

Legitimate EU on the Arctic stage? Policy and interests

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Abstract: The European Union's interests in the Arctic are beyond doubt as the region's relevance has been recently increasing in all spheres —political, economic, geostrategic, and scientific— due to the processes of climate change and globalization. In addition, the Arctic is a close neighboring area of the Union where preservation of peaceful relations is much desired. Likewise, the newly emerging opportunities and challenges in the region require a much wider international cooperation that goes beyond the interaction of the traditional Arctic stakeholders. The understanding of this fact has urged the EU —along with many other international state and non-state actors— to express both concerns over the future governance of this polar region and renewed determination to cooperate on bi- and multilateral level with the main stakeholders to achieve its sustainable development and preservation. Given the alleged interests and ambitions to strengthen its legitimacy in the zone, the Union will continue to rely on soft power and diplomacy mechanisms for its Arctic engagement as well as solid investment activities in areas related to fight against climate change and environmental protection, sustainable development, science and innovation, indigenous peoples' rights, and commerce. All these aspects are included in the long-awaited new communication on the EU's "integrated Arctic Policy," issued on 27 April 2016 by the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy. Those who were expecting this document to be clearer and less misleading than previous ones and to point out decisive and concrete actions, might have been quite disappointed. Nevertheless, this does not mean there have been made no advances at all.

Keywords: Arctic, European Union, interest, law, policy

(A) INTRODUCTION

The Arctic's political, economic, geostrategic, and scientific relevance is growing in light of important climate changes in the region.¹ In consequence, many economic opportunities are emerging, such as

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¹ The broad concept of the Arctic region refers to the polar region that covers the northernmost part of the earth, formed by several ice-covered seas surrounded by the land masses of the American, Asian, and European continents. There has been a debate on the exact south boundary, most commonly being used the Polar Circle situated at the 66°33' north latitude. For useful and thorough bibliography on different aspects related to the Arctic, see: E. Conde Pérez, 'Arctic Region', in T. Carty (eds.), *Oxford Bibliographies in International Law* (Oxford University Press, New York, 2013), published on 24 July 2013, accessed 18 June 2016 [doi: 10.1093/obo/9780199796953-0090]. The marine Arctic is formed by zones subject to sovereignty as well as high seas and international seabed area, where International Law in force is to be applied. Claims over landmasses in the region have been generally resolved with the sole exception of Hans Island. This contrasts the Arctic marine delimitation which remains disputed —mainly, the limits of the outer continental shelf—. For a general view on Arctic disputes —resolved, remaining and possible future ones—, see: M. Byers, 'Cooling Things Down: The Legalization of Arctic Security', *Carnegie Council for Ethics in International Affairs*, published on 3 June 2011, accessed 18 June 2016; E. Conde Pérez, 'Delimitaciones marítimas y territoriales en el Ártico: Desarrollo y Tendencias', 68:1 *Revista Española de Derecho Internacional* (2016) 235–239 [doi: 10.17103/redi.68.1.2016.4a]. On the Arctic outer continental shelf claims, see: E. Conde Pérez and Zh. Valerieva Yaneva, 'Arctic Outer Continental Shelf', in E. Conde and S. Iglesias (eds.), *Global Challenges in the Arctic Region: Sovereignty, Environment and Geopolitical Balance* (Routledge, London, New York, 2016) 19; J.D. Carlson et al., 'Scramble for the Arctic: Layered Sovereignty, UNCLOS, and Competing Maritime Territorial Claims', 33:2 *SAIS Review of International Affairs* (2013) 21–43 [doi: 10.1353/sais.2013.0033]; D. Comba, 'The Polar Continental Shelf

shorter navigational routes, exploration of energy resources and exploitation of new fishing quotas. Although not to be disesteemed, it remains rather unclear whether the current metamorphosis could compensate the associated risks for the nonpareil and fragile environment or traditional indigenous lifestyle². In addition, it is generally perceived that all alterations in the North Polar Region might lead “to various (security) challenges for the survival of the Arctic (marine) ecosystem as well as the human communities living there, but it equally has vast consequences for the rest of the world while influencing global weather patterns.”³ Furthermore, considering the growing openness of the region and the need for multilateral solutions to emerging problems, new actors become more involved in the regional governance alongside the traditional Arctic states.⁴

The European Union (hereinafter the “EU”), in particular, wishes to address emerging challenges in collaboration with the Arctic partners, and, eventually, be recognized as a legitimate stakeholder in the region. Currently, in addition to seven of its member states⁵ holding observer status at the Arctic Council (hereinafter the “AC”),⁶ the Union is linked to the region as Denmark, Finland and Sweden

Challenge: Claims and Exploitation of Mineral Sea Resources—An Antarctic and Arctic Comparative Analysis’, 20:1 *Yearbook of International Environmental Law* (2009) 158–187 [doi: 10.1093/yiel/20.1.158], among others.

² Traditional livelihoods in the European Arctic are not likely to withstand the enormous pressure coming from pronounced economic development, but, on other hand, such activities may diversify the existing structures. For more details, see: A. Stępień *et al.*, *Strategic Assessment of Development of the Arctic: an assessment conducted for the European Union* (Arctic Centre, University of Lapland, 2014), published in September 2014, accessed June 15, 2016; and, by the same authors, *The Changing Arctic and the European Union: A Book Based on the Report ‘Strategic Assessment of Development of the Arctic: Assessment Conducted for the European Union’* (Leiden, Boston, Brill Nijhoff, 2015). The authors also suggest that the previously foreseen rapid emergence of the Arctic is rather unlikely to happen due to various long-term constraints in almost every economic sector as well as considerations on current global demand and trade situation.

³ J. Selleslaghs, ‘The EU: Opening stage’, *The Arctic Journal*, published on 29 March 2016, accessed 19 June 2016.

⁴ The so called Arctic 8 include United States (via the Alaskan state), Canada, Denmark (as representative for Greenland and the Faroe Islands), Norway, Russia, Iceland, Finland and Sweden. All these states have shown interest in the geopolitical relevance of the region as well as willingness to exploit its resources in a sustainable way. However, after the 2008 Ilulissat Declaration there seemed to be an internal division among the Arctic 8 as the five coastal states acted on their own, leaving behind Iceland, Finland and Sweden while neglecting the opinion of the indigenous people and ignoring the Arctic Council. Despite these clear inconveniences, the declaration established explicitly the Law of the Sea as the main set of international legal norms applicable in the Arctic and, thus, ended with the widespread vision of a lawless area. See: *Ilulissat Declaration*, Ilulissat, Greenland, adopted 28 May 2008, accessed 15 June 2016.

⁵ The seven states are France, Germany, Italy, Netherlands, Poland, Spain and the United Kingdom. Among them, Netherlands, France and Spain are still to issue their respective Arctic or Polar policy frameworks in 2016.

⁶ High-level intergovernmental forum, established as a result of the 1996 *Ottawa Declaration* (Ottawa, Canada, signed on 19 September 1996, accessed on 18 June 2016) to increase cooperation on common Arctic issues—in particular, sustainable development and environmental protection—among the eight Arctic states and between them and the indigenous people (six communities obtained the Permanent Participant status in order to provide them with active participation and full consultation rights) as well as other Arctic inhabitants. Largely, the observer status in the AC is open to non-Arctic states, inter-governmental, inter-parliamentary, global, regional and non-governmental organizations that the Council determines can contribute to its work. The observers primarily contribute through their engagement in the Council at the level of Working Groups. However, following the Tromsø Ministerial Meeting in 2009, the observer role was re-evaluated: the distinction between permanent and ad hoc observers was abandoned as were adopted criteria that existing observers and new applicants would need to observe in order to be accepted into the AC. With these new rules at the Kiruna Ministerial Meeting in 2013, the Council ruled on the waiting applications: China, Japan, South Korea, Singapore, India, and Italy were all accepted, while the EU’s application was received “affirmatively”, but a final decision was deferred until outstanding issues with Canada had been resolved. Despite working by consensus and without any real binding authority, the AC remains the leading Arctic institution promoting scientific research and political dialogue. The Council regularly produces

(member states), together with Norway and Iceland (associated states and direct economic partners), are full members of the aforementioned Council and form part of the Arctic 8. Furthermore, through its Northern Dimension Policy, participation in regional and sub-regional institutions —such as the Barents Euro-Arctic Council— as well as strategic partnerships with Canada, United States and Russia, a longstanding European interest has already been established. In such a context, the Union supports the idea of a much closer cooperation on governance issues and stable but flexible relations with Arctic partners.

Nevertheless, the EU is still far from maintaining its legitimacy in the region. But what does legitimacy mean and how can it be achieved in the Arctic context? The answer to this question reflects the main objective of the present paper. Therefore, the following section will start by analyzing the concept of “legitimacy” in order to properly understand the actions undertaken so far while questioning whether they are indeed aimed at securing legitimacy or, on the contrary, at creating one. The concrete actions that will be outlined, in two separate sections, include:

- (1) the process of adoption of a coherent European Arctic policy, based on manifested interests in the region (specifically, referring to the last policy document issued in 2016); and
- (2) the process of achieving full observer status at the Arctic Council which have turned out to be long and difficult venture.

The general perception of the last communication on an integrated Arctic Policy from 27 April 2016, is that the Union failed once again to define clear priorities, rights, and responsibilities in the region. Despite outlining a few concrete steps, the new policy paper remains full of good wishes, expressions of interests and politically-charged declarations in three main areas: environmental protection in response to climate change; sustainable development and international cooperation on Arctic issues or, in other words, “the usual suspects”⁷. Therefore, those who were expecting this document to be less misleading than previous ones and to point out decisive and concrete actions, might have been quite disappointed. The unsteady progress in the implementation of this European policy, postponed on several occasions, signals the EU’s complex institutional interplay and the need to adapt its foreign activity to the constantly changing international environment⁸. Regardless, efforts have not been spared and some advances can be traced throughout this last policy document.

