reaffirms the principle of "free, prior and informed consent" (FPIC) of indigenous peoples and the compulsoriness of an "agreement on just and fair compensation" for removal from land.

However, Bangladesh, Bhutan, and Russia abstained from the vote leading to the UNDRIP's adoption; Canada and the U.S.A. initially voted against; and India offered a reservation, guided by the assumption that since "all Indians are indigenous", "any reference" to Indigenous rights such as self-governance is void (SPRF, 2021).

In the MIDR context, *before* MIDR, FPIC is seldom fulfilled; and *after*, compensation is ineffective, notably for "erratic water supply and increased food insecurity" (Prakash, 2022) caused by changes to the water cycle. Can the UNDRIP enable to hold mining companies and States accountable therefor?

Echoing a cosmolegal argument, this article argues that current governance "precedes an understanding" (Cirkovic, 2020) of the cryosphere, while arguing, as per Biermann's quote (2021), that we must not "throw the baby out with the bathwater" – that is, not discard humanity when critiquing humanism. Posthumanism signifies exploring beyond the focus on human beings that is embedded in humanism. Putting a bigger emphasis on the cryosphere as an *agent*, at least one *equal* to humans, has potential to enable a bigger emphasis on matters of *relationality*, thereby benefiting both humans and non-humans.

Therefore, the cosmolegal proposal could serve as a theoretical framework to study the disruption in human-cryosphere relations in a MIDR context. Could it, however, fulfil concrete research gaps such as the need to conduct context-specific case studies of Social Licences to Operate (SLOs) (Burger, 2023)?

Social Licenses to Operate (SLOs)

Burger & Zaehring (2023) discuss SLOs in the mining context, stressing the need for context-specific case studies. SLOs are described as unwritten agreements between companies and communities for social acceptance of a project. While some argue that SLOs should be legally binding, "the main goal should be to study the conditions under which decentralization and participation can facilitate democratic control over natural resources" (Burger & Zaehring, 2023, relying on Costanza, 2016). Democratic resource control, a human rights issue, is essential to avoid MIDR or mitigate its effects. Therefore, studying SLOs is relevant to investigate cosmolegality's suitability to studying MIDR.

Conclusion: Challenges and Implications

Adopting a posthumanist stance means reflecting on "what it means to do research in an epoch in which humans are a geological force with planetary impact" (Ulmer, 2017). This article explores the links between MIDR, humans, and a 'non-

human' central in both the Third Pole and the Arctic: the cryosphere.

Posthumanism is pertinent in studying the link between humans and their environment, including in the context of MIDR in cryospheric environments. A comprehensive and holistic approach is needed to comprehend the intricate relationship between humans, the cryosphere, and mining operations. Thus, this article considers the cosmolegal proposal as a potentially suitable theoretical framework for studying the disruption of human-cryosphere relations. The present article suggests that the proposal's potential as a MIDR research methodology can be tested through case studies of mining-related SLOs (cf. Burger, 2023) both in the Arctic and in the Third Pole, grounded in a cosmolegal theoretical basis.

Other research areas could include assessing the potential influence of cosmolegality on policymaking and governance. There is a need to advocate *informedly* for the integration of posthumanist principles in mining operations, promoting a comprehensive and sustainable approach to mitigating mining-related effects such as MIDR, and involving Indigenous communities in decision-making processes in an innovative way—especially when the UN's usefulness is being debated (*Courrier international*, 2023).

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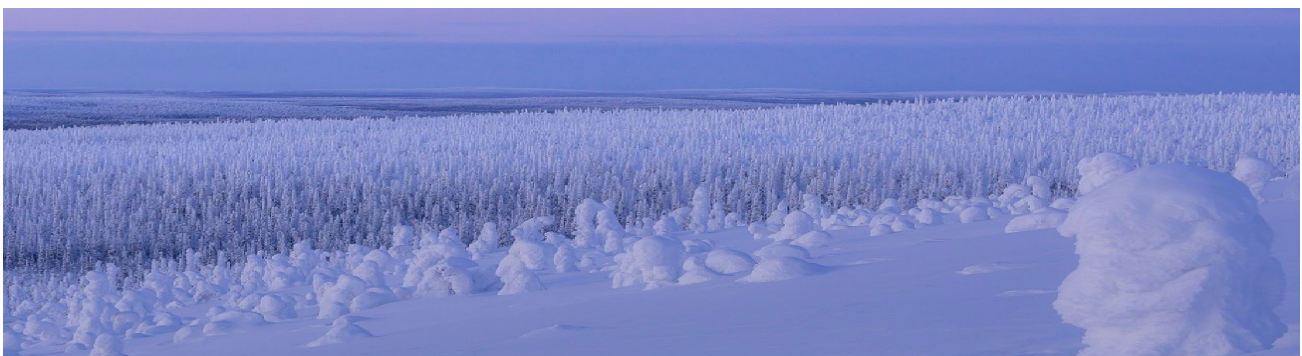
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The Arctic Council's Arctic Wildland Fires Initiative: new methodological ideas for an institution in crisis

*Stefan Kirchmer**

Wildland fires (or wildfires) are a challenge in many parts of the world. In recent years, the threat of wildfires has increased significantly also in the Arctic. The devastating effects have been seen around the wider Arctic region. As climate change is fundamentally changing climate, risks, environment and human safety in the Arctic, the problem of wildland fires is likely to get worse in the future.¹ Given the emergence of wildland fires as a shared threat and common concern in the Arctic, the Arctic Council has begun to address wildland fires as the challenge that they already are today.

