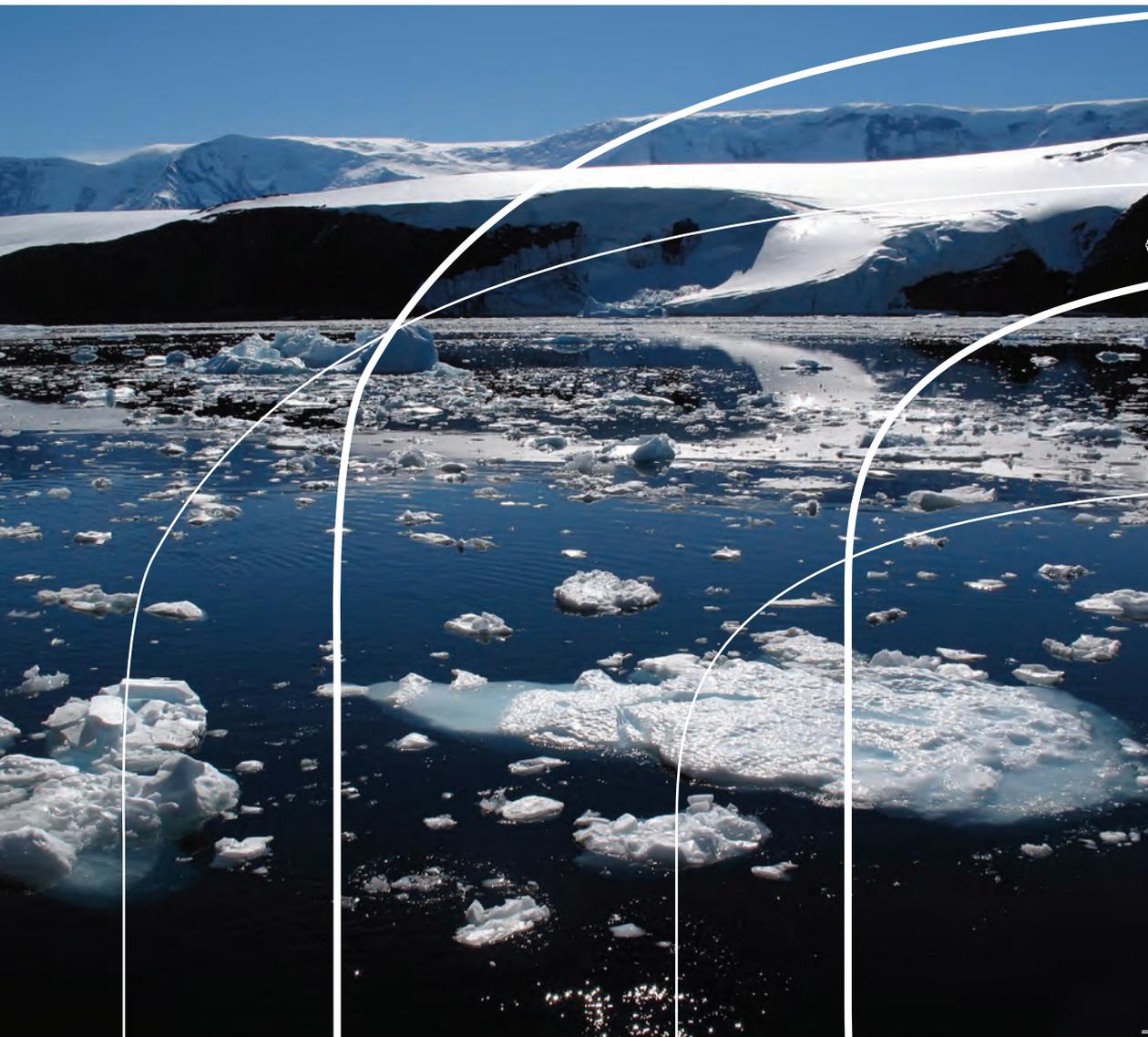




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The European Union and the Arctic

Developments and perspectives 2010–2014





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Adele Airoidi

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Preface

Over recent years, and especially since 2008 when the European Commission published its first Communication on the Arctic, the Nordic Council of Ministers has been closely following the EU's steps to identify its priorities vis-à-vis the Arctic.

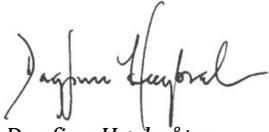
In September 2008, during the Swedish chairmanship of the Nordic Council of Ministers, an important conference on questions related to the Arctic was held in Ilulissat, Greenland. The conference "Common Concern for the Arctic" focused on highlighting existing knowledge and governance structures in a region that had suddenly gained public and global interest in the wake of the planting of the Russian flag on the sea bed on the North Pole in 2007. The overarching message was to showcase existing and common concerns over the development of the Arctic and to show that the development was in good hands within the Nordic countries and Arctic states.

Awareness of Arctic issues increased in the following years and during the Danish chairmanship of the Nordic Council of Ministers in 2010, and its chairmanship of the Arctic Council in 2009–2011, another large conference: "Arctic – changing realities" was held in Copenhagen, Denmark. The conference focused on providing solutions on preserving and protecting the Arctic in the light of the challenges envisaged.

In 2011, a seminar with the title "An Arctic Agenda" was held in Brussels co-hosted by the European Commission, which sought to underline the EU's legitimate involvement in the Arctic agenda in general and to establish areas of concrete cooperation between the Nordic Council of Ministers and the EU.

Throughout these years' intensive and deliberate actions and initiatives by the Nordic Council of Ministers, a range of publications have been issued regarding the Arctic and the EU. It is with pleasure that the Nordic Council of Ministers can now publish its third comprehensive publication on the developments of EU policies vis-à-vis the Arctic: "The European Union and the Arctic – developments and perspectives 2010–2014".

I hope that this publication will provide you with knowledge and facts as food for thought and for further dialogue and discussion to the benefit of the development of the Arctic.

A handwritten signature in black ink, appearing to read 'Dagfinn Høybråten', written in a cursive style.

Dagfinn Høybråten

Secretary General

Nordic Council of Ministers

Introduction

The report “The European Union and the Arctic – Policies and actions”¹ issued in 2008 by the Nordic Council of Ministers provided an overview of Arctic-relevant EU activities at a time when the EU started to recognize the Arctic as a region of potential interest and concern.

A first update to the report² covered the main developments in the period July 2008–July 2010: a period during which the increasing awareness of Arctic issues led to the first formulation by EU institutions of more coherent and comprehensive positions to be translated into action.

This update has a cutting date: October 2014 which is significant for a number of reasons:

- *A new European Parliament* was elected in May 2014. Its composition is quite different from the previous one, and the position on Arctic issues is difficult to predict, all the more so that often in the past the interest of individual members had a determinant role in pushing forward Arctic matters.
- *A new Commission* led by Jean-Claude Juncker and a *new High Representative*, Federica Mogherini, have taken office in November 2014. While a degree of continuity will doubtlessly be ensured by the services, the political priorities of the new body, and the interaction of the new Commissioners and High Representative, are bound to influence the way an issue such as the Arctic – an area that touches many sectors and not yet has an established policy status – will be developed.

¹ <http://dx.doi.org/10.6027/ANP2008-729> hereafter NCM 2008

² <http://dx.doi.org/10.6027/ANP2010-763> hereafter NCM 2010

- A new *multiannual financial framework* has been agreed for the years 2014–2020, which will be influencing EU-Arctic relevant action in the next years.

The present report aims at giving a multi-faceted picture of the situation in 2014 as it results from the developments of the last four years and as a background for further steps towards the elaboration of an EU-Arctic policy.

In the last four years much attention and effort have been devoted to the EU aspiration to find a place as a significant and accepted political actor in the region. *Part I* of this report focuses on this aspect, analyzing the positions expressed by the European institutions in the process of elaborating an EU-Arctic policy, and the positions of Arctic states and other actors on a present and future EU role.

Part II succinctly describes the situation for the main Arctic-relevant policy sectors, integrating, where useful, available information and highlighting trends.

A final conclusive *Part III* aims at identifying main issues and perspectives for the “further development of an integrated and coherent Arctic policy” requested by the EU Council in May 2014.

1. Part I

The EU as a political actor in the Arctic

1.1 Carefully stepping on ice: The second wave of texts

1.1.1 The 2011 Parliament's resolution

In its 2009 Conclusions on Arctic issues³ the EU Council of Ministers aimed at assisting a gradual formulation of an EU-Arctic policy and called for action in relevant areas, concluding with a request to the Commission to present by June 2011 a report on progress made in these areas.

One year later, in January 2011, the *European Parliament* adopted a *Resolution on a sustainable EU policy for the High North*,⁴ a rather belated response to the Commission 2008 Communication but also a clear signal – both in title and length of the text – of the ambition of the Parliament to address all aspects of the EU Arctic policy under development. Although presumably superseded by a later Resolution, which reiterates some parts verbatim, the text contains interesting elements.

³ http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/111814.pdf. See also NCM 2010, Section 2.

⁴ <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2011-0024+0+DOC+XML+V0//EN>

The Parliament starts from the general considerations which legitimize and should inspire the EU policy towards the Arctic (operational paragraphs 1–8) and expresses its position on all the relevant policy areas, from new transport routes (9 to 14) to natural resources (15 to 23) to climate change and pollution effects (24 to 30) to sustainable socioeconomic development (31 to 41) to governance (42 to 55).