On other hand, the EU’s acceptance as formal observer at the Arctic Council can also provide it with the much-desired legitimacy as this will symbolize that the traditional regional actors recognize

comprehensive environmental, ecological and social assessments through the work of its six Working Groups. The AC has also provided a forum for the negotiation of two important legally binding agreements among the eight Arctic states: the *Agreement on Cooperation on Aeronautical and Maritime Search and Rescue in the Arctic* (Nuuk, Greenland, adopted 12 May 2011, accessed 18 June 2016) and the *Agreement on Cooperation on Marine Oil Pollution Preparedness and Response in the Arctic* (Kiruna, Sweden, adopted 15 May 2013, accessed 18 June 2016). An important aspect in the work of the AC is that its mandate, as articulated in the founding Ottawa Declaration, explicitly excludes military security.

⁷ H. Exner-Pirot, ‘Blog: The EU’s Arctic policy—A means, not an end’, *Eye on the Arctic*, published on 3 May 2016, accessed 13 May, 2016.

⁸ S. Weber, ‘The Development of an EU Arctic Policy: Interests, Objectives, and Initiatives’, in A. Sprüds and T. Rostoks (eds.), *Perceptions and Strategies of Arcticness in Sub-Arctic Europe* (Latvian Institute of International Affairs, Riga, 2014) 43, at 44.

and accept the Union as an important Arctic stakeholder. In this regard, it is important to recall that the final decision with regards to the EU's status was once again postponed in 2015 due to the increased tension with Russia as a result of the Ukrainian crisis and the imposed restrictions afterwards, despite the advances in the EU-Canadian relations and the granting of an "observer-in-principle" status in 2013 which supposed certain improvement with regard to the previous ad hoc status as the new status means that the Union can act in practice as any other observer, despite awaiting final decision. Such development shows that certain impediments related to the Union's awareness and sensitiveness to the Arctic realities remain to be resolved before the main Arctic powers consent its further implication in the region. It also opens the door for future resolution of the created situation.

Based on the findings, the paper will end with several concluding remarks on how legitimate is indeed the EU on the Arctic stage.

(B) CREATING LEGITIMACY FOR THE EU

Ever since 2008, the European Union has strived to be accepted as a legitimate Arctic actor both by creating its own policy regarding emerging problems in the region and by obtaining an observer status in an increasingly prominent circumpolar institution such as the Arctic Council.

In the context of the current analysis, legitimacy can be understood in terms of access, influence and opportunities. Therefore, the following definition can be employed: "[l]egitimacy is a generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions."⁹ Likewise, legitimacy is not to be understood as "an abstract measure of the 'rightness' [...] but rather a measure of societal perceptions of the adequacy of corporate behavior"¹⁰. Therefore, as Stoker implies "to be effective in the long run power-holders must be seen to be legitimate [as] a legitimization deficit undermines public support and commitment to programmes of change and ultimately undermines the ability of power-holders to mobilize resources and promote co-operation and partnership."¹¹

The quest for Arctic legitimacy of the European Union can be easily explained considering that it will enhance the stability and comprehensibility of its engagement in the region as the Union's

⁹ M.C. Suchman, 'Managing Legitimacy: strategic and institutional approaches', 20:3 *The Academy of Management Review* (1995) 571–610, at 574 [doi: 10.5465/AMR.1995.9508080331]. A useful analysis on the concept of political legitimacy, together with a comprehensive list of literature, can be retrieved from: F. Peter, 'Political Legitimacy', in E.N. Zalta (eds.), *The Stanford Encyclopedia of Philosophy* (summer 2016 Edition, forthcoming), accessed June 18, 2016. See also: J.M. Coicaud, *Legitimacy and Politics: A Contribution to the Study of Political Right and Political Responsibility* (Cambridge University Press, Cambridge, 2002); I. Hurd, 'Legitimacy', in W.F. Danspeckgruber (eds.), *Encyclopedia Princetoniensis*, accessed June 18, 2016. Generally, on the EU's legitimacy on the international arena, see: C. Schrag Sternberg, *The Struggle for EU Legitimacy* (Palgrave Macmillan, New York, 2013).

¹⁰ Suchman, *supra* n. 9, cited in J. Näsi et al., 'The Evolution of Corporate Social Responsiveness. An Exploratory Study of Finnish and Canadian Forestry Companies', 36:3 *Business and Society* (1997) 296–321, at 300 [doi: 10.1177/000765039703600305].

¹¹ G. Stoker, 'Governance as theory: five propositions', 50:155 *International Social Science Journal* (1998) 17–28, at 20 [doi: 10.1111/1468-2451.00106].

actions will be perceived by the large public as meaningful, predictable, and trustworthy, because it is responsive to their interests. This way of thinking can justify the desire of the EU to include the perspectives of all important actors —institutions, member states, indigenous populations— in its policy documents. However, this zeal proves to be extremely ambitious task as no organization can possibly satisfy all audiences and, eventually, such attempts may result in the lack of coherence in its actions.

Thus, “skillful legitimacy management requires a diverse arsenal of techniques and a discriminating awareness of which situations merit which responses”¹². In this regard, concerning the European involvement in the Arctic, the main question remains whether the Union is using mechanisms to gain or to maintain its legitimacy in the region. It is the author’s believe that despite the repeatedly used phrase “to enhance legitimacy”, the EU has not still gained such.

Therefore, before the need to maintain the accomplished, the Union has to create its own legitimacy and its actions serve best to prove such position. Upon embarking on a new line of activity, the EU faces first of all the challenge of winning acceptance for the propriety of such activity. In the case of the Arctic engagement, it started by implementing it within an already established and well-functioning policies and, eventually, when it has already gained the belief that a comprehensive policy is needed to better address specific issues, it proceeded with its adoption. Meanwhile, the Union is facing another important challenge: the need to gain the support of the preexisting legitimate entities such as the Arctic 8 and the AC by conforming to their standards and procedures. Once the Union gains the desired legitimacy, the task of maintaining and further enhancing it either by perceiving future changes and adapting to them or by protecting the past accomplishments turns out to be far easier enterprise.

The following section will proceed to analyze the process of establishment of the common EU Arctic policy —a process, that is still underway as it needs to gain credibility— as well as the Union’s long wait for gaining the observer status: two activities intended to create its Arctic legitimacy.

(C) INTEGRATED EUROPEAN ARCTIC POLICY

The Arctic has been conceived as “area of interest and strategic importance”¹³ and “distinctly affected region by various EU policies, in areas such as the environment, energy, research, transport and fisheries”¹⁴ as well as the newly established energy policy. The complicated institutional interaction,

¹² Suchman, *supra* n. 9, at 586.

¹³ E. Conde Pérez, ‘Geopolítica del Ártico: el Derecho Internacional ante los retos del cambio climático en la región’, in M.D. Bollo Arocena (coord.), *Cursos de Derecho Internacional y Relaciones Internacionales de Vitoria-Gasteiz 2014* (Editorial Aranzadi S.A., Cizur Menor, 2015) 99, at 147.

¹⁴ A. Grindheim, *FNI Report: The Scramble for the Arctic? A Discourse Analysis of Norway and EU’s Strategies towards the European Arctic* (Fridtjof Nansen Institute, Lysaker, 2009), at 32. See also: Communication from the Commission to the European Parliament and the Council ‘The European Union and the Arctic’ COM/2008/0763 final (European Union, Brussels, 2008), published on 20 November 2008, accessed 18 June 2016; K. Keil and A. Raspotnik, ‘The European Union’s Gateways to the Arctic’, 19:1 *European Foreign Affairs Review* (2014) 101–120; J. Kämpylä and H. Mikkola, *FIIA Briefing paper: The global Arctic: The growing Arctic interests of Russia, China, the United States and the European Union* (Finnish Institute

however, has impeded for a long time the adoption of a coherent EU Arctic policy¹⁵ what resulted in a risk of “multiplicity of voices making things complicated unless a Brussel-based coordination is established with a view of benefiting both the EU itself and its interested member states.”¹⁶ Over the years, there have been regulations that justified the EU’s engagement in the region within the above-mentioned policies as well as increasing contribution to research activity¹⁷ and regional funding destined to improve living conditions of local communities¹⁸.

of International Affairs, 2013); K. Keil, ‘The EU as a Prospective Permanent Observer to the Arctic Council: Footholds, Virtues, Concerns and Obstacles (Part 1)’, *The Arctic Institute*, published on 24 October 2012, accessed 15 May 2016; T. Koivurova *et al.*, ‘The present and the future competence of the European Union in the Arctic’, 48:4 *Polar Record* (2012) 361–371 [doi: 10.1017/S0032247411000295]; M. Campins Eritja, ‘The European Union and the North: Towards the Development of an EU Arctic Policy’, 27 *Ocean Yearbook* (2013) 459–486 [doi: 10.1163/22116001-90000169]; A. Maurer *et al.*, ‘The EU as an Arctic Actor? Interests and Governance Challenges’, Report on the 3rd Annual “Geopolitics in the High North” — GeoNor— Conference and joint GeoNor workshops (Stiftung Wissenschaft und Politik, Berlin, 2012), at 16. For a more recent analysis, see: A. Stepień *et al.*, *supra* n. 2.