In October 2023, the Norwegian chair of the Arctic Council launched a new Arctic Wildland Fires Initiative. The purpose of this initiative is to improve cooperation in the region and to facilitate the distribution of information.² While the initiative is new in that it was officially launched after

Norway had taken over the chair of the Arctic Council from Russia in 2023, it is not a new concern for the Arctic Council.

The Arctic Wildland Fires Initiative builds on the Circumpolar Wildland Fire Project of the Arctic Council's Emergency Prevention, Preparedness and Response Working Group (EPPR). The EPPR Working Group "strives to be the premier international forum for collaboration on prevention, preparedness and response issues in order to advance risk mitigation and improve response capacity and capabilities in the Arctic".³ As an institution, it is old for Arctic governance standards, having been established in 1991⁴ to deal with issues of common concern in the Arctic. Since then, the EPPR has generated an enormous amount of knowledge that benefits communities

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¹ See Arctic Council (2023). Wildland Fire, <https://arctic-council.org/explore/topics/climate/wildland-fire/> (all URLs were last visited on 2023-11-10).

² Arctic Council (2023). Norwegian chairship launches initiative to address wildland fires in the Arctic, <https://arctic-council.org/news/norwegian-chairship-arctic-wildland-fires-initiative/>.

³ EPPR (2023). About, <https://eppr.org/about/>.

⁴ Ibid.

across the Arctic.⁵ Already in the past, the EPPR's work has been essential for the creation of two landmark international treaties in the Arctic, the Agreement on Cooperation on Aeronautical and Maritime Search and Rescue in the Arctic⁶ (Arctic SAR Agreement) and the Agreement on Cooperation on Marine Oil Pollution Preparedness and Response in the Arctic⁷ (MOPPRA). Since the middle of the last decade, however, the use of the expertise that has been generated under the auspices of the Arctic Council by member states for the creation of international treaties has been on hold. This already indicated a problematic relationship between Arctic Council member states and international law - to be more precise, a problematic relationship between one member state and international law. The Russian Federation has long left international law and is actively opposing the very idea of an international order that is based on legally binding rules. With the war against

Georgia in 2008 and the war against Ukraine since 2014, but also with numerous human rights violations at home and abroad, including in Syria, Russia has shown its disregard for international law. With this choice, Russia has left the basis on which international Arctic governance has been built since the late 1980s. It appears highly unlikely that the member states will return to creating internationally legally binding treaties together anytime soon. Part of the disaster response in case of wildfires could be conducted within the framework of the Arctic SAR Agreement, but it seems extremely unlikely that the member states will create a binding international treaty on Arctic wildfires anytime soon. For the time being, Western Arctic states should in general refrain from in-depth cooperation with the Russian Federation.

That Norway was able to move the idea of the Arctic Wildland Fires Initiative forward is remarkable because the Arctic

⁵ For an overview over EPPR publications see <https://eppr.org/resources/publications/>. EPPR databases and tools are available on the website of the EPPR as well: the Arctic Marine Risk Assessment Guideline Web Based Solution (<https://eppr.dnvgl.com/>), the Circumpolar Oil Spill Response Viability Analysis Web Portal (<https://maps.dnv.com/cosrva/>) and the Arctic Environmental Response Management Application Arctic ERMA with EPPR Arctic Oil Spill response Database (<https://erma.noaa.gov/arctic#layers=3+18641+18640+18638+18639+18630+18629+18633+18631+18628+18627+18626+18272+18590&x=-161.91096&y=64.76126&z=3.7&panel=layer>).

⁶ Agreement on Cooperation on Aeronautical and Maritime Search and Rescue in the Arctic, adopted 2011, entered into force 2013, <http://hdl.handle.net/11374/531>.

⁷ Agreement on Cooperation on Marine Oil Pollution Preparedness and Response in the Arctic, adopted 2013, entered into force 2016, <http://hdl.handle.net/11374/529>.