The conclusions and requests (paragraphs 56–67) are a mix of broad exhortations and relatively detailed prescriptions. While it is possible to detect a certain shift away from the clear priority given to environmental protection by both Commission and Council, and a stronger accent on opportunities for resource exploitation, it is not easy to identify a clear message from a quite rambling text, which in places shows the effort to accommodate different interests and positions. What is clear is that the Parliament, in a new configuration since 2009, had abandoned the idea of an Arctic Treaty supported by a 2008 Resolution, and joined Commission and Council in recognizing that an extensive legal framework exists in the Arctic and should be completed and reinforced through international dialogue and cooperation, in particular through the Arctic Council.

1.1.2 The 2012 Commission/High Representative Communication

In June 2012 in response to Council and Parliament, the European Commission and the EU High representative for foreign affairs and security policy submitted a *Joint Communication*⁵ to the European Parliament and the Council *Developing a European Union Policy towards the Arctic Region: progress since 2008 and next steps*.⁶

The Communication is presented as another stepping stone in the deliberate and prudent elaboration of an EU policy on Arctic issues. In its second part, it answers more directly the Council's request for a progress

⁵ The term *joint* refers to the new attribution of competences introduced by the Lisbon Treaty (see Section 1 of NCM 2010).

⁶ http://www.eeas.europa.eu/arctic_region/docs/join_2012_19.pdf

report and summarises the EU's Arctic-related activities since 2008⁷ structured around the three policy objectives indicated in 2008 by the Commission and approved by the Council:

- Protecting and preserving the Arctic in unison with its population.
- Promoting sustainable use of resources.
- Contributing to enhanced Arctic multilateral governance – the latter in 2012 re-baptised with the more neutral “International cooperation.”

The first part of the Communication aims at indicating the way forward to meeting the challenge of elaborating an EU-Arctic policy:

“Taking a comprehensive approach to Arctic issues, this new Joint Communication underlines the need for a coherent, targeted EU approach towards the Arctic, building on the EU's strengths, promoting responsible development while engaging more extensively in dialogue and cooperation with all Arctic stakeholders.”

The clear primacy given to environment preservation (defined as the “priority goal” in 2008) is in 2012 replaced by a more nuanced position:

“... the particular emphasis on the protection of the Arctic environment remains the cornerstone of the EU's policy towards the Arctic. However, given the evident speed of change in the Arctic, the time is now ripe to refine the EU's policy stance towards the region, take a broader approach, and link it with the Europe 2020 Agenda for smart, sustainable and inclusive growth while continuing to support every effort to ensure the effective stewardship of the fragile Arctic environment.”

The proposed way forward is summarized in three abstract catchwords: *knowledge*, *responsibility* and *engagement*, which however do not quite translate into a clearer vision nor in a better defined and developed programme than in 2008. As for future action the Communication proposes a

⁷ Two accompanying working documents (see Part II of the present report) give more detailed information on those activities.

set of “building blocks”, in some cases statements of fact rather than commitments to action, which appear to be in great part a continuation or intensification of existing activities at EU, bilateral or multilateral level.

The timing and the tone of the communication were with all likelihood influenced by the fact that the Arctic Council was examining applications from states, organisations and institutions for observer status against criteria it had agreed on in 2012 in view of taking a decision at the Arctic Council Ministerial meeting in 2013.⁸ Therefore, the Communication on the one hand stresses proudly the EU’s merits in areas where its role is uncontroversial such as research and funding for development and environment remedial needs in Northern regions. On the other hand the Communication goes to great lengths in acknowledging the need to recognize and cooperate with Arctic institutions and actors. It was important to send messages which would reassure the Arctic countries of the EU’s “good intentions” as well as of the useful role it could play in the region.

At the end of an exchange of views in January 2013 by the *Foreign Affairs Council* on the steps outlined in the communication, the High Representative Ashton remarked:

“The Arctic is of increasing importance to the EU and we are keen to intensify our dialogue with the Arctic states, to meet the challenge together of safeguarding the environment and taking the opportunities the Arctic offers in a sustainable way. As you know we have applied for observer status in the Arctic Council.”⁹

⁸ See section 1.2.

⁹ cf EU Press release A/53/13. Later that year, Ashton noted that “*The EU is also increasingly active in helping to protect.*” One example is the Arctic: *I see the EU again having a unique role to play. Contributions on the Arctic in our policy papers have been recognised to be significant because we have taken interest in both the understanding of the changes in the Arctic and their relevance for trade, economic life, and also the protection and conservation of an important part of the world.*” http://www.eeas.europa.eu/top_stories/2013/05092013_ashton-speaking-to-eu-heads-of-delegations_en.htm

1.1.3 The Economic and Social Committee's opinion

In a demonstration of the increasing interest for the Arctic, another European institution, the European Economic and Social Committee, issued in April 2013 an opinion on *EU Arctic Policy to address globally emerging interests in the region – a view of civil society*.¹⁰

The European Economic and Social Committee (EESC) is an advisory body that gives representatives of organizations of employers and employed, and of civil society, a formal platform to express their points of views on EU issues. The Committee is consulted on predefined policy areas, may additionally be consulted by the EU institutions where they consider it appropriate, or may issue an opinion on its own initiative, as in this case. Its opinions are forwarded to the Council, the European Commission and the European Parliament. (Article 300–304 of the Treaty on the Functioning of the European Union).

As it is often the case for an institution with a purely advisory role, the opinion is brimming with good sense and good practical advice: The EU should “provide a clear Arctic strategy and a credible commitment to cooperation with the Arctic states.” The Committee further:

“...calls for investment in responsible economic activity based on cold climate expertise and for development of infrastructure. It also calls for cooperation to continue on research into climate change and for a determined effort to protect the region's fragile environment.”

The opinion stresses the desirability of a broad involvement of civil society, alongside indigenous peoples, in Arctic cooperation. It stresses further that the EU's Arctic policy/strategy and the strategies of the Arctic states should be consistent with one another and pleads for an effective communication strategy ensuring more transparency and public information.

¹⁰ http://eescopinions.eesc.europa.eu/EESCopinionDocument.aspx?identifier=ces%5Crex%5Crex371%5CCes2179-2012_00_00_tra_ac.doc&language=EN

1.1.4 The 2014 Parliament's Resolution

In *March 2014*, quite unexpectedly to the outside world, the European Parliament adopted an ambitiously named *Resolution on the EU strategy for the Arctic*,¹¹ formally as a follow-up to a debate held in April 2013 on the same subject.¹²

In the Resolution, approved shortly before the end of the legislative term and possibly meant as the outgoing's Parliament legacy, the Parliament:

“reiterates its call for a united EU policy on the Arctic, as well as a coherent strategy and a concretised action plan on the EU's engagement on the Arctic, with a focus on socio-economic and environmental issues; believes that this strategic choice is integral in ensuring legitimacy and local support for the EU's Arctic engagement” and proceeds then to express its positions and requests.

The Resolution was adopted on the basis of a joint motion which amalgamated rather hastily four concurrent motions of the six motions presented by different political groupings. The resulting text is long (57 operational paragraphs), loosely structured and not completely consistent. In general, in comparison with the previous 2011 Resolution, it appears to give a more prominent place to environmental considerations. Instances are paragraph 38:

“Supports the initiative by five Arctic coastal states to agree on interim precautionary measures to prevent any future fisheries in the Arctic high seas without the prior establishment of appropriate regulatory mechanisms, and supports the development of a network of Arctic conservation areas and, in particular, the protection of the international sea area around the North Pole outside the economic zones of the coastal states.”

Hailed by environmental NGOs, and the call for a binding instrument for pollution prevention (paragraph 18).

¹¹ <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P7-TA-2014-0236>

¹² <http://www.europarl.europa.eu/sides/getDoc.do?type=PV&reference=20130417&secondRef=ITEM-018&language=EN>. The Commission representative had stated at that occasion that the Commission communication could not be regarded as an EU Arctic strategy, but only as a step in its development

The Resolution furthermore goes a long way stressing the need to respect the concerns and enhance the well-being of local populations, particularly indigenous peoples (see in particular paragraphs 3, 4, 41, 42). The general philosophy is somewhat ponderously summarized in paragraph 40 “Calls for the EU to make all possible efforts to ensure a sustainable reconciliation between economic activities and viable socio-ecological and environmental protection and development, in order to safeguard wellbeing within the Arctic.”

1.1.5 The 2014 Council Conclusions

To complete the second wave of institutions’ pronouncements on the Arctic, the *EU Council (Foreign Affairs)* in May 2014 adopted *Council conclusions on developing a European Union Policy towards the Arctic Region*.¹³ The Conclusions are short and couched in rather general, non-controversial language – as conclusions are usually adopted by consensus. The Council agrees that it is time for the EU to “further enhance its contribution to Arctic cooperation” and to “engage actively with Arctic partners to assist in addressing the challenge of sustainable development in a prudent and responsible manner.” Paragraph 2 expresses the Council support for the view that:

“EU action should now be strengthened by: supporting research and channelling knowledge to address the challenges of environmental and climate changes in the Arctic; acting with responsibility to contribute to ensuring economic development in the Arctic based on sustainable use of resources and environmental expertise; intensifying the EU’s constructive engagement with Arctic States, indigenous peoples and other partners to find common solutions to challenges that require an international response. The EU should seek to strengthen its support for the protection of the Arctic environment through its policies regarding for example climate change, air pollutants including black carbon, biodiversity and fisheries.”