¹⁵ On Arctic policy coherence, see: A. Stepień and A. Raspotnik, ‘Exploring Reasons and Remedies for the EU’s Incapability to Devise an ‘Arctic Policy’: the quest for coherence’, in L. Heininen *et al.* (eds.), *Arctic Yearbook 2015* (Northern Research Forum, Iceland, 2015), 431; A. Maurer, *Working Paper FG 02: The Arctic Region – Perspectives from Member states and Institution of the EU* (Stiftung Wissenschaft und Politik, Berlin, 2010); I. Holdhus, ‘Developing an EU Arctic Policy: Towards a Coherent Approach? A study of coherence in European Foreign Policy’ (Master’s thesis on file at the University of Oslo). Generally, on EU competences, see: A. Mangas Martín and D.J. Liñán Noguera, *Instituciones y derecho de la Unión Europea* (Tecnos, Madrid, 2014), 67; A. Kaczorowska, *European Union law* (Routledge-Cavendish, London and New York, 2011), 163; Jean Paul Jacqué, *Droit institutionnel de l’Union européenne* (7th ed., Dalloz, Paris, 2012). On parallelism doctrine as implemented by the European Court of Justice: Judgement in *Commission v. Council* (ERTA), C-22/70, EU:C:1971:32; Judgement in *Cornelis Kramer and others*, C-3/76, EU:C:1976:114; Opinion in *Opinion 1/76 Draft Agreement establishing a European laying-up fund for inland waterway vessels*, Avis 1/76, EU:C:1977:63; Opinion in *Opinion 2/91 Convention N° 170 of the International Labour Organization concerning safety in the use of chemicals at work*, Avis 2/91, EU:C:1993:106; Opinion in *Opinion 2/92 Competence of the Community or one of its institutions to participate in the Third Revised Decision of the OECD on national treatment*, Avis 2/92, EU:C:1995:83; Opinion in *Opinion 1/94 Competence of the Community to conclude international agreements concerning services and the protection of intellectual property*, Avis 1/94, EU:C:1994:384; among others.

¹⁶ K. Hossain, ‘EU Engagement in the Arctic: do the Policy Responses from the Arctic States Recognise the EU as a Legitimate Stakeholder?’, 6:2 *Arctic Review on Law and Politics* (2015) 89–110, at 91 [doi: 10.17585/arctic.v6.97]. See also: Weber, *supra* n. 8; K. Offerdal, ‘The EU and the Arctic: in pursuit of legitimacy and influence’, 66:4 *International Journal* (2011) 861–877 [doi: 10.1177/002070201106600414].

¹⁷ *Council Conclusions on developing a European Union Policy towards the Arctic Region* (European Union, Brussels, 2004), published on 12 May 2004, accessed on 18 June 2016. For a list of the EU initiatives till the end of 2014, as well as initiatives undertaken by member states and actors operating within states belonging to the Union see: D. Björn *et al.*, *European Arctic Initiatives Compendium* (Arctic Centre, University of Lapland, 2014), published in September 2014, accessed 15 June 2016; European Commission, *Arctic research funded by the European Union: Research and Innovation* (European Union, Luxembourg, 2014), published in 2014, accessed June 15, 2016. In February 2016, the “Edu-Arctic: Innovative educational program attracting young people to natural sciences and polar research” was launched within the *Horizon 2020 Programme*. In addition, EU-PolarNet is the world’s largest consortium of expertise and infrastructure for polar research.

¹⁸ Although Finland, Sweden and Denmark (via Greenland) have indigenous groups, the Union still has not defined a common policy and their protection is perceived in EU’s general protection of human rights. The Commission has funded several programs with impact on indigenous communities: the 2007 INTERREG IV A NORD; the Sápmi project; the 2009 EU Strategy for the Baltic Sea Region; the Kolarctic ENPI CBC Cross-border Cooperation Programme; the Northern Periphery Programme 2007–2013. In any case, the EU has so far addressed the indigenous issue directly through the Northern Dimension and its 2008 Communication, in which the Commission undertakes to establish a “regular dialogue” with Arctic indigenous peoples and to organize “Arctic dialogue” within the institution itself. See: Communication from the Commission to the European Parliament and the Council, *supra* n. 14, at 5. Civil service representatives of the European Commission, the European External Action Service and the European Parliament meet regularly with Arctic indigenous

(1) Development of the European policy towards the Arctic until 27 April 2016¹⁹

The very first appearance of the Arctic in official document was in 1989²⁰, followed by several occasional mentions until the accession in 1995 of two Nordic countries —Finland and Sweden— to the European Union. At that beginning, the main interest rested in the proximity with Russia, whereas the main concerns were related to the exceptional environmental conditions and the urgent need to regulate future activities in the area²¹. The Barents region soon emerged as the “Arctic Window” in the Northern Dimension (ND) Policy²², aimed to increase regional cooperation with Iceland, Norway and Russia. Despite these initial steps, the first considerable acknowledgement of the Arctic in the global warming context was made within the 2007 Integrated Maritime Policy for the European Union²³.

An important factor for the development of the incipient Arctic Policy was the political dialogue between the European Commission and Parliament.

people’s organizations to discuss issues of common concern and seek areas for future cooperation (the last one was celebrated in January 2016).

¹⁹ For a more detailed version of the progress on the EU’s Arctic Policy previous to the publication of the 2016 Joint communication “An integrated European Union policy for the Arctic”, see: E. Conde Pérez and Zh. Valerieva Yaneva, ‘The European Arctic Policy in progress’, *Polar Science* (2016), pending acceptance; P. Kobza, *EU Diplomacy Papers: Civilian Power Europe in the Arctic: How Far Can the European Union Go North?* (College of Europe, Bruges, 2015); D. Bochkarev, ‘The Arctic Governance and EU “soft power”’, in Hooman Peimani (eds.), *Energy Security and Geopolitics in the Arctic: Challenges and Opportunities in the 21st Century* (World Scientific, Singapore, 2013) 221 [doi: 10.1142/9789814401470_0008]; N. Wegge, ‘The European Union’s Arctic Policy’, in L.C. Jensen and G. Hønneland (eds.), *Handbook of the Politics of the Arctic* (Edgar Elgar, Cheltenham, Northampton, 2015) 533 [doi: 10.4337/9780857934741.00038]; W. Njord, ‘The EU and the Arctic: European foreign Policy in the making’, 3 *Arctic Review on Law and Politics* (2012), 6–29 [doi: 10.17585/arctic.v3.30]; S. Weber and I. Romanyshyn, ‘Breaking the ice: The European Union and the Arctic’, 66:4 *International Journal* (2011), 849–860 [doi: 10.1177/002070201106600413]; M. Łuszczuk, ‘Climate change in the Arctic and its geopolitical consequence – the analysis of the European Union perspective’, 18 *Papers on Global Change* (2011) 93–100 [doi: 10.2478/v10190-010-0008-3].

²⁰ Written Question No 2616/88 of 10 July, 1989, ‘State of the ozone layer over the Arctic’ by Mr. Ernest Glinne (S-B) to the Council of the European Communities, OJ 1989 C 174, at 42, accessed 25 August 2015.

²¹ Committee on Agriculture and Rural Development, ‘A New Strategy for Agriculture in Arctic Regions’ PE 228.129/fin. (European Parliament, Brussels, 1999), published on 19 February 1999, accessed 13 May 2016. Despite being centered on agricultural matters, the report contains important conclusions relative to the whole region, which will be viable in all later document concerning the Arctic: EU should work on enhancing and promoting environmentally sustainable production in addition to minimizing pollution.

²² The Northern Dimension is a joint policy initiated in 1999 and renewed in 2006. Its aims include intensification of existing cooperation; increase of economic stability and well-being; promotion of economic integration, competitiveness and sustainable development in Northern Europe. Apart from the founding members —EU, Russia, Norway, and Sweden— other parties also showed interest in participating, such as some EU member states, the Arctic Regional Councils, international financial institutions, universities, research centers and business community. Canada and USA are observers. More on the ND Policy: D. Arter, ‘Small State Influence within the EU: The Case of Finland’s “Northern Dimension Initiative”’, 38:5 *Journal of Common Market Studies* (2000) 677–697 [doi: 10.1111/1468-5965.00260]; M. Sicard Filtenborg, ‘An Alternative Theoretical Approach to EU Foreign Policy: “Network Governance” and the Case of the Northern Dimension Initiative’, 37:4 *Cooperation and Conflict* (2002) 387–407 [doi: 10.1177/001083602762574478]; N. Catellani, ‘The EU’s Northern Dimension after the Enlargement’, in E. Barbé (eds.), *Beyond the Enlargement* (Institut Universitari d’Estudis Europeus, Barcelona, 2003) 160; L. Heininen and H.N. Nicoll, ‘The Importance of Northern Dimension Foreign Policies in the Geopolitics of the Circumpolar North’, 12:1 *Geopolitics* (2007) 133–165 [doi: 10.1080/14650040601031206];

²³ European Parliament, Council, European Economic and Social Committee, and Committee of the Regions, ‘An Integrated Maritime Policy for the European Union’ COM(2007) 575 final (European Union, Brussels, 2007), published on 10 October 2007, accessed 13 May 2016.