Council is in a time of unprecedented crisis. Since March 2022, cooperation between the seven Western Arctic states and the Russian Federation has been on hold in response to Russia's war of aggression against Ukraine and the escalation by Moscow since February 2022. However, already in 2023, while Russian forces continue to attack civilians in Ukraine, committing war crimes and, with the forced transfer of Ukrainian children to Russia, acts of genocide against the people of Ukraine, the united front in the Western Arctic appears to be weakening as Western Arctic states have begun to explore ways to continue cooperating in the Arctic Council. While the issues that the Arctic Council is dealing with are important, there must not be any cooperation with the aggressor state or entities that are de facto controlled by it. This must also include cooperation within working groups and experts must not hide behind the veil of science to advance agendas such as scientific cooperation that provide de facto benefits for the genocidal regime. As the situation is currently, with large parts of the country and public officials across the Russian Federation supporting the war of aggression against Ukraine, it has become extremely difficult

to make a meaningful distinction between the Russian state and individual Russian experts who happen to be in the employ of the Russian state. Many people in the Russian Arctic have been affected by wildfires, too, and there would be potential to learn from Russian expertise, but Moscow has closed the door to effective cooperation in the Arctic.

The international governance of the Arctic is built on respect for international law. This respect is absent in Moscow. Therefore, the Russian Federation is no longer a trusted partner in the Arctic, which affects the effectiveness of the Arctic Council as an institution. The political situation and the paralysis of the Arctic Council make initiatives like the one initiated now by Norway even more important. Led by the Gwich'in Council International (GCI), the Circumpolar Wildland Fire Project has been ongoing since 2019. In 2021, several working groups came together in the Arctic Wildland Fire Sharing Circle, the results of which were published in March 2022.⁸ This event not only proved the usefulness of sharing circles as tools for addressing interdisciplinary issues,⁹ but can also be

⁸ Arctic Council (2022). Arctic Wildland Fire Sharing Circle Summary Report 2022, Tromsø: Arctic Council Secretariat, <https://oaarchive.arctic-council.org/server/api/core/bitstreams/a36941c5-7856-4ea3-83f2-a4e1504d1399/content>.

⁹ Ibid, p. 13.

considered a stepping stone on the way to more action on Arctic wildland fires.¹⁰ The initiative that has been launched by Norway in 2023 can be seen as an additional step in the same direction. That this initiative has been begun is laudable but in order to be effective and to generate practical benefits for the people who live in the Arctic, an active role of all actors is required, including all levels of government. This requires respect for people, for the need for human safety and for human rights in general. This respect is no longer present in Russia and the general lack of respect for international law in Moscow makes it unlikely that the creation of new international treaties involving all eight Arctic states will be seen as practical tools for Arctic governance in the near future.

As cooperation in the Arctic is evolving to become more of a cooperation between the seven states of the Western Arctic, there is a risk that a hypothetical international governance framework that might one day

replace the Arctic Council (although such a new system is currently not desired by the states of the Western Arctic) would be focused exclusively on states and would reduce the role of indigenous representative organizations in the international governance of the Arctic. The very strong role of Arctic indigenous representative organizations in the Arctic Council,¹¹ as it was codified in the 1996 Ottawa Declaration¹² that created the Arctic Council, might be at risk. The Arctic Council's work on wildland fires is based on the recognition of the value of local, in particular indigenous, knowledge about the Arctic¹³ and emphasises the exchange of knowledge and the building of networks.¹⁴ The introduction of the sharing circle as a collaborative tool within the work of the Arctic Council marks a new method of cooperation and exchange of knowledge that might be utilized in the future in other contexts as well. Sharing circles should not be seen as a way to replace scientific knowledge exchanges but

¹⁰ Cf. *ibid.*, p. 14.

¹¹ See Timo Koivurova & Leena Heinämäki (2006). "The Participation of Indigenous Peoples in International Norm-Making in the Arctic", in: 42 *Polar Record*, pp. 101-109.

¹² Ottawa Declaration (1996). <https://oaarchive.arctic-council.org/items/fb29e6d2-d60c-43ca-8e46-fa7a505033e0>.

¹³ See Arctic Council (2020). As millions of acres burn in the Arctic creating a common language around wildfire management is key, <https://arctic-council.org/news/creating-a-common-language-around-wildfire-management/>; Arctic Council (2022). A new format to strengthen Arctic wildland fire cooperation, <https://arctic-council.org/news/a-new-format-to-strengthen-arctic-wildland-fire-cooperation/>.

¹⁴ Arctic Council (2022). A new format to strengthen Arctic wildland fire cooperation, <https://arctic-council.org/news/a-new-format-to-strengthen-arctic-wildland-fire-cooperation/>.

as an additional tool for collecting and exchanging different kinds of expertise. The Arctic Council's new Wildland Fires Initiative has the potential to enhance cooperation on an important issue and to enhance the sharing of information across the Arctic. So far, it is located in the tradition of the Arctic Council's scientific work on issues of common concern in the Arctic. At the same time does the initiative

respond to an increasingly important problem that is relevant across the circumpolar Arctic - and elsewhere. The initiative therefore could also be seen as a tool to enhance the cooperation between the Arctic Council and other organizations outside the Arctic, in particular in other parts of the world where wildfires are a significant problem, too.





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