¹³ http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/142554.pdf

The theme of environmental protection is stressed, but remains in rather general terms, without specific proposals. In the final paragraph, the Council requests, as usual, the Commission and the High Representative to keep it regularly informed on the progress in implementing the 2012 Communication, but adds the further request “to present proposals for the further development of an integrated and coherent Arctic Policy by December 2015.”

Whether the deadline will be respected will depend on multiple factors, first and foremost the evolution of the political and economic situation which will determine the place of the Arctic on the EU and the world scene and the fate of Arctic cooperation.

1.2 The saga: The EU and the Arctic Council

A constant element in all the texts and pronouncements by the EU has been the recognition of the primary role of the Arctic Council in Arctic cooperation, and the aspiration to be recognised in turn as an Arctic player through the admission – first sought after in 2008 – to the Arctic Council as an observer.

Decisions on admission of observers are taken by consensus at Arctic Council ministerial meetings¹⁴ which take place every two years, at the end of the respective bi-annual chairmanships. The 2009 Tromsø meeting had postponed decisions on new admissions pending finalisation of the discussion on the role of observers. The Nuuk ministerial in 2011 agreed both on the role of observers and on the criteria for their admission (see box below), and decided to apply those criteria to evaluate pending applicants, including the EU.

¹⁴ See <http://www.arctic-council.org/index.php/en/document-archive/category/6-ministerial-meetings> for documentation from all ministerial meetings.

Criteria for admitting observers

In the determination by the Council of the general suitability of an applicant for observer status the Council will, inter alia, take into account the extent to which observers:

- Accept and support the objectives of the Arctic Council defined in the Ottawa declaration.
- Recognize Arctic States' sovereignty, sovereign rights and jurisdiction in the Arctic.
- Recognize that an extensive legal framework applies to the Arctic Ocean including, notably, the Law of the Sea, and that this framework provides a solid foundation for responsible management of this ocean.
- Respect the values, interests, culture and traditions of Arctic indigenous peoples and other Arctic inhabitants.
- Have demonstrated a political willingness as well as financial ability to contribute to the work of the Permanent Participants and other Arctic indigenous peoples.
- Have demonstrated their Arctic interests and expertise relevant to the work of the Arctic Council.
- Have demonstrated a concrete interest and ability to support the work of the Arctic Council, including through partnerships with member states and Permanent Participants bringing Arctic concerns to global decision making bodies.

The EU had been until then regularly invited to Arctic Council meetings as observer on an ad hoc basis. In view of the decision to be taken in 2013, the EU undertook a diplomatic offensive which saw a multiplication of high level visits to the North and of interventions emphasizing its keen interest for becoming an observer and underlining the great potential of an EU contribution to the Arctic Council work. As already remarked, the 2012 Communication could be seen as a way to demonstrate that the criteria for admission to the Arctic Council were fulfilled.

Yet, while the Kiruna Arctic Council ministerial of May 2013 welcomed other applicants such as China, India, Italy, Japan, Korea and Singapore as new observer States, a different decision was made for the EU. It is no

secret that some Arctic Council members, particularly Canada and Russia, continued to be reluctant to admitting the EU as an observer. The special nature of the EU and the not wholly transparent division of competences between the EU and its Member States have long been obstacles in international negotiations, and were compounded here by the specificities of the Arctic Council – preoccupations were also expressed about a further weakening of the Permanent Participants, i.e. indigenous peoples’ role.

Canada had been most openly critical, and the EU ban on seal products (see NCM 2010) had for a long time been a bitterly disputed subject. If it was undisputable that the EU fulfilled all the other criteria, it was possible to argue that the ban did not “respect the values, interests, culture and traditions of Arctic indigenous peoples and other Arctic inhabitants.”

The Commission’s President Barroso, a few days before the Kiruna meeting, in a letter to the Canadian Prime Minister Harper had sought to defuse the problem by recalling all what the EU had done for the Arctic and its indigenous peoples, and had offered to cooperate in setting up a process allowing Canadian Inuit to take full advantage of the indigenous peoples’ exemption from the EU ban, as Greenland Inuit were already able to do. Hence, the rather obscure and ambiguous formulation issued from the Kiruna meeting:

“The Arctic Council receives the application of the EU for observer status affirmatively, but defers a final decision on implementation until the Council ministers are agreed by consensus that the concerns of Council members, addressed by the President of the European Commission in his letter of 8 May are resolved, with the understanding that the EU may observe Council proceedings until such time as the Council acts on the letter’s proposal.”

The EU responded to this two-way face-saving exercise diplomatically, by “welcoming the decision” and pledging to work expeditiously with Canada to address its concerns.¹⁵ The Parliament, which had been the initiator of the ban, came for its part very near to an apology, “regretting” the effects pro-

¹⁵ http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/137127.pdf

duced by the ban “for sections of the population, and in particular for indigenous culture and livelihood” (see paragraph 5 of the 2014 Resolution).

The Council in its March 2014 conclusions took a more far-sighted and dignified attitude and sought to place the issue in a wider context:

“The Council recognises the Arctic Council as the primary body for circum-polar regional cooperation. The Council re-affirms its agreement to and its strong support for the observer status of the EU in the Arctic Council, and notes that the EU is committed to work actively as an observer of the Arctic Council and contributes to its activities. The Council urges Canada to use the current positive momentum in EU-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. The Council agrees that this would facilitate an even more effective EU contribution to Arctic cooperation. The Council also stresses the important role played by EU Member States in the Arctic Council as members and observers in promoting cooperation in the Arctic in accordance with their respective status.”

In the meantime, the affair was further complicated by the WTO ruling, finalised in May 2014, that the ban, which Canada and Norway had challenged, was justified as “necessary to protect public morals” but the indigenous peoples’ exemption was not consistent with trade rules.¹⁶

At the time this report is written, progress towards unblocking the situation appears indeed to have been made at the EU/Canada summit, (see section 1.4.4). A few days after the summit, Canada approved a joint EU/Canada statement setting out a framework for cooperation between EU and Canada, which would enable access to the EU of seal products resulting from hunts by Canadian indigenous peoples and include other possible forms of support from the EU to Canadian indigenous peoples.¹⁷

¹⁶ A more detailed explanation of this issue is in section 1.6.2.

¹⁷ <http://www.international.gc.ca/media/arctic-arctique/news-communiques/2014/10/09a.aspx?lang=eng>. The text of the joint statement (see http://ebcd.org/pdf/en/532-F1_ANNEX_EN_V2_P1_7812921_Joint_Statement_by_Canada_the_EU_on_Access_of_Seal_Products_from_Indigenous_Communities_of_Canada.pdf) had been approved by the Commission in August 2014 (see <http://www.embassynews.ca/sites/embassynews.ca/files/Commission-Decision-Joint-Statement.pdf>)

It remains to be seen however whether a decision to admit the EU as an observer to the Arctic Council will be a fully uncontroversial matter at the next AC ministerial meeting.

1.3 Different shades of grey: the EU's place in Member States' strategies for the Arctic

The three EU Arctic states (Denmark, Finland and Sweden), like the other Arctic Council members, have elaborated full national Arctic strategies. Some EU States observers to the Arctic Council for their part have produced papers setting out their vision for the Arctic.

The broad thrust of these documents is in accordance with the EU vision as expressed so far: importance of research, safeguard of the environment, sustainable resource exploitation, consideration of the interests of and cooperation with Arctic inhabitants and other stakeholders, peaceful international cooperation, are predictable common features in all texts. Also predictably, EU Member States in the Arctic Council, both members and observers, supported the admission of the EU as observer. Beyond the general positions, the different documents reflect quite different realities and national interests, which translate in different accents and nuances.¹⁸

It will be the task of those charged with the elaboration of further proposals for a coherent EU Arctic policy to examine how these views can be integrated in a consistent policy framework. The analysis below focuses more narrowly on the role EU Member States envisage for the EU in the Arctic.

¹⁸ See among others http://www.arcticyearbook.com/images/Articles_2012/Heininen_State_of_the_Arctic_Strategies_and_Policies.pdf

1.3.1 Arctic EU Member States

Finland was the first EU Member State to adopt an Arctic Strategy in 2010.¹⁹ True to Finland's historical role of initiator of the EU long march northwards, the strategy dedicated a whole chapter to the EU and the Arctic region, stressing the legitimacy of the EU as an Arctic player and the importance for the EU to develop its Arctic policy in all sectors, and in the international context, with the Northern Dimension as its central tool and a strong Barents dimension – thus underlining Finland's interest in regional cooperation including Russia. In 2013, Finland updated its *Strategy for the Arctic region*²⁰ following a review of its Arctic policies based on a broader vision of its role. The updated strategy, which maintains sustainability at its core, focuses on the promotion of growth and competitiveness in the region, as well as of Finland's Arctic expertise. While the updated strategy is less axed on external relations, the place it gives to the EU in its vision is definitely much less prominent. A certain frustration can be detected at the continuing slow pace and insufficient consistency of EU policy on Arctic issues.²¹ In the short section 6.4 dedicated to the EU's role in the Arctic, the text lists as main objectives to work with Sweden and Denmark to clarify such role as well to support efforts to consolidate the EU's Arctic policy. The EU presence in the Northern Dimension and in the Barents cooperation continues to be regarded as a very significant element. Moreover, Finland considers that the creation of an EU Arctic Information Center (in Finland) would be an important instrument for future policy developments.