The Commission urged early in 2008 for an adoption of a policy focused on security and geostrategic implications, resources and transport routes as well as strengthening the existing legal framework and, mainly, the UN Convention on the Law of the Sea (hereinafter the “UNCLOS”)²⁴. This position served “as a monument for the [establishment of] climate change-security connection [of the Arctic agenda] within the EU.”²⁵ On the other hand, the European Parliament supported the establishment of a specific Arctic regime, modelled on the Antarctic Treaty System, as it believed the existing ones did not regulate the distinct consequences of climate change in the North Polar Region²⁶. Additionally, it suggested that the Union should acquire observer status at the Arctic Council: an aspiration that has not been formally attended yet. However, the Parliament’s proposal for the adoption of a new legal regime was rejected as the Arctic states “perceived it as a threat to their sovereignty and to the legal status quo in the region.”²⁷ Only a month later, the Commission adopted the first entirely Arctic communication²⁸, alluding to concerns over environmental protection, navigation safety, resource extraction and Arctic governance. Over the years, new concerns have been incorporated: sustainable development, terrestrial transport, mining, indigenous issues, etc. Contrary to the Parliament, however, the Commission once again declared itself in favor of maintaining the existing multilateral mechanisms and refraining from the adoption of new legal instruments. It also explicitly stated that shall not support any regional activity that deliberately excludes Arctic EU or EEA Member states, alluding mainly to the 2008 Ilulissat Declaration.

From the said above, it is clear that initially there were some discrepancies in the positions of the main institutional bodies of the EU. The bold statements coming from the Parliament confused the Arctic partners as they contradicted their position regarding the applicability of existing international legal mechanisms. However, the Parliament is mainly a political body and uses lots of polemic rhetoric but this should not be understood in a way diminishing the importance of its acts. Contrarily, “the European Commission took a moderate stand [...] step[ing] away from security concern and controversial elements prioritizing instead environmental protection and sustainable development of the Arctic.”²⁹

Nevertheless, the European institutions were aware that the Arctic member states have their own interests and this point was especially addressed at the foreign affairs council meeting in 2009, underlying that the future Arctic policy “recognizes Member States’ legitimate interests and rights in

²⁴ Paper from the High Representative and the European Commission to the European Council ‘Climate Change and International Security’ SH13/08 (European Union, Brussels, 2008), published on 14 March 2008, accessed 26 August 2015.

²⁵ Grindheim, *supra* n. 14, at 15.

²⁶ European Parliament resolution on Arctic governance P6_TA(2008)0474 (European Union, Brussels, 2008), published on 9 October 2008, accessed 14 May 2016.

²⁷ Duncan Depledge, ‘The EU and the Arctic Council’, *ECFR’s Wider Europe Forum*, published on 20 April 2015, accessed 19 June 2016.

²⁸ Communication from the Commission to the European Parliament and the Council, *supra* n. 14.

²⁹ M. Śmieszek, ‘The European Union in the Northern Latitudes’, in A. Boening *et al.* (eds.), *Global Power Shift – Vol. 2 Policies, Actions and Influence of the EU’s External Relations* (Springer, Verlag, Berlin, Heidelberg, 2013) 165, at 175; Offerdal, *supra* n. 16.

the Arctic”³⁰, and, therefore, will search for balance between their respective roles. Additionally, the EU acknowledged its substantial contribution to climate change in the Arctic and its responsibility for that, “but also a particular interest in the Arctic”³¹. Once more, the EU called upon the need to establish a coordinated policy and emphasized the necessity of an open dialogue and active participation of those actors with a legitimate interest in the Arctic.

The culmination in the development of the EU policy was the 2012 Joint Communication “Developing a EU Policy towards the Arctic Region”³², which “combines a detailed report of ‘tangible results’ achieved in distinct Arctic-related fields since 2008, with an outline of the ‘way forward’ to meet the challenges of a rapidly developing Arctic.”³³ The main leitmotif of the text can be summarized in three words: knowledge, responsibility and engagement. Despite the evident efforts put in the creation of this document, it appears to be more distinctive for its omissions —no clear strategy or any references to governance gaps/new frameworks for the region— than for its real content —mere “laundry list” of plans and possible actions—, which gives the impression of “a general lacking of overarching purpose.”³⁴

The year 2014 was especially relevant for the establishment of the EU Arctic policy as the Council of the EU adopted its Conclusions on the Arctic³⁵ as a result of the European Parliament Joint Motion for a Resolution on the EU Strategy for the Arctic³⁶. The Council advocates for:

³⁰ Council Conclusions on the Arctic issues (European Union, Brussels, 2009), published on 8 December 2009, accessed 25 August 2015.

³¹ Committee of Foreign Affairs of the European Parliament, Report on “A sustainable EU policy for the High North” A7-0377/2010 (European Union, Brussels, 2010), published on 16 December 2010, accessed 14 May, 2016. Earlier in 2010, become public the first thorough analysis of the effect on the Arctic of EU activities —“Arctic Footprint and Policy Assessment” (European Union, Brussels, published on 21 December 2010, accessed 18 June 2016)— and the EU Arctic forum was established as a multisector platform to include scientific, political and business actors.

³² European Commission and High Representative of the Union for Foreign Affairs and Security Policy Joint Communication to the European Parliament and the Council ‘Developing a EU Policy towards the Arctic Region: progress since 2008 and next steps’ JOIN(2012) 19 final (European Union, Brussels, 2012), published on 26 June 2012, accessed 14 May 2016. On the 2012 Communication, see: A. Raspotnik and K. Keil, ‘Further Steps towards a Comprehensive EU Arctic Policy: Is the EU Getting There?’, *The Arctic Institute*, published on 5 July 2012, accessed 17 May 2016. For a deep analysis of EU’s contribution to the Arctic since 2008: European Commission and the High Representative of the Union for Foreign Affairs and Security Policy Joint Staff Working Document ‘The inventory of activities in the framework of developing a European Union Arctic Policy’ SWD(2012) 182 final (European Union, Brussels, 2012), published on 26 June 2012, accessed 14 May 2016; and European Commission and the High Representative of the Union for Foreign Affairs and Security Policy Joint Staff Working Document ‘Space and the Arctic’ SWD(2012) 183 final (European Union, Brussels, 2012), published on 26 June 2012, accessed 14 May 2016.

³³ Koivurova et al., Strategic Assessment of Development of the Arctic [online platform], accessed 14 May 2016.

³⁴ A. Østhagen, ‘The European Union – an Arctic Actor?’, 15:2 *Journal of Military and Strategic Studies* (2013) 71–92, at 80; and, by the same author, ‘In or Out? The Symbolism of the EU’s Arctic Council Bid’, *The Arctic Institute*, published on 18 June 2013, accessed 15 May 2016.

³⁵ Council Conclusions on developing a European Union Policy towards the Arctic Region (European Union, Brussels, 2014), published on 12 May 2014, accessed 25 August 2015.

³⁶ European Parliament Joint Motion for a Resolution on the EU Strategy for the Arctic (European Union, Brussels, 2014), published on 10 March 2014, accessed 18 June 2016. The European Parliament took note of the 2013 Kiruna Meeting (especially, the reasons for the deferral of the EU’s permanent observer status) and urged the Commission to resolve the problems with Canada related to seal ban, as well as enhance EU relations with Iceland and Greenland. As a matter of fact, later in May 2014, regarding the “seal issue”, the Council urged “Canada to use the current positive momentum in EU-

- (1) support to research on the challenges of environmental and climate changes in the North Polar Region;
- (2) responsible actions in order to ensure economic development and sustainable use of Arctic resources; and
- (3) further engagement with Arctic States, organizations, indigenous peoples and other partners to find common multilateral solutions to emerging problems.

The Council, once again, reaffirmed the relevance of international instruments, notably the United Nations Convention on the Law of the Sea, to enhance its contribution to Arctic cooperation, while confirming its recognition of the Arctic Council as the primary body for circumpolar regional cooperation. The Conclusion also contain the request “to present proposals for the further development of an integrated and coherent Arctic Policy by December 2015”³⁷, while urging for the exploration of “appropriate ways of ensuring that the representatives of Arctic indigenous peoples are informed and consulted on EU policies that may affect them.”³⁸

(2) Joint communication “An integrated European Union policy for the Arctic” from 27 April 2016, and EU’s interests in the region

As we have seen in the previous section, the EU has gone a long way since it started developing its common Arctic Policy back in 2008 “based on paradoxical platform of economic and environmental interests.”³⁹

On 27 April 2016 —after a series of postponements due to increased internal difficulties to harmonize member states’ interests and address properly the increasing implications of the immigration crisis, as well as progressively deteriorating international situation— the Union finally issued its newest document on the integrated European Arctic policy⁴⁰. Considering the difficulties in stipulating a coherent Arctic policy, there have been previous calls for a “two-tier” approach that includes: (1) a general policy for the Circumpolar Arctic and (2) a more focused strategy for the European Arctic as these areas entail two different sets of issues and, eventually, engage different

Canada relations to help resolve the remaining issue so as to allow for the full implementation of the Kiruna decision regarding the EU’s observer status as soon as possible before the next EU/Canada summit.” See: Council Conclusions, *supra* n. 35, at 2.

³⁷ Council Conclusions, *supra* n. 35, at 3.

³⁸ *Ibid.*, at 2.

³⁹ Hossain, *supra* n. 16, at 89–90 and 93; Maurer *et al.*, *supra* n. 14, at 5; Council Conclusions, *supra* n. 17. In relation to this fact, it is important to remember two facts: first, the EU is the world’s largest single market and, second, the EU is considered the leading institution committed to the fight against global climate change.

