

# EU ARCTIC AND OCEAN POLICY

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2020

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# TOPICS

- Climate change and the Arctic
- The EU's Integrated Maritime Policy
- The EU's Arctic Policy

# A BRIEF HISTORY OF THE ARCTIC

- The Arctic is the home of many indigenous peoples since about the end of the last ice age.
- First contact with Northern European communities around 1000 years ago (Viking settlements in Greenland and North America).
- Expansion of European settler societies to the North into Sápmi and to the East into Siberia.
- Age of Exploration, especially by the British navy after the Napoleonic wars.
- Whale and seal hunting by British and Norwegians off the coast of Greenland in the 19th century.
- Scientific research in the Arctic since the 19th century.
- Military interest in the Arctic during the Cold War, increasing infrastructure, modern icebreakers.
- Satellite observations since the late 1970s.
- Increasing Arctic activities due to reduction of sea ice cover in the 2000s (oil drilling, shipping...).

# DEFINING THE ARCTIC

- There are multiple definitions of the Arctic
  - North of the treeline
  - North of the Arctic Circle
  - North of the 10 °C isotherm (avg. Temperature in the warmest month < 10 °C)
  - Specific waters, combining different factors for definition
- The course is primarily concerned with the Arctic Ocean, rather than the land areas which are under the full sovereignty of nation states.
  - There are some attempts by non-Arctic actors to redefine the Arctic as a whole as 'common heritage of mankind'.
    - This approach is incompatible with international law, in particular with the sovereignty of the Arctic states.
  - Therefore no specific need to agree on a clear definition, but basically the waters of the Arctic Ocean plus adjacent areas (e.g. waters near Iceland, which is in the North Atlantic, or between Canada and Greenland).

# SOURCES

The slides for this course are based on a number of publications (in the order used for the presentation):

- Peter Wadhams, *A Farewell to Ice – A Report from the Arctic*, 1st ed., Penguin, London (2017), chapters 1, 6-10.
- Stefan Kirchner, "Climate Change Effects on Snow Conditions and the Human Rights of Reindeer Herders", in: *33 Pace Environmental Law Review* (2015), pp. 1-22.
- Stefan Kirchner, "Greening Arctic Cruise Shipping Through Law and Technology: A Role for China", in: *Arctic Yearbook* (2018).
- Stefan Kirchner, "Arctic Cruise Shipping: Dreams, Development or Disaster?", in: *4 Current Developments in Arctic Law* (2016).
- Michael Byers, *International Law and the Arctic*, 1st ed., Cambridge University Press, Cambridge (2013).
- Michael Byers, "Arctic Region", in: *Max Planck Encyclopedia of Public International Law* (2010).
- Timo Koivurova, Stefan Kirchner and Pirjo Kleemola-Juntunen, "Regional Agreements and Arrangements" (forthcoming, 2019).
- Y. Tanaka, *International Law of the Sea*.

# SOURCES

- Karen N. Scott & David L. VanderZwaag, "Chapter 32: Polar Oceans and the Law of the Sea", in: Donald R. Rothwell, Alex G. Oude Elferink, Karen N. Scott & Tim Stephens (eds.), *The Oxford Handbook of the Law of the Sea*, 1st ed., Oxford University Press, Oxford (2017), pp. 724-751.
- Timo Koivurova, Pirjo Kleemola-Juntunen and Stefan Kirchner, "Are we ready to govern a a new ocean?" (forthcoming, 2019).
- Njord Wegge, "The EU and the Arctic: European foreign policy in the making", in: *3 Arctic Review on Law and Politics* (2012), pp. 6-29.
- Adam Stepien & Andreas Raspotnik, "The EU's Arctic Future Following the Spring of Statements", *Arctic Yearbook* (2016).
- Kristina Schönfeldt (ed.), *The Arctic in International Law and Policy*, 1st ed., Hart Publishing, Oxford and Portland (2017), pp. 364-446.
- EC/EU Commission documents (2007) 575, (2008) 395 and (2012) 491.
- Adam Stepien & Timo Koivurova, *Arctic Europe: Bringing together the EU Arctic Policy and Nordic Cooperation*, 1st ed., Office of the Prime Minister, Helsinki (2017).