Sweden, in its *Strategy for the Arctic region*,²² issued in 2011 prior to assuming the chairmanship of the Arctic Council, concentrated on cooperation in the Arctic Council framework. It only mentions the EU by stating its readiness to actively contribute to the development of an EU-Arctic policy, and

¹⁹ <http://www.geopoliticsnorth.org/images/stories/attachments/Finland.pdf>

²⁰ <http://vnk.fi/julkaisukansio/2013/j-14-arktinen-15-arktiska-16-arctic-17-saame/PDF/en.pdf>

²¹ In a 2013 interview, the Finnish Minister for foreign affairs stated that the EU is an Arctic stakeholder, but that Finland was unwilling to be left alone in constructing an Arctic role for the EU. Cf <http://www.arcticcentre.org/InEnglish/SCIENCE-COMMUNICATIONS/Arctic-Calls>

²² <http://www.government.se/content/1/c6/16/78/59/3baa039d.pdf>

its wish to promote the EU as a relevant cooperation partner in the High North within relevant policy areas, such as research and education.

*Denmark in its Strategy for the Arctic 2011–2020*²³ deals with the EU in the chapter on regional cooperation. The special relationship with Greenland is an element obviously influencing the strategy. That is why, having recognised the growing EU interest for and interests in the Arctic and promised broad and close partnership, Denmark undertakes to leave its mark on the shaping and implementation of relevant EU policies, particularly seeking that “the EU’s involvement in the Arctic takes place on the Arctic populations’ own terms” – a reference to the EU’s ban on the import of seal products. Fostering the good relations and cooperation of the EU with Greenland is indicated as a priority.

1.3.2 Other Member States

*The Netherlands in the summary of its Polar policy framework programme 2011–2015*²⁴ stresses its commitment to environment protection and succinctly states its support for a larger role for the EU in the North Pole region on the grounds that a European role will lead to synergy and economies of scale.

In 2013 *Germany’s Federal Foreign Office published Arctic policy guidelines*,²⁵ with the explicit sub-title “Assume responsibilities, seize opportunities.” Germany supports an active role of the EU in the Arctic, and works for promoting a coherent EU Arctic policy across all policy domains, including close coordination with the Northern Dimension and Barents cooperation. The final aim would be to make Arctic policy part of long-term strategic planning in the EU.

The *United Kingdom’s 2013 paper Adapting to change – UK policy towards the Arctic*²⁶ focuses on the role the UK should play in the stewardship

²³ http://library.arcticportal.org/1263/1/Arktis_Rapport_Denmark.pdf

²⁴ <http://www.nwo.nl/en/documents/alw/netherlands-polar-programme---summary-of-dutch-document-framework-the-netherlands-and-the-polar-regions-2011-2015>

²⁵ <http://www.auswaertiges-amt.de/cae/servlet/contentblob/658822/publicationFile/185872/Arktisleitlinien.pdf>

²⁶ <https://www.gov.uk/government/publications/adapting-to-change-uk-policy-towards-the-arctic>

of the Arctic and centres its approach to the Arctic on three principles: respect, leadership and cooperation. None of these appear to apply to the EU, which is only cursorily mentioned as a sort of minority partner (f.i. as a provider of funds for research where the UK has a leading role, or even as sharing the UK climate change target, rather than vice-versa). The House of Lords is expected to report on the UK and the Arctic early in 2015.²⁷

Last but not least, *France*, as announced by the French Arctic Ambassador Michel Rocard, will issue in March 2015 a national Roadmap on the Arctic, which would have as a central element a better balance of national and common interests in the Arctic. This would imply a significant place for the EU, which has a strong vision of global interest in areas such as environment protection, in addition to competence in areas such as fisheries.²⁸ The Climate Convention 21st Conference of the Parties to take place in Paris late 2015 is seen as an opportunity to launch a European “Arctic offensive”.

1.4 The significant others: EU bilateral relations in the Arctic

The intensification of dialogue on Arctic matters with the non-EU Arctic partners is an essential element in the construction of an EU-Arctic policy, as repeatedly stressed by European institutions. Greenland, Iceland and Norway, with their stronger links to the EU, are regarded with particular attention.

Greenland has a very special place in relation to the EU: once part of the EU and now associated by its status of Overseas Country and Territory (OCT), supplemented with specific arrangements unlike those of any other OCT.²⁹

Iceland and Norway are closely associated with the EU in a number of policy areas in the European Economic Area. In 2013, both the EEA Con-

²⁷ <http://www.parliament.uk/business/committees/committees-a-z/lords-select/arcticcom/news/arctic-call-for-evidence/>

²⁸ According to a report by senator Gattolin presented in July 2014 (<http://www.senat.fr/rap/r13-684/r13-6841.pdf>) a comprehensive and informative, although not un-biased, summary of Arctic issues, a forthcoming EU Arctic strategy would be both legitimate and necessary.

²⁹ See relevant sections in NCM 2008 and NCM 2010. For general information on Greenland –EU relations cf <http://naalakkersuisut.gl/en/Naalakkersuisut/Greenland-Representation-to-the-EU>

sultative Committee and the EEA Joint Parliamentary Committee adopted resolutions on Arctic issues, a proof of the increasing shared interest for the Arctic region.³⁰

1.4.1 Greenland

Relations between the EU and Greenland are developing as policy dialogue increases.

Greenland continues to be associated to the EU as an OCT according to the new Council Decision 2013/755/EU (Overseas Association Decision – OAD). According to this, Greenland has access to all horizontal EU programmes and will be treated with a most favoured nation clause in terms of trade with the Union. Under the Decision, Greenland is also allowed financing from the EIB.

In 2013, the 2007 fisheries partnership agreement between EU and Greenland was renewed for a second six-year period. The associated implementing Protocol foresees an EU's financial contribution of €17,8 million per year for fishing rights and quotas in Greenland EEZ for the 3 year period 2013–2015 and provides for the possibility of closer economic cooperation in the fishing industry and for enhanced cooperation in the scientific field.³¹

A renewed partnership agreement for sustainable development has been successfully renegotiated for the period 2014–2020.³² The indicative amount of resources for the period is € 217, 8 million. As agreed among the partners – the EU on the one hand, and Greenland and Denmark on the other – the sector of education will continue to be the focus of EU financial assistance. However, the agreement indicates other main areas for possi-

³⁰ http://www.efta.int/sites/default/files/documents/advisory-bodies/consultative-committee/cc-resolutions/Icelandic//1126150-v8-131010_EEA_CC_Resolution_on_the_opportunities_and_challenges_in_a_changing_Arctic_region.pdf + http://www.efta.int/sites/default/files/documents/advisory-bodies/consultative-committee/cc-resolutions/Icelandic//EFTA_BXL-%231126335-v8-131028_EEA_JPC_Resolution_on_Arctic_Policy.DOCX.pdf

³¹ http://ec.europa.eu/fisheries/cfp/international/agreements/greenland/index_en.htm For the text of the protocol – <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32012D0653&from=EN>

³² http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.076.01.0001.01.ENG

ble cooperation, to be decided upon in close consultation between the partners, and Arctic issues have been added to the list.

A solemn joint declaration on relations between the EU and Greenland³³ has also been agreed, which recognizes the special nature of those relations and Greenland's geostrategic position in the Arctic and confirms the intention to strengthen dialogue on issues of mutual interest, inter alia Arctic issues.

An important potential new area of cooperation is in the field of raw materials, particularly on geological knowledge, infrastructural investment, competence building and environmental issues. The partnership agreement links this element to the objectives of the Europe 2020 strategy for smart, sustainable and inclusive growth, and the declaration refers to a dialogue on natural resources and to the supplier role that Greenland can play for the EU.

Given the international interest shown for resources in Greenland, the Commission in June 2012 signed a letter of intent with Greenland on cooperation on raw materials.³⁴ However, only by the end of 2013 the Commission commissioned a study – not yet finalized – to assess the needs of the EU related to the cooperation with Greenland in the area of mineral resources and to identify a cooperation concept with concrete projects.

This situation has induced some concern in Greenland, where the government elected in 2013,³⁵ centered its policy on economic development with emphasis on the exploitation of mineral resources, with some controversial moves, such as the end of a uranium zero-tolerance policy. The Parliament in its 2014 Resolution (paragraph 56) equally expressed concern about the "*limited results*" of the letter of intent. It also, however, appeared to express a different sort of concern about Greenland's priorities which emphasize economic development and the exploitation of raw materials, and asked the relevant EU institutions:

³³ <http://naalakkersuisut.gl/~media/Nanoq/Files/Attached%20Files/Bruxelles/EU%20and%20Greenland/agreemtns/Endelig%20tekst%20130614.pdf>

³⁴ http://europa.eu/rapid/press-release_IP-12-600_en.htm

³⁵ New elections are going to take place end November 2014 after the Prime Minister has stepped down.

“to explore how the EU and EU-based actors from science, technology and business can contribute to and assist in the sustainable development of Greenland so that both environmental concerns and the need for economic development are taken into account.”

The Council for its part expressed support for strengthening the partnership to promote the sustainable development of Greenland and the diversification of its economy and for “an enhanced dialogue and cooperation on global and arctic issues” (paragraph 13).