⁴⁰ European Commission and High Representative of the Union for Foreign Affairs and Security Policy Joint Communication ‘An integrated European Union policy for the Arctic’ JOIN(2016) 21 final (European Union, Brussels, 2016), published on 27 April 2016, accessed 14 May 2016. For a criticism on the “integrated” nature of the policy: A. Stępień and A. Raspotnik, ‘The EU’s new Arctic Communication: not-so-integrated, not-so-disappointing? (Part I: Deconstructing ‘integrated’: the nature of the ‘EU Arctic policy’ and its limits)’, *The Arctic Institute*, published on April 28, 2016, accessed 15 May 2016. Both authors suggest that there are three types of policy integration —(1) bringing different sectors together to form a single policy guided by one set of objectives; (2) cross-cutting issues feeding into various sectors of state or EU activity; and (3) one that builds on and takes account of principles and objectives of general sectoral policies—, concluding that the third option is currently the most viable one in the EU context.

stakeholders⁴¹. Therefore, the big question around the new policy document resolves around the EU's ability or disability to advance in this direction and prepare a clear and decisive strategy for its future implication in the North Polar Region.

As pointed out in the Joint Communication, this last update “sets out the case for an EU policy that focuses on advancing international cooperation in responding to climate change on the Arctic's fragile environment, and on promoting and contributing to sustainable development, particularly in the European part of the Arctic.”⁴² Moreover, the very beginning of the text contain the EU's long-established perception of the region: one of increasing global relevance due to the interconnection of the underway alterations related to climate change and globalization which presupposes the need for multilateral cooperation in order to maintain the region “safe [for its people and nature], stable [within the international relations], sustainable and prosperous [from economic point of view]”.⁴³ As can be seen, noting much has changed and, in unison with the two previous policy documents from 2012⁴⁴ and 2014⁴⁵, the organization continues to insist in three main areas of action:

- (1) *environmental protection in response to climate change*;
- (2) *sustainable development*; and
- (3) *increased international cooperation on Arctic issues* based on respect of international law and mechanisms.

In this context, the Union has what to offer, but the communication promptly reminds us that the leading role in addressing the emerging issues in the region remains in hands of the eight Arctic states. However, EU considers that these issues can be more affectively addressed through partnership and, thus, expresses its willingness to participate actively in the Arctic Council and to support other existing regional and sub-regional cooperation frameworks, such as the Barents Euro-Arctic Council. Although it may seem that nothing has been really modified in regard to the EU's notion of Arctic cooperation, the truth is that “over the last eight years, the Commission's/HR's voice changed from ‘enhancing governance’ to ‘foster international cooperation’ with the European Union being part of that cooperative environment”⁴⁶. It is important to the EU to maintain the Arctic neighborhood in peace and foster cooperation there because insecurity and uncertainty in the frontier areas reflect eventually on the internal stability and functionality of the Union itself, as demonstrates the current

⁴¹ A. Stępień, ‘A call for a two-tier EU policy,’ 1 *The Circle* (2016) 12–4. For a more detailed analysis by the same author: ‘The EU needs a two-tier approach towards the Arctic: a general policy for the Circumpolar Arctic and a concrete strategy for the European Arctic’, *The Arctic Institute*, published on December 10, 2015, accessed March 9, 2016; A. Stępień *et al.*, *supra* n. 2; A. Østhagen and A. Raspotnik, ‘The EU's Arctic Policy: Eventually Getting Somewhere?’, *The Arctic Institute*, published on 22 April 2015, accessed 15 May 2016; Northern Sparsely Populated Areas (NSPA) network, ‘The NSPA position on the Future EU Arctic Policy’, published on 9 June 2015, accessed 15 May 2016.

⁴² European Commission and High Representative of the Union for Foreign Affairs and Security Policy Joint Communication, *supra* n. 40, at 2.

⁴³ *Ibid.*

⁴⁴ European Commission and High Representative of the Union for Foreign Affairs and Security Policy Joint Communication, *supra* n. 32.

⁴⁵ Council Conclusions, *supra* n. 35.

⁴⁶ A. Raspotnik and A. Stępień, ‘HNN-Analysis: Is the EU eventually ‘integrating’ the Arctic?’, *High North News*, published on 27 April 2016, accessed 15 May 2016.

refugee crisis that resulted from the continuing conflict in Syria. Therefore, from a conceptual point of view, it is highly possible that Arctic issues —especially, the environmental security implications— will chiefly be addressed in the future *Global Strategy on Foreign and Security Policy* in unison with its previous mention in light of the 2014 *Maritime Security Strategy*⁴⁷.

Accordingly, it has been commonly accepted that the climate change is one of the most serious challenges nowadays. The EU considers it “a threat multiplier which exacerbates existing trends, tensions and instability” and believes that “many issues related to the impact of climate change on international security are interlinked requiring comprehensive policy responses”⁴⁸. Therefore, the fight against climate change and the accompanying it protection of Arctic biodiversity are regarded as a “duty”⁴⁹, considering that the Arctic is no more merely a victim, but is also contributing significantly to climate changes occurring elsewhere. To explain its position on climate change as the main element of its Arctic engagement, the Union uses a set of well-established scientific conclusions related to the melting ice, thawing permafrost, rising sea level, changing precipitation patterns and their interconnection, before outlining the mechanisms through which it is going to maintain its credibility in the region.

Among the suggested actions, stand out the inclusion of the Arctic matters within the EU’s climate and energy framework for 2030⁵⁰ and the support for the implementation process of the 2015 Paris Agreement under the United Nations Framework Convention on Climate Change⁵¹. As a matter of fact, the Paris Agreement can be regarded as an unambiguous signal on the need for a rapid

⁴⁷ A. Stępień and A. Raspotnik, ‘The EU’s new Arctic Communication: not-so-integrated, not-so-disappointing? (Part III: What about Arctic Cooperation? A small EU fish in a big Arctic pond)’, *The Arctic Institute*, published on 3 May 2016, accessed May 16, 2016; Council of the European Union (General Affairs) ‘European Union Maritime Security Strategy’ (Brussels, European Union, 2014), published on 24 June 2014, accessed 17 May 2016. More on EU’s Global Strategy on Foreign and Security Policy: A. Raspotnik, ‘The EU is not in revolutionary mode when it comes to the Arctic’, *High North News*, published on 12 April 2016, accessed 17 May 2016, or the [official web-site](#) of the initiative.

⁴⁸ Paper from the High Representative and the European Commission to the European Council, *supra* n. 24; A. Neumann, *Working Paper FG 02: The EU—a relevant actor in the field of climate change in respect to the Arctic* (Stiftung Wissenschaft und Politik, Berlin, 2010); S. Weber and I. Romanyshyn, ‘The Arctic Region. European Interests and European Policy in the High North’, 5 *Kas International Reports* (2012) 54–69, at 55.

⁴⁹ As stated by Raspotnik and Stępień, the EU’s perception of ‘duty to protect the Arctic environment and strengthen ecosystem resilience’ is an astonishing statement as it reveals a lot about the Union’s self-perception of allegedly being a global key actor concerning climate change and environmental protection. Raspotnik and Stępień, *supra* n. 46.

⁵⁰ Adopted by heads of state and government in the European Council of 23 and 24 October 2014 (EUCO 169/14).

⁵¹ The 2015 Paris Agreement was adopted after a long negotiation process. Despite being a major achievement, there are some costly procedures for concluding international treaties that have to be realized before it enters into force (anticipated for 2020 if 55 States parties that produce 55% of greenhouse gases become party to the Agreement). On other hand, no matter how binding an agreement is, it only obliges those who decide to become its parties. Given the failure of the previous attempts to set individual binding targets for each country under the Kyoto Protocol, the opposite decision was made: a mandatory target for all states is set and the increase in the average Earth’s temperature should be “well reduced” at 2°C above its pre-industrial levels and even intended to be left at 1.5°C. Afterwards, each country that signs and ratifies the pact should voluntarily reduce its emissions through making national contributions in addition to the global limitations. But this may not be enough and, thus, different revision mechanisms on the commitments will be established every five years together with transparency tools, such as inventories, in order to exercise effective control. The text of the agreement can be found [here](#). On its relevance for the Arctic, see: S. Duyck, ‘The Arctic After Paris’, *World Policy Blog*, published on 27 April 2016, accessed 14 May 2016, or by the same author, ‘What Role for the Arctic in the UN Paris Climate Conference (COP-21)?’, in L. Heininen *et al.* (eds.), *Arctic Yearbook 2015* (Northern Research Forum, Iceland, 2015), 413.

transition to a low-carbon global resilient economy; a fact that is further bolstered by its binding nature. Additionally, the EU is willing to foster the application of existing multilateral regimes related to environmental protection, mentioning explicitly the UNCLOS protection of the marine nature and biodiversity through implementation of marine protected areas. Moreover, it is expected that the Union will share its experience as leading actor in the fight against climate change and in the reduction of greenhouse gas emissions⁵² as well as best practices in the following spheres: pollutants and heavy metals; invasive alien species; oil and gas activities. Definitely there is nothing surprising around the actions to be taken by the EU, but, compared to previous policy statements these are stated in a far more concrete way as the new communication alludes to specific international agreements that are to be better implemented and/or accommodated for the Arctic realities, while implying to increase the number of their signatories⁵³.

Regarding sustainable development, we can now see separation between the Circumpolar and the European Arctic issues, and this is the striking news of the 2016 Joint Communication⁵⁴. The European Arctic is described as a wide sparsely-populated area, characterized by a lack of transport links, where the EU perceives itself as a key actor and not a secondary participant as it is sometimes described in relation to the circumpolar affairs. In order to improve living conditions in the European area, series of activities are contemplated related to the implementation of green and blue economies, innovations combined with traditional knowledge as well as increased investment in the region alongside the traditional funding activity.