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# CLIMATE CHANGE

- Greenhouse effect
  - Greenhouse gases (GHGs) such as CO<sub>2</sub>, methane etc. enter the atmosphere and 'trap' heat radiated from Earth, leading to warming temperatures
- Not only warming but also changes in climate
  - Extreme weather events, e.g. drought and forest fire in 2018
  - Temperature changes in the Arctic are several times as significant as in other parts of the world
    - Alaska: 100 months of record temperatures in a row
    - Canada: heating up 3 times as fast as the rest of the planet
    - Northern Europe: forest fires in the summer and almost no snow at the Arctic circle in December 2018
    - Russia: thousands of reindeer die due to unusual weather patterns (refreezing snow)

# FROM WHITE TO BLUE

- The Arctic Ocean is particularly affected by climate change.
- For practically all of human history, the Central Arctic Ocean (CAO) was unusable for human activities.
  - Fishing / hunting by indigenous communities in Canada, Greenland and Russia but no permanent settlements in the extreme north, no practical access to the CAO



# FROM WHITE TO BLUE

- This is changing. The 'permanent' sea ice of the Arctic Ocean is no longer permanent. The Arctic Ocean is no longer white, it is becoming blue.
  - 40 % loss of ice thickness between the late 1976 and 2000, 60% of volume loss for summer sea ice between the 1970s and the 1990s.
  - In 1942-1944 the Royal Canadian Mounted Police ship St. Roch needed two summer seasons to cross the Northwest Passage. This was already faster, thanks to technical developments, than the Amundsen expedition which needed three years (1903-1906). By 2015, 238 had crossed the Northwest Passage. It is still a challenging trip but thanks to the lack of sea ice, it is a possible route.
  - In the late 1970s, the Arctic sea ice covered 8 million km<sup>2</sup>. In 2012, it was 3.4 million km<sup>2</sup>.
  - For up to date information see <https://nsidc.org/arcticseaicenews/>.

# CHANGE IS HAPPENING NOW

- There is fluctuation between summer and winter months with regard to the surface area covered by ice and the thickness of the ice – but it is also the multiyear sea ice which is disappearing.
- This means that the Arctic Ocean is melting and will be largely (likely with a few small exceptions near NE Canada / NW Greenland) ice free during the summer months just a few years from now (current estimates: 2035-2040).
- For the first time in tens of thousands of years, the North Pole will no longer be frozen.
- The Arctic Ocean has been a barrier – for future generations it can become a connecting body of water, like the Mediterranean.
  - Of course, unlike in the Mediterranean, the climate is still harsh and there is a very low population density.
  - But the fundamental nature of the Arctic is changing.
- This change is happening now and it has a dramatic impact on people already today.

# THE PACE OF CHANGE IS ACCELERATING

- The loss of the summer sea ice in the Arctic Ocean will have two main consequences:
  - More heat: Local albedo (the part of the incoming solar radiation which is reflected back into space and which therefore does not contribute to additional warming) increases from 0.6 to 0.1 due to the loss of the white surface.
    - Warming accelerates: The loss of albedo of 4 million km<sup>2</sup> lost sea ice will have a similar effect as 25 years of global CO<sub>2</sub> emissions.
  - Less cooling: The disappearance of the ice will lead to an increase in temperatures as the presence of sea ice in the summer keeps the air and water temperature in the Arctic low as well. This cooling effect is disappearing, too.
    - Surface water in the Arctic Ocean is already at least 7 °C higher than a generation ago.

# A VICIOUS CIRCLE

- Climate change leads to more climate change: higher overall temperatures in the Arctic lead to the thawing of Greenland ice sheet and the permafrost in Russia.
  - The loss of Greenlandic ice increases sea levels and impacts the climate.
  - The thawing of the permafrost leads to the release of large amounts of methane, which is currently stored in the frozen soil. Methane is a highly potent greenhouse gas and its release is further accelerating climate change.

# A VICIOUS CIRCLE

- This is an accelerating process and according to the 2018 report of the International Panel on Climate Change (IPCC), we are quickly approaching a “point of no return” even if we were to implement the Paris climate change agreement immediately and completely.
  - Climate change affects the entire planet and it will affect especially those who do not have the capacity to take protective measures, such as moving to other countries.
  - The effects of climate change on the Arctic are just the beginning.