However, the market for raw materials is volatile and thus sensitive to market dynamics which will determine whether the EU and Greenland will engage in cooperation for the extraction of raw materials. On this background it is foreseeable that no major changes in the relations with the EU will happen on a short term basis. In the short to medium term funding from the EU, together with the block grant from Denmark and the income from fisheries (which account for 90% of exports) will remain with all likelihood the primary source of financing for Greenland.

1.4.2 Iceland

Iceland’s main Arctic policy document remains the Althingi 2011 Resolution³⁶ which sees the Arctic Council as the main consultative forum and the main future decision maker in the Arctic. The EU is only quoted in the commentary in connection with the Northern Dimension, and as a possible sponsor for research in Iceland. In its 2012 Conclusions on the EU relations with EFTA countries,³⁷ the EU Council acknowledged the high priority given by Iceland to Arctic policy and confirmed the EU’s strategic interest in developments regarding this region, quite optimistically declaring its readiness to further intensify the cooperation on Arctic issues.

In fact, the EU had pinned hopes on the prospective Iceland’s membership, which would have certainly brought a reinforcement of its Arctic

³⁶ <http://www.mfa.is/media/nordurlandaskrifstofa/A-Parliamentary-Resolution-on-ICE-Arctic-Policy-approved-by-Althingi.pdf>

³⁷ http://eeas.europa.eu/norway/docs/2012_final_conclusions_en.pdf

standing, if not a universally recognised Arctic coastal territorial status. However, membership negotiations, begun in 2010, were put on hold by the Icelandic government in 2013, with many negotiating chapters still open, including on important Arctic-relevant sectors such as fisheries, nature protection, and alignment with the Marine Strategy Framework Directive.³⁸ A recent EU-led international demarche against whaling by Iceland is a demonstration of the difficulties in conciliating EU's and Iceland's positions in certain areas.³⁹

The Parliament in its 2014 Resolution expressed regret for this situation and encouraged maintaining and enhancing cooperation in fields of common interest, ensuring that European interests would not suffer as a consequence (see paragraph 20).

In fact, Iceland has begun a new bold path, focusing its foreign policy on the Arctic with aspirations going well beyond Europe. The Arctic Circle initiative⁴⁰ launched in 2013, which appears to attract increasing interest by EU Member States if not by the EU as such, is a lavish showcase for Iceland's aspiration to become a hub for business in the Arctic, particularly for maritime trade with far Eastern countries, South Korea, Singapore and China – the latter with which Iceland has a free-trade agreement that entered into force in 2014.

1.4.3 Norway

The latest of Norway's Arctic policy papers: "*The High North – Visions and strategies*" from late 2011⁴¹ sees the EU essentially as part of a regional cooperation network: Barents and Northern Dimension cooperation. Relations with Russia remain a main focus of Norway's policy in the region. The major opportunities and major responsibilities in the Arctic appear to be the mantra resuming Norwegian philosophy on the Arctic in official speeches.

³⁸ http://ec.europa.eu/enlargement/countries/detailed-country-information/iceland/index_en.htm

³⁹ http://europa.eu/rapid/press-release_MEMO-14-529_en.htm

⁴⁰ <http://arcticcircle.org/>

⁴¹ http://www.regjeringen.no/upload/UD/Vedlegg/Nordomr%C3%A5dene/UD_nordomrodene_innmat_EN_web.pdf

In the above-mentioned 2012 Council Conclusions on the EU-EFTA relations, a long paragraph in the section on Norway regards the Arctic and reflects this idea. The Council is well aware of the high priority attached by Norway to the Arctic, shares its interest in developments in the region and is ready to step up cooperation on Arctic matters in sectors of common interest, inter alia through its bilateral dialogues with Norway and through regional cooperation, where it recognises Norway's important role. In fact, North Norway European office in Brussels has been particularly active in organising seminars and meetings on Arctic issues.

Norway, as Iceland, supported the admission of the EU to the Arctic Council, in spite of disagreements on matters such as the EU ban on seal products. Political and economic links with the EU, particularly on exports of energy and fish, are too important and deep to be disrupted by minor issues.

1.4.4 Canada

Canada and the EU at a summit on 26 September 2014 issued a declaration inaugurating “a new era” in their relations.⁴² The declaration celebrated the successful end of negotiations of a Comprehensive Economic and Trade Agreement expected to have important positive impact for the economy of Arctic Canada, as well as of a Strategic Partnership Agreement, due to “contribute to stronger ties” in a number of areas, including the Arctic. In the words of the declaration, the EU and Canada “welcome the deepening of ties in Arctic cooperation, including through the Arctic Council” and stress their strategic partnership in the field of research and innovation, with particular reference to the priority areas of Arctic and marine research (see Part II, section 2.2).

The texts of both agreements have to be discussed and approved, in the EU both by Council and Parliament, and the going may be less smooth than hoped for.

However, as regards the question of the EU in the Arctic Council, the declaration may be taken to signal that the war hatchet has been buried, at

⁴² http://eeas.europa.eu/canada/eu_canada_summit_2014/26092014_canada-eu_summit_declaration_en.pdf

least for the moment, and that the long-standing seal ban controversy could not be allowed to derail a process of not commensurable economic importance. This may not mean that on Arctic issues there will be complete consonance of views between Canada and the EU. Motivations of internal policy – which still exist – appear to have been hitherto at the origin of the uncompromising Canadian attitude. Furthermore, the affirmation of Canadian sovereignty in the Arctic and the reluctance to admit “outsiders” have consistently been at the centre of Canada’s Arctic policy declaration and actions.⁴³

The priorities of the Canadian chairmanship of the Arctic Council ending in the spring of 2015 are responsible Arctic resource development, Arctic shipping and sustainable circumpolar communities, and the key priority appears to have been the establishment of an Arctic Economic Council to foster circumpolar economic development and provide opportunities for business. This vision is not completely in tune with that of the EU, which, like some other Arctic Council members, gives a special place to the protection and preservation of the environment.

It is clear in any case that, on Arctic issues, the EU relations with Canada will remain inextricably linked to the EU policy towards indigenous peoples and the exploitation of living resources, including the seal question.

1.4.5 Russia

Russia is in many ways one of the key players in the Arctic, and the Arctic has increasingly been a strategic priority for Russia. The EU is a key trade partner for Russian Arctic resources and a potential key partner for the future expansion of the Northern Sea Route. The EU provides significant funding to Russian Northern regions through cross-border cooperation programmes in the framework of the Strategic Partnership; several Arctic research projects are executed with the participation of Russian partners. Yet there remains an “arctic exception” in EU-Russia relationship,⁴⁴ of

⁴³ <http://www.international.gc.ca/arctic-arctique/index.aspx?lang=eng>

⁴⁴ Cf article by Pami Aalto <http://journals.sfu.ca/nr/index.php/nr/article/view/283/283>

which the reluctance to admitting the EU to the Arctic Council as an observer is the most visible sign.

The 2013 *Arctic strategy for the development of the Arctic zone by the Russian Federation*⁴⁵ quotes among its priorities the development of international cooperation, but refers only to cooperation with Arctic States, ignoring even the significant EU role in regional cooperation (“enhancing bilateral and regional organizations in the good neighborly relations between the Russian Federation and the Arctic states, the intensification of economic, scientific, technical and cultural cooperation as well as cross-border cooperation, including in the effective management of natural resources, preservation of the environment in the Arctic;”) The speech by President Putin at a meeting in April 2014 of the Russian Security Council for the Arctic,⁴⁶ gives further clear indications of the Russian attitudes and priorities in implementing the Russian Arctic policy, and notes the “dynamic and ever-changing political and socioeconomic situation in the world, which is fraught with new risks and challenges to Russia’s national interests, including those in the Arctic.”

In fact, the looming political crisis with its economic implications is the main unknown at the time this report is written. Already EU sanctions have targeted transfers of technology for Arctic oil exploration and production. It is a matter of speculation whether the Arctic – which was the first area of peaceful international cooperation with the then Soviet Union and has been repeatedly defined as a zone of low tensions – could remain largely insulated from geo-political developments, in spite of repeated reassuring declarations by Arctic states representatives.

⁴⁵ <http://www.iecca.ru/en/legislation/strategies/item/99-the-development-strategy-of-the-arctic-zone-of-the-russian-federation>

⁴⁶ <http://eng.kremlin.ru/news/7065>

1.4.6 United States

The National Strategy for the Arctic region⁴⁷ released in 2013 sets forth the US strategic priorities for the Arctic, among which, as it is the case for all Arctic States, international cooperation has a significant place. In this short document, the emphasis goes to the Arctic Council, and the only reference which could be interpreted as regarding the EU is the statement “The United States and other Arctic nations should seek to work with other states and entities to advance common objectives in the Arctic region in a manner that protects Arctic states’ national interests and resources.” The Coastguard and Navy have published Arctic strategies, and NOAA an Arctic Action Plan. None of these gives attention to the EU. The Arctic Research Plan 2013–2017 barely mentions European initiatives. However, the US implementation plan for the national strategy⁴⁸ mentions as privileged areas for international cooperation combating oil pollution, fisheries, transport of contaminants, scientific research and monitoring. The EU is strong in many of those areas, and by and large on the same positions as the US.

Moreover, the US will be next to chair the Arctic Council. The priorities announced for the chairmanship are improvement of Arctic ocean stewardship, action addressing climate change, and improvement of living and working conditions in the Arctic. The challenge for the EU would be to take early contacts with the US administration offering cooperation in sectors where it has valuable inputs to offer, first of all climate change. While it is not yet completely clear what the US announced priority entails, climate change is definitely one of the areas where the EU contribution could be substantive.