On circumpolar level, considering the need for resource supplies, the most important task before the EU will continue to be to strengthen the existing cooperation in order to facilitate exploration and transport of the natural resources. However, there is the possibility that the Arctic may turn out

⁵² The EU's objective is to limit global average temperature increases to well below 2°C and make an effort to limit the temperature increase to 1.5°C. Meanwhile, it has already committed to reducing its total greenhouse gas emissions by 40% by 2030 and by 80% by 2050 compared with 1990 levels. The 2030 commitment will be achieved by implementing the EU's intended nationally determined contribution according to the Paris agreement. The EU has also committed itself to spend 20% of the EU budget on climate-related objectives.

⁵³ The Convention on Long-Range Transboundary Air Pollution; the Stockholm and Minamata Conventions; the amended Gothenburg Protocol, the Commission's Air Quality Package proposal; the Climate and Clean Air Coalition, among others. In addition to mandatory measure, the EU believes action should include voluntary measures, such as those proposed by the International Maritime Organization's Guidelines for the Control and Management of Ships' Biofouling. The EU should also encourage all signatories to ratify the 2004 International Convention for the Control and Management of Ships Ballast Water and Sediments and to promote the adoption of the highest standards of major accident prevention and environmental control. Furthermore, the Union should share regulatory and technological best practice with international partners to support safety and preservation of Arctic environment: in this regard, steps have already been taken to promote the Arctic Council Agreement on Cooperation on Marine Oil Pollution, Preparedness and Response in the Arctic through the Offshore Safety Directive 30/2013. On its applicability in the Arctic: C. Cinelli, 'Legal Status and Environmental Protection of the Arctic Sea-Ice: European Perspectives', in E. Conde and S. Iglesias (eds.), *Global Challenges in the Arctic Region: Sovereignty, Environment and Geopolitical Balance* (Routledge, London, New York, 2016) 129. However, as suggested by Stepień and Raspotnik, what is missing in this list is any call for limiting the use of heavy fuel oil, a measure that has not found its way into the mandatory Polar Code either. See: Stepień and Raspotnik, *supra* n. 40.

⁵⁴ For a more detailed analysis on the European Arctic perspective and the ways to enhance coordination among EU Arctic actions: A. Stepień and A. Raspotnik, 'The EU's new Arctic Communication: not-so-integrated, not-so-disappointing? (Part II: Making a difference: the European Arctic and better coordination)', *The Arctic Institute*, published on 29 April 2016, accessed 15 May 2016.

to be not as attractive as it used to be due to currently low oil, gas and minerals prices, as well as the slow rise in Arctic shipping and the gradual shift towards environmentally sustainable economy⁵⁵. Additionally, the removal of oil and other resources from the seabed —being it in the Arctic, or elsewhere— is technically a complicated activity, involves large investments and still supposes significant environmental risks. Additionally, for quite some time, the EU has considered necessary the introduction of binding international standards based on the guidelines of the Arctic Council or other relevant international conventions. Research and technological innovation are also pointed as one of the main areas of the future cooperation as the European industry has always been well-experienced in the oil and gas offshore extraction and has a significant technological advantage that should be used accordingly. The EU should therefore work to strengthen collaboration, synergies and complementarity between funding on infrastructure projects and cold climate technologies and services.

A promising initiative in this direction is the creation of the European Arctic stakeholder forum “with the aim of enhancing collaboration and coordination between different European Union funding programmes”,⁵⁶ but its temporary nature is a major setback. In addition, “it remains unclear on how the work of the new forum relates to the EU-Polarnet project, which is currently developing European science policy, also based on stakeholder consultations.”⁵⁷ Nevertheless, to give more consciousness of the results of the forum after 2017, the Commission will fund an annual Arctic stakeholder conference in the European Arctic in order “to strengthen collaboration and networking between stakeholders to improve capacity building, international project development and awareness of financing sources.”⁵⁸

On other hand, the wider Arctic region is rich in natural resources such as fish, minerals, oil and gas and there the EU is interested in the maintained of the peace and stability, which can only be achieved by enhancing the international cooperation to face the emerging Arctic issues.

First and foremost, the EU insist on improving the level of ocean governance under the UNCLOS framework especially in the high seas. The free navigation is an important aspect of this governance as new maritime routes are opening⁵⁹. As the Arctic is about to lose much of its ice covering, more opportunities for world trade will occur, given the fact that 90% of the freight is still transported by

⁵⁵ Stepień and Raspotnik, *supra* n. 40; A. Stepień *et al.*, *supra* n. 2; J. Kämpylä and H. Mikkola, ‘The promise of the geoeconomic Arctic: a critical analysis’, 14:2 *Asia Europe Journal* (2016) 202–30 [doi: 10.1007/s10308-015-0447-5].

⁵⁶ European Commission and High Representative of the Union for Foreign Affairs and Security Policy Joint Communication, *supra* n. 40, at 11.

⁵⁷ Raspotnik and Stepień, *supra* n. 46; Stepień and Raspotnik, *supra* n. 40.

⁵⁸ European Commission and High Representative of the Union for Foreign Affairs and Security Policy Joint Communication, *supra* n. 40, at 11.

⁵⁹ Not long ago, the Arctic Ocean could only be submerged by nuclear submarines or flown over, with the only exception of powerful icebreakers that could actually navigate alongside the ice. However, various routes are now opening to the international commercial shipping and have the potential to become major shipping routes. Those of special importance for its strategic and commercial interests are the Northeast Passage —bordering the coast of Siberia—, and the Northwest Passage —circulating along the northern coasts of Canada and Alaska—. There is another one —the Transpolar Route— of growing interest, because its waters are entirely composed by high seas which supposes freedom of navigation, but, it is more ice-covered and difficult to navigate through.

sea. Counting with the vessels of all its member states, the European Union currently has the largest merchant fleet. For the EU, therefore, is essential to defend the principle of freedom of navigation and innocent passage in the new Arctic maritime routes⁶⁰ and avoid discriminatory practices of Arctic coastal states towards merchant ships of third countries. Accordingly, the EU promotes safety and security maritime standards through the mandatory Polar Code for safe ship operation and protection of the polar environment shipping, recently developed and approved under the auspices of the International Maritime Organization (hereinafter the “IMO”).

As for fisheries, the Union welcomes the Arctic 5's declaration concerning the prevention of unregulated high seas fishing in the Central Arctic Ocean, but calls for a wider debate and support as, in its current form, it is only valid with respect to the Arctic coastal states which cannot impose a regime on high seas or on third parties. There is also a concrete proposal, considering the need of further investigation on the behavior patterns of the alien species moving north: creation of a Regional Fisheries Management Organization⁶¹ or the adoption of new Regional Sea Convention. In all cases, EU insists that whatever mechanism is to be adopted it should be opened for all major fishing powers as the Union counts with nations with long traditions in fishing activities such as Denmark, Germany, the United Kingdom and Spain⁶². For now, the EU limits itself to conclude annual bilateral agreements with Norway, Iceland and Greenland⁶³, while insisting on further cooperation with the Arctic states “seeking not only to safeguard fishing opportunities but also to

⁶⁰ For a comprehensive study on the problems facing the EU as a shipping actor in the Arctic, and, therefore, important literature on the topic: A. Raspotnik and B. Rudolf, *Working Paper FG 02: The EU as a shipping actor in the Arctic* (Berlin: Stiftung Wissenschaft und Politik, 2012). See also: N. Liu, ‘The European Union’s Potential Contribution to Enhanced Governance of Arctic Shipping’, 73 *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht* (2013) 705–733.

⁶¹ Byers believes that the inclusion of the EU in the negotiations for the creation of a RFMO especially related to the Arctic under the auspices of the AC could be beneficial to the success of the organization: firstly, as it would be appropriate for the EU that its major fishing powers participate in such a system for fishing management and, secondly, because the inclusion of the EU as a partner could boost its application for obtaining an observer status at the Arctic Council. M. Byers, *International Law and the Arctic* (Cambridge University Press, Cambridge, 2013), at 179–84. Additionally, as stated by Stepień and Raspotnik, the EU position on implementation of RFMO mechanism can be analyzed “in the broader context of the Union’s current process of formulating its approach to international ocean governance” and “in light of recent Arctic developments” such as the ongoing work in the Arctic Council as regards Arctic marine governance and the A5 Declaration on Arctic high seas fisheries. See: Stepień and Raspotnik, *supra* n. 40. The latest advance in regard to the Arctic fisheries is the participation of the EU in the so called ‘Broader Process’ on international regulation of high seas fishing in the central Arctic Ocean, held in Washington, D.C. between 1–3 December 2015. See: Erik J. Molenaar, ‘The December 2015 Washington Meeting on High Seas Fishing in the Central Arctic Ocean’, *The JCLOS Blog*, published on 5 February 2016, accessed 20 June 2016.

⁶² However, the EU fishing fleet itself is still not very active in the region. European Environmental Agency, “Arctic environment: European perspectives. Why should Europe care?” 38 *Environmental issue report* (2004) 1–60. Notwithstanding, we should remind that even if member states have their own interests as regards the external dimension of the Fisheries Policy, the European Commission is responsible for negotiating agreements with third parties for fishing quotas in the respective jurisdictional waters.