# FEEDBACK LOOPS

- Ice-albedo feedback
- Snowline retreat feedback
- Water vapour feedback
- Ice sheet melt feedback
- Arctic river feedback
- Black carbon feedback
- Ocean acidification feedback

# DATA VISUALIZATIONS

- The so called "death spiral" of Arctic sea ice
  - <https://www.youtube.com/watch?v=6sbBxECIKxs>
- NASA sea ice coverage
  - <https://www.youtube.com/watch?v=pyldwDbtcGs>
- Sea ice decrease visualizations by Zachary Labe, University of California - Irvine
  - <https://sites.uci.edu/zlabe/arctic-sea-ice-figures/>

# BEYOND THE TIPPING POINT

- Multiyear sea-ice is diminishing every year
- Once the ice cover is gone completely – just once – all the ice in the following winter will be thin first year ice, which will melt again in the next summer.
- We are quickly approaching a point of no return for Arctic sea ice.
- There is no precedent for this, no prior human experience which will prepare us for this event, which is likely to happen before the middle of this century, according to some estimates even already in the next few years.



# A NEW CHAPTER IN ARCTIC HISTORY

- Climate change means that the Arctic Ocean is becoming more available for navigation.
  - Arctic sea routes provide shortcuts (= financial savings).
  - Currently, marine traffic in the Arctic is still primarily near-coastal.
- In the long run, also the Central Arctic Ocean will likely be accessible for shipping for the first time in human history.
  - How can the marine environment of the Arctic Ocean be protected?
  - How can human health be protected against negative effects from increased shipping in the Arctic?
  - Are current rules sufficient or do we need new rules?

# THE EU'S INTEGRATED MARITIME POLICY (IMP): A MARINE VISION OF THE ARCTIC

- Initiated in 2007
- Strong focus on the blue economy, i.e., maritime-related industries
- But also on the protection of the marine environment

# THE BLUE ECONOMY

- Maritime transport
- Energy
- Shipbuilding
- Fisheries and aquaculture

# COOPERATION ACROSS BORDERS AND ACROSS INDUSTRY SECTORS

- Goal: maximize sustainable use of resources for regional economic development
  - Maritime Spatial Planning (MSP)
  - Integrated Coastal Zone Management (ICZM)
- Development of national strategies and of a common EU framework for both MSP and ICZM
- Connecting scientific research and business
  - Increasing technical and governance innovation
- Protection of EU residents against sea-related threats
- Job creation and professional mobility
- Regional development

# PROTECTION OF THE MARINE ENVIRONMENT

- 2008 Marine Strategy Framework Directive = environmental dimension of the EU's Integrated Maritime Policy
- 2010 Decision on criteria for standards and methods to determine the Good Environmental Status (GES) of waters
- It is the aim of the 2008 Marine Strategy Framework Directive to achieve GES for all EU marine waters by 2020
  - A lot still needs to happen before this goal is achieved
    - Some progress but problems persist, e.g. eutrophication of the Baltic Sea
- Mitigation of climate change
- Adaptation of climate change
- Air pollution from ships

# IMPROVING MARITIME GOVERNANCE

- EU is an active player in maritime governance issues
- Increasing focus on blue economy
- EU can contribute to improvements of maritime governance
- But there are also other forms of maritime cooperation which do not easily correspond to traditional notions of governance, e.g. inter-regional cooperation between different coastal regions in the EU

# THE ARCTIC IN EU FOREIGN POLICY: ARCTIC ISSUES AS CONCERNS OF INTERNAL EU POLICIES

- Parts of the territories of two EU member states, Finland and Sweden, are located north of the Arctic Circle.
  - Sápmi is the non-independent homeland of the Sámi people, the only indigenous people in Western Europe.
    - More indigenous peoples in Russia, six small indigenous peoples in French Guiana, which is part of metropolitan France and therefore part of the European Union.
- Special case of Greenland.
  - Greenland is part of the Kingdom of Denmark but not part of the European Union.
  - Greenland used to be part of the European Economic Community but decided to leave.
  - Currently, Greenland is taking over more competences from Denmark, paving the way for possible / eventual independence from Denmark.
- Remoteness and harsh environments provide specific challenges in the European High North.
  - But also clear differences e.g. when comparing Lapland with Svalbard.