⁴⁷ http://www.whitehouse.gov/sites/default/files/docs/nat_arctic_strategy.pdf

⁴⁸ http://www.whitehouse.gov/sites/default/files/docs/implementation_plan_for_the_national_strategy_for_the_arctic_region_-_fi....pdf

1.4.7 China

To complete this section, it is worth noting that already in 2012 the EU, at the 15th Summit with China, had agreed to exchange views on Arctic matters. Under the heading of cooperation for peace and security, the EU-China 2020 Strategic Agenda for Cooperation adopted end 2013 lists joint research projects on maritime safety and security in the Arctic, one of the Chinese focal interests in the region.⁴⁹

1.5 The EU as a recognized player: regional cooperation in the European North and beyond

The EU to a variable extent and with different modalities takes part in regional cooperation in the European North and adjacent areas, in particular North-west Russia.

The 2012 Communication includes the Northern Dimension and the Barents Euro-Arctic Council under *International cooperation*, and describes EU activities in those frameworks under the relevant sectorial headings. This section highlights the relevance of regional cooperation and its instruments for the Arctic and gives information on future developments.

1.5.1 Northern Dimension

The Northern Dimension (ND) is a joint policy based on equality and co-financing. The full involvement of Russia as an equal partner alongside the EU, Iceland and Norway is arguably the element which makes the ND a successful example of international cooperation in the region, as recognized in the Arctic strategies of Finland, Norway and Sweden.

The Parliament Resolution hails the ND policy, based on regional cooperation and pragmatic partnerships “as a successful model of stability,

⁴⁹ See http://eeas.europa.eu/china/index_en.htm and http://eeas.europa.eu/china/docs/eu-china_2020_strategic_agenda_en.pdf

joint ownership and engagement” (paragraph 29). The involvement, at various degrees, of EU Member States, Canada, US, international financial institutions and regional councils, is a further element contributing to the general appreciation.

The renewed Northern Dimension⁵⁰ has four operational partnerships, in the sectors of environment (NDEP), health and well-being (NDPHS), transport and logistics (NDPTL), and culture (NDPC), a functioning ND Institute and a Business Council, as well as a Parliamentary forum.

A quite impressive array of projects have been executed, the majority in the Barents and Baltic region. The EU has financed the partnerships mainly through TACIS and its successor European Neighbourhood and Partnership Instrument (ENPI). Evaluations have recognised that EU funding and EU’s role in the partnerships has been very important, particularly for NDEP and NDPTL.

In past ND history, the concept of an “Arctic window” had been to some extent kept alive in official pronouncements. While it is no longer mentioned as such, ND Ministers in 2013⁵¹ acknowledged the increasing importance of the Barents region in the policy agendas of the ND partners and agreed to intensify co-operation based on common interests, seeking a more systematic approach. At their 2014 meeting, the ND Senior Officials⁵² “welcomed the proposals by Iceland and Norway on developing the Northern Dimension’s contribution to cooperation in the European Arctic area” and “encouraged deepening and systematizing cooperation between the ND and Barents structures as well as seeking synergies with other relevant cooperation formats and programmes in the Euro-Arctic region.” The European Neighbourhood Instrument (ENI), successor of ENPI for the period 2014–2020, will continue to support ND activities, particularly in

⁵⁰ <http://www.northerndimension.info/> See also http://eeas.europa.eu/north_dim/index_en.htm and NCM report 2008, section 4.1.

⁵¹ See Statement from the 3rd ND ministerial meeting http://eeas.europa.eu/north_dim/docs/nd_3rd_joint_statement_final_en.pdf

⁵² http://www.ndptl.org/c/document_library/get_file?folderId=10722&name=DLFE-1932.pdf

the framework of NDEP and NDPTL,⁵³ in line with the Council Conclusions (paragraph 12).

1.5.2 Barents Euro-Arctic cooperation

In the Barents Euro-Arctic cooperation,⁵⁴ which has as its more characteristic feature the presence of a strong regional element alongside State cooperation, the EU's role as a member of the Barents Euro-Arctic Council remains secondary in respect of the direct involvement of Finland, Norway, Sweden and Russia. Norway and Russia have increasingly emerged as the main players in the cooperation, which in 2013 celebrated the 20 years of existence.

However, EU presence in the region through the financing of activities, and via the ND, has been and will remain very important.

The Barents agenda 2014–18⁵⁵ states that the EU has an important role in supporting successful Arctic cooperation and helping to meet the challenges that now confront the region. As well as for the exploitation of the EU regional financing instruments, the agenda sees a specific opportunity for the Barents region to take the lead in the Arctic cooperation in the new EU programme for research and innovation, Horizon 2020.

1.5.3 Nordic Council of Ministers

The Nordic Council of Ministers⁵⁶ (NCM) is the intergovernmental cooperation between the five Nordic countries: Denmark, Finland, Iceland, Norway and Sweden along with the three autonomous areas: Faroe Islands, Greenland and Åland. NCM is an active stakeholder in the Arctic due to its members' territorial basis in the Arctic. Since the development of the first NCM-Arctic program in 1996 (the same year as the establishment of the Arctic

⁵³ http://eeas.europa.eu/enp/pdf/financing-the-enp/regional_east_strategy_paper_2014_2020_and_multiannual_indicative_programme_2014_2017_en_.pdf

⁵⁴ <http://www.beac.st/in-English/Barents-Euro-Arctic-Council>

⁵⁵ <http://www.lansstyrelsen.se/norrbottn/SiteCollectionDocuments/Sv/nyheter/Barents/Barents%20Programme%202014-2018.pdf>

⁵⁶ <http://www.norden.org/en/theme/arktis/nordic-co-operation-in-the-arctic>

Council) the Arctic has had an increasingly important place and will continue to be of focus with the instrument “Arctic Cooperation Program 2015–2017” that allocates app. DKK 8.5 mio. each year (app. EUR 1.1 mio.) to projects and initiatives that support well-established strategies and policies.

The NCM maintains an elevated potential for cooperation with the EU on Arctic matters. As an example, the current NCM Arctic cooperation programme 2012–2014, based on the “Peoples first” principle and designed to foster sustainable development in the Arctic, has priorities in line with those by the EU.

The NCM can offer long-standing expertise of cooperation in the region and arguably an “easier” partnership than with other Arctic fora, as its members are either EU Member States or have strong links with the EU. In past years, the NCM has taken initiatives to establish more sustained cooperation on Arctic issues.⁵⁷ Unfortunately, such interest has not really been reciprocated so far. In their last documents, the EU institutions make hardly any reference to the NCM.

Reviving and fostering links between the NCM and the EU could be a task for the forthcoming NCM Danish Presidency, not least with a view to contributing to the elaboration of new proposals for an EU Arctic policy.

1.6 It takes two to tango: The EU and indigenous peoples

1.6.1 *Proofs of dialogue*

The Commission Communication gives great attention to Arctic indigenous peoples, and devotes a section to the support of activities undertaken in their favour. Indigenous peoples are regarded, alongside Arctic states and others, as key partners with whom to “intensify constructive engagement and dialogue.”

Other significant quotes reinforce this concept:

⁵⁷ See section 4.2.3. in NCM 2010

“The EU’s contribution on Arctic issues should be supportive of the efforts of Arctic states and take account of the needs of indigenous and local communities.” and

“It is critically important that the views of Arctic inhabitants are taken into account on issues of economic development. The EU will look at appropriate ways of ensuring that the representatives of Arctic indigenous peoples are informed and consulted on the EU policies that affect them, and are given appropriate platforms to present their particular concerns to EU institutions and audiences. With this aim, the Commission and the EEAS will step up their efforts to hold regular dialogues with indigenous peoples.”

The Parliament’s Resolution similarly (paragraph 34)

“recommends strengthening regular exchange and consultations on Arctic-related topics with regional, local and indigenous stakeholders of the European Arctic in order to facilitate mutual understanding, in particular during the EU-Arctic policymaking process; stresses the need for such consultations to draw on the experience and expertise of the region and its inhabitants and to guarantee the essential legitimacy of the EU’s further engagement as an Arctic actor;”

Further, the Parliament (paragraph 45) “supports the meetings held by the Commission with the six associations of circumpolar indigenous peoples that are recognised as permanent participants in the Arctic Council; asks the Commission to explore the possibility of ensuring that their voices are taken into account in EU debates, providing funds for these associations.”

The Council echoing these ideas (paragraph 7 of the Conclusions)

“Supports EU’s efforts for increased dialogue with indigenous peoples of the Arctic region, and welcomes the annual EU Arctic Indigenous Peoples’ Dialogue meetings. The EU should also explore appropriate ways of ensuring that the representatives of Arctic indigenous peoples are informed and consulted on EU policies that may affect them.”

Three “dialogues” were held so far, organized by DG MARE.⁵⁸ The first workshop in 2010 had large, high-level attendance and explored the pos-

⁵⁸ Cf <https://webgate.ec.europa.eu/maritimeforum/en/taxonomy/term/530>

sibility of continuing to discuss key subjects. No extensive information is available on the other meetings in 2011 and 2013. A third meeting took place on 13–14 October 2014.⁵⁹

Beyond information by the EU on its Arctic activities, it is apparent that a real, meaningful “dialogue” is a difficult exercise. Many factors need to be taken into account, as “Arctic indigenous peoples” covers very different realities, depending on nationality, status, economic activity.