⁶³ B. Rudolf, *Working Paper FG 02: The EU as fishing actor in the Arctic: Stocktaking of institutional involvement and existing conflicts* (Berlin: Stiftung Wissenschaft und Politik, 2010).

guarantee long-term conservation and optimum utilization of fishery resources by ensuring that the best scientific evidence available is heeded and proper precautionary approaches are used.”⁶⁴

Generally, in all areas of future engagement, the EU will strongly rely on research and investigation activities as, in the words of the Communication, “science can be used as a catalyst to support a common understanding, enabling jointly agreed solutions to be reached and foster peace cooperation”.⁶⁵ This statement remains in line with previous approaches as “research has been attributed the key role for effective cooperation between Arctic ‘insiders’ and Arctic ‘outsiders’.”⁶⁶ Therefore, many research projects have already been launched under the Horizon 2020 Program or relate to the EU-PolarNet initiative and are expected to be reinforced by the EU space programmes (such as Copernicus or the future Svalbard Integrated Arctic Observer System). Moreover, in this regard, the Union will support the existing pan-arctic observer initiatives (such as Sustained Arctic Observing Network and GEO Cold Region). An important aspect is that the EU declares itself in favor of an “international scientific cooperation through supporting transnational access to research infrastructure and open data resources to improve political and economic links and maintain good relations with key countries in the region.”⁶⁷

Despite these minor advances, there is one largely missing topic from the 2016 Communication and it is related to the indigenous perspective. The policy document assures that traditional livelihoods together with the impact of economic development on the Arctic’s fragile environment will be taken into account when sustainable development is pursued. However, references to any kind of indigenous participation are made only in relation to circumpolar activities and are left in the domain of political dialogue and consultation, nothing more, not even a participation in the research is contemplated. And this might prove to be an important deficiency.

In conclusion, the 2016 Communication states that its text “should guide the EU’s actions for the coming years [and be kept] under review in light of developments.”⁶⁸ It also contains a proposal for the establishment of a *Working Party on Arctic Matters and Northern Cooperation in the Council and a similar delegation in the European Parliament* in order to further enhance the coordination among its institution on Arctic matters.

Eventually, the 2016 Communication represents a list of numerous already launched activities and projects that need to be further developed, but provides few examples of new actions to be developed and incentives to be introduced to facilitate coordination. There is the global impression that “the primary role of the Communication is not to streamline EU Arctic policies and actions but to

⁶⁴ Hossain, *supra* n. 16, at 94; European Commission and High Representative of the Union for Foreign Affairs and Security Policy Joint communication, *supra* n. 32.

⁶⁵ European Commission and High Representative of the Union for Foreign Affairs and Security Policy Joint Communication, *supra* n. 40, at 13.

⁶⁶ Stepień and Raspotnik, *supra* n. 40.

⁶⁷ European Commission and High Representative of the Union for Foreign Affairs and Security Policy Joint Communication, *supra* n. 40, at 16.

⁶⁸ European Commission and High Representative of the Union for Foreign Affairs and Security Policy Joint Communication, *supra* n. 40, at 17.

communicate [to the Arctic states, EU member states, and to some extent the general public] the scope of the EU's presence in the region, to show that the Union has an appropriate understanding of the situation in the region and to state overall principles that the EU commits to follow in its diverse Arctic activities."⁶⁹

(D) OBSERVER STATUS AT THE ARCTIC COUNCIL

Generally speaking, the EU's Arctic policy papers "have set out broad uniform guiding principles [but] there is a substantial gap between the EU's rhetoric and its actual behavior in terms of concrete political acts"⁷⁰ which "seems to be partly due to the fact that the EU has been primarily occupied with achieving international recognition by the Arctic states in order to gain a say over Arctic governance"⁷¹.

Meanwhile, the North Polar Region "has proven to be an excellent test field for international cooperation at different levels [...] and the existence of the Arctic Council demonstrates it."⁷² Therefore, according to its status of a global political power, the Union has been supporting the idea of a much closer cooperation, while encouraging for the establishment of stable and flexible partnership with the Arctic states. This position, as we have seen, is being reinforced by the 2016 Communication where the EU describes its engagement in the Arctic region as one of support and cooperation both with the Arctic states and the existing intergovernmental fora. Hence, the need to become an official observer at the Arctic Council is gaining importance as it is believed to provide the EU with the much desired legitimacy as an Arctic actor.

As already implied, the Union has been asking to be accepted as an observer to the Arctic Council as a means to enhance the credibility and legitimacy of its actions in the region. Nevertheless and despite EU's efforts, such status has been constantly denied: in 2009 its first application was rejected and once again postponed in 2011. Some potential concerns among the Arctic Council states relate to the need of coordination between Sweden, Finland and Denmark, and the EU before meeting in international fora (art. 34 of the Treaty on the European Union) as well as the fact that most Arctic issues are EU areas of shared competence between the Commission and the member states⁷³. Certain

⁶⁹ Stepień and Raspotnik, *supra* n. 40.

⁷⁰ M. Molthof, 'The Great Game of the Arctic-Is there Still a Role for the EU?', *European Student Think Tank*, published on 6 April 2015, accessed 19 June 2016.

⁷¹ A. Østhagen, 'In or Out?', *supra* n. 34.

⁷² E. Conde Pérez, 'El Derecho Internacional ante el proceso de cambio climático en el Ártico. Especial referencia al Derecho del Mar', in *Documentos de Seguridad y Defensa 58: Energía y clima en el área de la seguridad y la defensa* (Madrid: Ministerio de la Defensa, 2013) 175. For a critical analysis: Kypylä and Mikkola, *FIIA Working Paper 85: On Arctic exceptionalism: critical reflections in the light of the Arctic Sunrise case and the crisis in Ukraine* (Finnish Institute of International Affairs, 2015). For the policy responses from the Arctic states: Hossain, *supra* n. 16.

⁷³ For a deeper discussion of the EU's potential contribution and obstacles before the EU's a permanent observer status: K. Keil, 'The EU as a Prospective Permanent Observer to the Arctic Council: Footholds, Virtues, Concerns and Obstacles (Part I)', *The Arctic Institute*, published on 27 September 2012, accessed 17 May 2016, and, by the same author, 'The EU as a Prospective Permanent Observer to the Arctic Council: Footholds, Virtues, Concerns and Obstacles (Part II)', *The Arctic Institute*, published on 31 October 2012, accessed 17 May 2016.

advance has been made during the 2013 Kiruna Ministerial Meeting, when the Union was accredited with the weird “observer-in-principle” status, which was to replace the previous ad hoc regime. However, one condition was imposed in order to eventually obtain the desired status: resolution of the existing disputes with Canada, resulting from the EU Regulation 1007/2009 on trade in seal products or the European ban on the Arctic oil and gas production. More recently, in April 2015, Russia also vetoed the Union in retaliation against its sanctions in the ongoing conflict in Ukraine.

The implications of the seal ban and the Ukrainian crisis will be analyzed in the following sections, before concluding on the symbolic nature of the acquisition of the observer status.

(1) EU ban on seal hunt

Much has been debated that the EU ban on seal hunt, based on moral considerations over the inhumane killing of the seals,⁷⁴ conceals a direct interference in the economy and trade with seal products coming from non-European Arctic states. The regulation, however, included three explicit exceptions, covering products from seals:

- (1) hunted by Inuit or other indigenous communities;
- (2) hunted for the purpose of marine resource management; or
- (3) brought into the EU by travelers under certain conditions.

As a consequence of the adoption of the seal regulation, Canada expressed concerns over the EU becoming part of the Arctic Council and, therefore, more involved in the regional governance as its action revealed lack of knowledge and interaction between Arctic and non-Arctic parties and might potentially damage the livelihoods of indigenous peoples in the Arctic. Additionally, Canada stated that the Union had not yet developed the necessary sensitivity to be part of the highest political forum on Arctic governance, alluding to the supposed misperception of the EU towards the region and its general lack of profound knowledge on its problems⁷⁵.

Therefore, in response to said restrictions, Canada and Norway felt discriminated and appealed at the World Trade Organization (hereinafter the “WTO”)⁷⁶. The WTO indeed found the included

⁷⁴ With regard to the issue of seal ban, see generally the works of N. Sellheim: ‘The Legal Question of Morality: Seal Hunting and the European Moral Standard’, 25:2 *Social and Legal Studies* (2016) 141–161 [doi: 10.1177/0964663915624343]; ‘The recognition of Arctic Communities in the EU seal regime’, 8th NRF Open Assembly Proceedings (2016) 36–48, ‘The goals of the EU seal products trade regulation: from effectiveness to consequence’, 51:3 *Polar Record* (2015) 274–289 [doi: 10.1017/S0032247414000023]; ‘The Neglected Tradition? The Genesis of the EU Seal Products Trade Ban and Commercial Sealing’, 5:1 *The Yearbook of Polar Law* (2013) 417–450 [doi: 10.1163/22116427-91000132]. See also: P. Conconi and T. S.L. Voon, *EUI Working Papers: EC–Seal Products. The Tension between Public Morals and International Trade Agreements* (Robert Schuman Centre for Advanced Studies, European University Institute, 2015).

⁷⁵ ‘Canada against EU entry to Arctic Council because of seal trade ban’, *CBC News*, published on 29 April 2009, accessed 19 June 2016.