# THE EU HAS A STAKE IN THE ARCTIC

- EU is actively involved in maritime issues, e.g. at the International Maritime Organization.
- Due to the Common Fisheries Policy (CFP), it was the EU (rather than member states) which became a party to the Central Arctic Oceans Fisheries Agreement.
- 2016 EU Policy Document "The integrated EU policy for the Arctic"



# COOPERATION HAS A LONG HISTORY IN THE EUROPEAN ARCTIC

- The Nordic countries have a shared history and have cooperated very closely already for generations.
  - More modern form: Nordic Council of Ministers
- Borders between Finland, Sweden and Norway had been open long before the Schengen Agreement.
- Similar culture, shared history, similar languages (with the exceptions of Finnish and the Sámi languages) facilitate cooperation.
- Due to the often harsh conditions, low population density and limited infrastructure, cooperation in the European High North is not optional but essential.
- EU policy regarding the Arctic is still more land-focused than ocean-focused because this is where the bulk of our activities happens – also due to the absence of an EU Arctic Ocean coast.
- EU cooperates with non-EU fora and hosts Arctic-specific activities, such as the EU-Arctic stakeholder forum.

# EUROPE'S ARCTIC POLICY IS NOT ONLY ABOUT THE ARCTIC

- The EU's Arctic policy is about the Arctic but also about Europe and Europeans, including, but not limited to, those living in the European High North.
- The Arctic can be a test-bed for innovative governance solutions and is becoming increasingly relevant in the context of climate change.
  - Connecting with the Arctic as an emerging economic region can be beneficial for the EU as a whole.

# KEY CHARACTERISTICS OF THE EU'S ARCTIC POLICY (QUOTES FROM STEPIEN/KOIVUROVA)

- “The European Union’s Arctic policy remains primarily a compilation of ongoing actions and of Arctic manifestations of general EU policies. However, the document gives hope for maintaining the EU’s long-term interest in the region in times of multiple crises.”
- “Compared to earlier documents, the 2016 Joint Communication has greater emphasis on issues specific to the European Arctic.”
- “The EU will never become the main public actor shaping developments in Arctic Europe, but can play a role supportive to actions at national and regional level.”
- “Investments in clean technologies, bioeconomy, and renewables are among most prospective areas for EU contribution. Extraction of non-renewable resources has received very limited attention.”

# KEY CHARACTERISTICS OF THE EU'S ARCTIC POLICY (QUOTES FROM STEPIEN/KOIVUROVA)

- “Entrepreneurship and innovation are key themes in EU policies. Facilitating the development and testing of technologies that could be exported across Europe and globally are suitable areas of EU action, including via research funding.”
- “Investment financing via the EIB funds can become in the mid-term the central mode of EU support in the region, particularly for interventions enhancing accessibility and connectivity.”
- “EU programmes have assumed a key role in supporting cross-border cooperation across the region.”
- “The main output of the 2016 Joint Communication for Arctic Europe is the EU-Arctic Stakeholder Forum process aiming at formulating key investment and research priorities.”

# THE ROLE OF THE EU IN ARCTIC EUROPE

- Many different roles
- Regulation (EU / EEA)
- Financial funding
- Cooperation with non-members, e.g. Russia
- Combining Nordic cooperation with Arctic policies
  - Building on top of the experience of the Nordic EU member states and on the cooperation experience with Norway and Iceland
  - Use synergies
  - Take into account local stakeholders (Arctic Stakeholder Forum)
- The EU's Free Trade Agreement with Canada (CETA) has the potential to benefit Arctic Europe
- Growing importance of the Arctic for the EU

# SCOPE OF THE 2016 EU ARCTIC POLICY

- Very general document (like the 2008 and 2012 predecessor documents)
- Arctic is not a priority for the EU
- EU has a strategic interest to play a central role in the Arctic
- Earlier EU policy documents regarding the Arctic had a stronger maritime and foreign policy focus, since 2016 more recognition of the European Arctic as part of the EU

# CONCLUDING REMARKS: A FUTURE BASED ON COOPERATION

- Even though the EU has only a small share in the Arctic, the Arctic matters for the EU – and vice versa.
- Cooperation across borders is a key element of both the Arctic and the EU.
- The European Arctic has the potential to become a trailblazer for new governance approaches both the Arctic as a whole and for the EU / EEA as a whole.
- The Arctic is changing faster than ever before and Europe will have to remain engaged in order to have a seat at the table when decisions are made about this part of the world.
- This requires a willingness to cooperate and to learn from each other, taking into account in particular the people who live in the Arctic.



THANK YOU FOR YOUR ATTENTION