An obvious distinction is that the Saami in Finland⁶⁰ and Sweden are the only indigenous peoples in the EU while the Inuit in Greenland for their part have special links with the EU. While indigenous peoples face many common challenges and have established a high degree of cooperation, issues such as the exploitation of mineral resources in the Arctic are, as an example, often as divisive for indigenous peoples as for the non-indigenous local populations. Furthermore, indigenous peoples are seeking to enhance their status as Permanent Participants in the Arctic Council, and there are indications that they see the enlargement of the AC to powerful observers as a threat which could lead to marginalization.

The EU has therefore the difficult task to show, beyond the declarations of principle, a real will to integrate Arctic indigenous peoples in decision-making on policies where their interests are affected.

This would probably imply more frequent and focused meetings than it is the case at present, or even the establishment of some form of permanent consultative structure. At the October 2014 meeting, the Saami Council in particular underlined the need for a closer and stronger representation in Brussels. It would also mean the allocation of dedicated funds – the lack of funding has been often indicated as a major reason hindering greater indigenous peoples’ participation.

⁵⁹ <https://webgate.ec.europa.eu/maritimeforum/en/node/3655>

⁶⁰ Finland has expressed the intention of ratifying the ILO 169 convention on the rights of indigenous and tribal peoples, which Denmark has also ratified.

1.6.2 *Terms of disagreement*

An issue which unites indigenous peoples is the affirmation of their right to continue the exploitation of living resources and the trade of their products.⁶¹ This issue, which involves also sectors of non-indigenous local populations, has remained very visible and continues to haunt the relations between the EU and the Arctic world.

Section 1.2 above has shown how the continuing controversy about the import ban of seal products derailed the process of admission of the EU to the Arctic Council. The latest developments may have potentially wider consequences.

The EU ban on trade in seal products* allows the placing on the market of those products under recognised exemptions – products resulting from hunts traditionally conducted by Inuit and other indigenous communities and contributing to their subsistence or products resulting from by-products of hunting regulated by national law and conducted for the sole purpose of the sustainable management of marine resources. These exemptions were regulated by detailed implementation rules.** So far, Greenland and Sweden have in place the necessary mechanism allowing for trade in seal products.

* <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32009R1007>

** The implementing regulation for the ban can be found in <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32010R0737>

Canada and Norway challenged the ban in the WTO. The WTO gave its final ruling in May 2014: that the ban was justified, as necessary “to protect public morals,” that however the way the exemption based on ethnicity and hunting methods operated was arbitrary and discriminatory and therefore inconsistent with trade rules, giving de facto to Canada and Norway less favourable treatment than to Greenland and EU Member States.⁶²

⁶¹ A recent example can be found in the latest Inuit Circumpolar Council declaration of July 2014 (Kitigaaryuit declaration) cf in particular paragraph 25 <http://www.inuitcircumpolar.com/uploads/3/0/5/4/30542564/img-724172331.pdf>

⁶² [http://www.worldtradelaw.net/reports/wtoab/ec-sealproducts\(ab\).pdf](http://www.worldtradelaw.net/reports/wtoab/ec-sealproducts(ab).pdf)

The WTO ruling, apart from its potential impact on an agreement with Canada as outlined in the joint EU/Canada statement (see section 1.2 above), risks opening the way to further controversies regarding other iconic Arctic animals, such as whales and polar bears. There are fears that objective criteria of conservation could be superseded by much less easy to define arguments of “public morals”.

It is significant that important environmental organisations such as WWF and Greenpeace have perceived the potential problem, and, partly correcting previous positions, have come out publicly in favour of sustainable seal hunting by indigenous peoples.⁶³

The next issue looming is that of polar bears. At the latest CITES Conference of the Parties held in March 2013, the US and Russia proposed to transfer the polar bear from Appendix II, which includes species not necessarily threatened with extinction but which could become so if their trade is not strictly regulated, to Appendix I, which lists species threatened with extinction and for which commercial trade would be prohibited.

The rationale of the proposal – opposed inter alia by the CITES secretariat and important institutions such as IUCN – was that the serious threat to polar bears’ habitat deriving by the impact of climate change on sea ice required a stricter protection of the species to avoid further unsustainable pressure. The EU having in vain tried to broker a compromise,⁶⁴ was determinant with its abstention for the repeal of the proposal (Denmark on behalf of Greenland, voted against).⁶⁵ It is likely that political considerations played a role, with the preoccupation not to open a second front of confrontation with Canada – the main range state trading in polar bear products – and to avoid further accusations of insensitivity to indigenous peoples’ traditional pursuits.

It is however conceivable that a campaign exploiting the iconic status of polar bears in the collective European imagination could be launched in

⁶³ http://www.nunatsiaqonline.ca/stories/article/65674greenpeace_hoping_to_set_the_record_straight_on_aboriginal_hunting/

⁶⁴ <http://eu2013.ie/news/news-items/20130307polarbearconservationpr/>

⁶⁵ For a detailed account, see https://www.iucn.org/about/union/commissions/sustainable_use_and_livelihoods_specialist_group/sulinews/issue_5/sn5_polarbear/

the EU, leading once again to a clash with Arctic indigenous peoples, for which polar bear hunting maintains a powerful traditional value.

Whaling is the one area where a compromise has been found, not without pain and difficulties, between the contrasting visions of the EU and of Arctic indigenous peoples. This has been possible because an international framework regulating whaling – the International Whaling Commission (IWC) – has been in existence for decades, and because Denmark has consistently and forcefully championed Greenland’s cause.

Membership of the IWC is only open to governments; the EU has observer status. While not all the EU Member States are members of the IWC or exert voting rights therein, the EU has generally managed to have a common negotiating position. The EU strongly supports the moratorium on commercial whaling, and also supports the setting of quotas for Aboriginal Subsistence Whaling, at certain conditions. Greenland, represented in the IWC by Denmark, is the main beneficiary of the quotas, and Denmark, acting on behalf of Greenland, can according to EU rules vote differently from the EU common position.

At the 2012 IWC meeting, Denmark was outvoted, including by EU Member States, on a proposal to increase quotas for Greenland, which were thereafter fixed unilaterally. Denmark threatened to withdraw from the IWC if a satisfactory solution were not found, and succeeded at the September 2014 IWC meeting to have the proposed quotas approved, with EU backing.

The issue of the quotas or their level is probably going to re-surface, as opposition to whaling continues and some NGOs continue to question whether the quotas do in fact respond to the definition of aboriginal subsistence and cultural needs.

The EU’s commitment to supporting the rights of indigenous peoples appears clear.⁶⁶ However, these issues, in which conservation, cultural

⁶⁶ See NCM 2008 Section 10; and inter alia EU intervention at the 2014 World Conference on Indigenous Peoples http://eu-un.europa.eu/articles/en/article_15489_en.htm

values, and economic elements are inextricably entangled, play a role perhaps in many ways disproportionate, but represent a serious obstacle to the development of a healthy relationship between the EU and indigenous peoples of the Arctic.

The Parliament in its 2014 Resolution, after recognising the damage inflicted to Inuit by the seal ban, attempted a synthesis of the principles involved, acknowledging (paragraph 42)

“the wish of the inhabitants and governments of the Arctic region with sovereign rights and responsibilities to continue to pursue sustainable economic development while at the same time protecting the traditional sources of the indigenous peoples’ livelihood and the very sensitive nature of the Arctic ecosystems.”

While all the right elements seem to be in place in the above position, it is impossible to solve these issues solely by means of language. It will be necessary for the EU to acknowledge the problem and at least start a serious reflection and dialogue on possible solutions.

1.7 “Whom do I call if I want to call Europe?” Information and communication on EU Arctic issues

Communication and information on EU Arctic issues with the outside world has been so far carried out in a non-systematic way, principally by representatives of EEAS and DG MARE, and occasionally by representatives of other DGs or agencies involved.

Since 2008, EU institutions have underlined the need to establish reliable channels for information, communication and feed-back between the EU and Arctic stakeholders, and considered in this connection the idea of creating an EU Arctic Information Centre. The Parliament was particularly supportive of this idea and in 2011 proposed introducing into the 2012

EU budget funds for a preparatory action⁶⁷ “Strategic impact assessment of the development of the Arctic”.

The proposal called for action, to be carried out by a network of leading Arctic communication, research and academic institutions, and aimed at increasing awareness about the Arctic in the EU and enhancing the importance of impact assessments as a tool for decision-making. A second objective was to advance the establishment of the EU Arctic Information Centre.

A network of 19 partners, led by the Arctic Centre of the University of Lapland was selected to execute the preparatory action,⁶⁸ financed by DG Environment with EUR 1 million. The result, released in September 2014, is a wealth of valuable material.⁶⁹ Next to reports directly linked to the impact assessment (see Part II below), the network produced a *Gap analysis report*,⁷⁰ which identifies the gaps in information and communication needs of stakeholders and policy-makers and assesses the possible role of an EU Arctic Information Centre in improving information provision and communication, as well as a *Network feasibility analysis*.⁷¹

It will be now for the Commission, as requested by the Council in its 2014 Conclusions paragraph 8, to consider “the options proposed by this project to establish an EU Arctic Information Centre to promote efficient access to Arctic information, to facilitate dialogues and to communicate on Arctic issues.”