⁷⁶ WTO, European Communities–Measures Prohibiting the Importation and Marketing of Seal Products: Request for Consultations by Canada, WT/DS400/1 and Add.1 (4 November 2009); WTO, European Communities–Measures Prohibiting the Importation and Marketing of Seal Products: Request for Consultations by Norway, WT/DS401/1 and Add.1 (10 November 2009); Panel Reports, European Communities–Measures Prohibiting the Importation and Marketing of Seal Products WT/DS400/R and WT/DS401/R (25 November 2013); Appellate Body Reports, EC–Seal Products, WT/DS400/AB/R and WT/DS401/AB/R (22 May 2014). See also: M. Fakhri, ‘The WTO, Self-determination, and Multi-

exceptions discriminative and, therefore, inconsistent with Article 2.1 of the Agreement on Technical Barriers to Trade. However, the seal regime was found consistent with Article 2.2 of the same Agreement on the basis that it was not more trade restrictive than necessary to fulfil its legitimate objectives. Additionally, in relation to the General Agreement on Tariffs and Trade (hereinafter the “GATT”) 1994, the Inuit exception was found inconsistent with the most-favored nation obligation in Article I:1 —because it treated seal products from Canada and Norway less favorably than Greenland—, while the marine resource management exception was also inconsistent with the national treatment obligation in Article III:4 —because it treated imported seal products less favorably than like domestic products—. Eventually, the WTO decided that both exceptions could not be justified under any of the exceptions listed in Article XX GATT and, especially, provisions (a) or (b). Therefore, the seal hunting issue emphasizes some important points: (1) the Union has the ability to influence the Arctic economy, through its own commercial policy, and (2) with its actions the Union raises the indigenous peoples to valid interlocutors in the Arctic affairs. As a result of the final WTO decision transit and processing exceptions were implemented to the following EU regulation in conformity with the fact that, despite being a small player in the production of raw seal products, the Union has a sizeable transit and processing industry.

Overall, while EU legislation framed indigenous rights as a legal exception and animal rights activists argued that Inuit hunting practices were immoral, the WTO decision ensured that indigenous interests were considered as main legal and moral concern in all EU seal hunting laws. On other hand, the pernicious effect of the seal hunting ban surpassed the one of the 2008 Resolution of the European Parliament as it supposed a serious breach in the EU-Canada Arctic relations. The restrictions resulted in the unwillingness of Canada to support the EU candidature for becoming an AC observer.

However, after the resolution of the case at the WTO, Canada has stopped blocking such accreditation and advances have been made ever since on bilateral level. Additionally, moved by its global economic interests, the EU is aiming to create a common economic space in the North Atlantic which is to include the Arctic. With this objective, the Union has already agreed the text of the free trade agreement with Canada (pending formal adoption) and is currently negotiating the signing of the Transatlantic Trade and Investment Partnership with US. The whole negotiation process and the signature of the agreement with Canada has been traditionally seen as a progress in the bilateral cooperation on the Arctic issues which was seriously burdened after the adoption of the EU Regulation 1007/2009. Moreover, “the three partners established enhanced maritime (Atlantic and Arctic) science cooperation in the framework of the Galway Statement: a clear example of the

jurisdictional Sovereignty’, *ASILUnbound*, published on 25 June 2015, accessed 14 March 2016. Additionally, Canada and Norway also appealed to the European Court of Justice. See: S. Iglesias Sánchez, ‘Arctic Indigenous Peoples at European Courts. Issues conceding their effective judicial protection at the CJEU and at the ECtHR’, in E. Conde and S. Iglesias (eds.), *Global Challenges in the Arctic Region: Sovereignty, Environment and Geopolitical Balance* (Routledge, London, New York, 2016) 217.

importance of science diplomacy and scientific presence in the Arctic for actors external to the region (which includes the EU as regards the Arctic Ocean).⁷⁷

(2) Ukrainian crisis

Despite the positive developments in the EU-Canada Arctic partnership, the problems before the Union's acquisition of full observer status remain as the Ukrainian crisis seriously hindered the dialogue with Russia⁷⁸. Therefore, the EU's reconciliation with Russia becomes essential condition to advance further in the region.

In fact, the ongoing Ukrainian crisis and the progressively deteriorating relations between Russia and the West are clear example of how increased tension and potential conflict situations may affect negatively the cooperation in the Far North⁷⁹. Moreover, the international implications of the conflict in Syria —where Russia also had an important involvement— have caused an extremely important internal problem for the EU which has to be dealt with urgently: the immigration crisis which occupies much of the time and resources of the Union and further subtracts credibility in EU. The serious problems that the EU is facing has eventually determined that the European priorities pass from the Arctic to a far more pressing matters related to a much warmer scenarios in the Mediterranean, Middle East and the ISIS menace knocking on the doors of Europe.

Therefore, we ask ourselves if it is possible for the EU to fully engage itself in the Arctic, in the context of aggravating internal crisis. All these external factors have, in one way or another, influenced the delay of the long-awaited new communication on the Arctic matters. Yet, the new document opens up the possibility for cooperation with Russia as the policy update forms part of the selective engagement between the EU and Russia⁸⁰.

(3) Symbolic nature of the observer status

Last, but not least important, we should underline that, despite not having the status of full-pledged observer, the European Union has always formed part of the Arctic Council meetings. Additionally, it should be reminded that the position will not suppose a significant change in the actual engagement: the Union will continue to participate in meetings and will have the opportunity to contribute to its working groups. This might be true, but “the emphasis the EU has placed on achieving observer status is thus more symbolic than tangible in nature: being accepted as an ‘in-group’ member confers

⁷⁷ Stepień and Raspotnik, *supra* n. 40.

⁷⁸ Russia supported Canada's decision in Kiruna, but in 2015 rejected unilaterally the EU's candidature. This can be explained by the consequences of the Ukrainian crisis but perhaps more adequately it can be seen within the traditional Russian skepticism on multilateral cooperation mechanisms and its general refusal to accept any foreign implication in the Arctic, a region which is considered to belong to the Arctic states and, therefore, only the coastal states can decide on its future. Hossain, *supra* n. 16.

⁷⁹ Kämpylä and Mikkola, *supra* n. 72.

⁸⁰ A. Eriksson, 'EU's Arctic policy targets environment, Russia', *EUObserver*, published on 28 April 2016, accessed 17 May 2016.

more legitimacy as an Arctic actor than the practical outcome of the status in itself.”⁸¹ As a matter of fact, “[o]n the surface of it, the EU is less an ‘outsider’ to the Arctic than any of the states accepted as Permanent Observers in May 2013 [as] [t]he European Commission is actually active through programmes in and channels financial support to the regions of member states Sweden and Finland located around and north of the Arctic Circle, as well as to Greenland, which is one of the Overseas Countries and Territories (OCT) associated with the EU [b]ut in fact, the EU has met more resistance by Arctic “insiders” —governments of the Arctic Council member states, but also organizations representing the indigenous populations living in the region—”⁸².

The EU will continue to be kept “out” as long as solutions are found to the remaining disputes with Russia as Canada has moderated its stance. Nevertheless, by authorizing the “observer-in-principal” status, the Arctic Council ensures the long-lasting engagement of the European Union in the Arctic agenda and opens the door for future resolution of the created situation. Moreover, it should be underlined that, in relation to the EU’s participation in the AC, the 2016 Joint declaration refers to the forthcoming Finnish Presidency of the Arctic Council as “opportunity to bring European ideas and initiatives to the work of the Arctic Council.”⁸³

(E) CONCLUDING REMARKS

Considering the opportunities that result from the improved weather conditions in the so far inhospitable and inaccessible Arctic, the region is becoming a key geostrategic point where states and other international actors are trying to impose their influence. The European Union is only one of many interested to become involved in the Arctic governance and supports the efforts to maintain cooperation and enhance further stability in this neighboring region.

In order to successfully achieve its goal, however, the Union needs to be accepted as a legitimate actor by the traditional Arctic stakeholders. To create its legitimacy, the EU is working on the adoption of its own Arctic policy while bidding to be finally recognized as an observer in the Arctic Council. Although the European activities are often characterized to be contradictory and complex — showing environmental concerns while interested in the Arctic as commercial zone—, the Union has proved to be active and interested partner in the global efforts to control the transformation of the Arctic. Nevertheless, the last policy document issued on 27 April 2016, does not provide new relevant statements with regard to the future EU Arctic engagement, perhaps with the exception of enhanced focus on the European Arctic and its economic development. Furthermore, the Joint Communication is still to be endorsed by the Council of the EU in order to adopt a definite statement of the EU’s policy towards the Arctic.

⁸¹ Detailed analysis on this topic can be seen in: A. Østhagen, ‘In or Out?’, *supra* n. 34.

⁸² N. Lachmann, ‘The European Union’s involvement in the Arctic: actor, irrelevant, intrusive?’, Paper and presentation at the University of Southern Denmark, Odense, 11th February 2014, accessed 19 June 2016

⁸³ European Commission and High Representative of the Union for Foreign Affairs and Security Policy Joint Communication, *supra* n. 40, at 3.

It is clear, the new policy supports the idea that the management of the Arctic should be based on agreements and multilateral mechanisms such as the UN Convention on Law of the Sea, the Arctic Council and the International Maritime Organization. In order to become more proactive, the Union should gain more influence and better defend its interests internationally by legitimizing its policy in the eyes of the traditional Arctic stakeholders. Moreover, the Union should promote high technologies and standards for sustainable development as well as reduction of the pollution and gas emissions according to its international obligations; remain committed to the established relations on Arctic issues with its strategic partners and deepen the ongoing cooperation. Additionally, the EU's achievements in promoting multilateral cooperation and regional stability as well as its efforts to resolve disputes through mediation would be necessary if potential Arctic disputes intensify. Undoubtedly, the Union's activities could prove *convenient* in building up mutual trust and *critical* in securing environmental safety and accident response. Meanwhile, the Union is seen to play a *constructive role* in addressing many of the challenges in the Arctic, but only its future actions will show how the EU Arctic policy will further evolve.