⁶⁷ Preparatory actions are designed to prepare proposals with a view to the adoption of future actions. They do not need an act providing a legal basis, as long as they fall within EU competence.

⁶⁸ See <http://www.arcticcentre.org/InEnglish/ABOUT-US/EU-Arctic-Information-Centre>

⁶⁹ <http://www.arcticinfo.eu/en/>

⁷⁰ <http://www.arcticinfo.eu/en/gap-analysis>

⁷¹ <http://www.arcticinfo.eu/en/nfa>

2. Part II.

Building the inukshuk: The development of the Arctic dimension in EU policies

In June 2012 the EEAS and the Commission released – together with the Communication – a joint staff working document (a document for information purposes, which does not represent nor anticipate the official positions of the institutions involved): *The inventory of activities in the framework of developing a European Union Arctic policy*.⁷² The document lists activities undertaken in the EU on the proposals set out in the 2008 Arctic Communication, grouped around its three main priorities (protecting and preserving the Arctic in unison with its population, promoting sustainable management and use of resources, contributing to enhanced Arctic cooperation).⁷³

Comprehensive and more up-to date information in the fields of climate change, maritime transport, fisheries, development of offshore oil and gas resources, mining, land use, social and cultural changes is to be found in Chapters 3 to 9 of the report *Strategic assessment of Development of the Arctic (SADA)*.⁷⁴ The report is the main outcome of the preparatory action “Strategic Environmental Impact Assessment of development of the Arctic,” (see part I, section 1.7). For each theme examined, the SADA report identifies and describes trends, outlook, implications for the EU, and relevant EU policies. Each thematic assessment is completed by a section

⁷² http://www.eeas.europa.eu/arctic_region/docs/swd_2012_182.pdf

⁷³ The period to July 2010 is covered also in NCM 2010

⁷⁴ <http://www.arcticinfo.eu/en/sada>

on critical factors for EU decision-making and by recommendations, elaborated principally on the basis of input by stakeholders.⁷⁵

The *European Arctic Initiatives Compendium*,⁷⁶ also produced in the framework of the preparatory action, covers in part the same ground with a different perspective, and presents flagship initiatives undertaken by the EU, Member States and actors operating in those states, as well by associated countries and territories – Iceland, Norway and Greenland. It is particularly rich in information on EU research projects and on projects undertaken in the framework of regional policy programmes.

While the information given by the three main sources described above often overlaps, it is not the aim of this part of the present report to classify and systematize it. The aim is rather to give a general picture, completed where relevant with further details or new elements, of the state of the main EU policies of importance to the Arctic as of October 2014, underlining the most interesting aspects and trends.

2.1 Climate change

The impact of climate change on the Arctic environment has been a strong driver behind EU climate policy, and the Commission’s Communication stresses this link. It also states that the EU’s efforts towards achieving a low-carbon economy in 2050,⁷⁷ together with the contribution of new technologies, will have “*a major impact in reducing Arctic pollution impacts from climate change.*”

Unfortunately, the EU has so far had little impact on global emission reduction. Furthermore, the EU climate policy has basically ground to a halt since 2010, and perspectives are not particularly good.

⁷⁵ A 2010 report financed by DG Environment, the *EU Arctic footprint and policy assessment* http://arctic-footprint.eu/sites/default/files/AFP_Final_Report.pdf represents the first effort to address in a systematic way the impact of EU policies on the Arctic, including policy options lessening negative impacts, and remains a valuable instrument of information and inspiration.

⁷⁶ <http://www.arcticinfo.eu/en/compendium>

⁷⁷ “Roadmap for moving to a competitive low-carbon economy” <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52011DC0112&from=EN>

As pointed out in the 2010 report (NCM 2010 section 3.1.1.), the 2020 target of 20% reduction in greenhouse gas emissions relative to 1990 was de facto already achieved in 2009–10 and the CO₂ emissions trading scheme (ETS) has for years seen carbon emissions priced at levels way below, where it would have any impact on emissions.

In October 2014 the European Council, following Commission proposals from January the same year, agreed to commit the EU to a greenhouse gas emission reduction of 40% over 1990 levels and to a renewable energy target of 27%, as well as to a voluntary 27% improvement on energy efficiency relative to anticipated energy consumption, all targets to be achieved by 2030.* This agreement was reached by consensus after long discussions between Member States with quite different positions. As a consequence, the targets have not been defined to the point that it is clear which countries or economic sectors will have to take action, or even which actions should be taken. Furthermore, the agreement, which is meant also to represent the EU's negotiating position at the forthcoming 2015 Conference on Climate Change, foresees a renewed discussion after the Conference of the Parties. It is also worth noting that it is unlikely that the agreement will result in a CO₂ price which could have a significant impact on emissions.

*http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/145397.pdf

Chapter 28⁷⁸ in the section on *Impacts, adaptation and vulnerability* of the IPCC 5th Assessment report, released in March 2014, is a stark illustration of the effects of climate change on polar regions, and of the need for urgent action. However, if the EU's leading role for an ambitious climate policy is to be downsized, other Arctic players are unlikely to take the lead.

The Arctic EU Member States, Denmark, Finland and Sweden are unconditionally behind the EU climate policy. Greenland, however, is less enthusiastic about the policies deemed necessary to combat climate change and part of Greenland's society is looking forward to the new op-

⁷⁸ http://ipcc-wg2.gov/AR5/images/uploads/WGIAR5-Chap28_FGDall.pdf

portunities – such as extraction of oil, gas and minerals – linked to a warmer climate.

Norway and Iceland, through membership of the EEA, have been closely associated to the EU climate policy, so far with virtually no implications for their economies. Norway has been able to offset an increase in domestic emissions thanks to the possibility to buy emission allowances for a fraction of the income from oil and gas production, and there are no signs that it would see future climate policies affect its plans for future production, in the Arctic or elsewhere. Iceland has found convenient to agree with the Commission the joint commitment for the second phase of the Kyoto Protocol.⁷⁹

The present US administration has pronounced itself clearly in favour of a strong climate policy, but is not able to overcome the negative attitude of Congress. Moreover Alaska, the only US Arctic territory, is strongly in favour of unrestricted oil and gas development.

Canada has backed down from its previous policy on climate, most prominently by annulling its Kyoto commitment, which would have hindered the large-scale exploitation of tar sands. There are suspicions that the dispute with the EU over whether motor fuels derived from tar sands should be associated with higher overall CO₂ emissions than fuels from conventional oil may have played a role in Canada's opposition to the EU in the Arctic Council.

As for Russia, its participation in the Kyoto Protocol was mainly driven by the prospect of selling CO₂ emission rights, made available from the fall in CO₂ emissions since 1990 as a consequence of the collapse of much industrial activity. This has not happened. Russia, as a major oil and gas producer striving to expand significantly its production in the Arctic, would find difficult to support an ambitious climate policy.

The link between climate change and security has been one of the primary factors of the EU's interest in the Arctic. The role of Russia as a purveyor of fossil fuels to the EU is presently focusing attention on energy security issues. The Parliament in its Resolution (paragraph 37) insists on

⁷⁹ http://ec.europa.eu/clima/news/articles/news_2014061901_en.htm

this aspect, highlighting the fact that the transformation of the Arctic represents one major effect of climate change on EU security; and recommends a policy axed on renewable energies and energy efficiency reducing the EU's reliance on external sources and thereby improving its security position.

2.2 Research

The most important contribution the EU can offer in the field of climate change is research, including the development of research infrastructure (see recommendations in SADA Chapter 3). Already in the previous research programmes the science of climate change in the Arctic was at the centre of most projects with Arctic relevance (see in particular section 1.3 of the “*Inventory*” document); support and capacity-building for Arctic research, including infrastructure, is another major subject.

Research policy remains the flower in the buttonhole of EU policies with relevance for the Arctic, where a leading role can rightly be – and regularly is – claimed. The EU financing of Arctic research in the period covered by the 7th Framework programme 2007–2013 was to the tune of EUR 20 million per year.

One general problem for EU research policy – managed by a dedicated DG – is that it is quite often disconnected from other policies. This has been the case in many instances for Arctic-related research; only a few more recent projects aim at contributing to policy elaboration through a more integrated effort.

An example is *ACCESS*⁸⁰ (Arctic Climate Change Economy and Society), a 4 year programme for EUR 11 million ending in 2015, which aims at assessing in depth climate change impacts and feedbacks on key economic sectors in the Arctic Ocean (transport, fisheries, offshore resource extraction), and elaborating on this basis governance options and scenarios for policy-makers on a 30 year horizon.

⁸⁰ <http://www.access-eu.org/>

Another similarly sized and complementary 4 year project under the 7th Programme is *ICE-ARC*⁸¹ (Ice, Climate, Economics – Arctic Research on Change) running 2014–2017. ICE-ARC focuses on the rapid reduction in Arctic sea ice and its impact on climate, economics, and society, both regionally and globally. This interdisciplinary programme will calculate for the first time the impact Arctic change (observed and projected) has on the global economy, thus providing important elements for policy options and management responses to climate change.

In 2013 a new framework research programme, Horizon 2020,⁸² was adopted for the period 2014–2020, with a total funding of over EUR 77 billion. The programme, to which Iceland and Norway have recently signed to, has three priorities: excellent science, industrial leadership and societal challenge – very wide priorities, and general enough to allow for many types of Arctic-related projects. In fact, the work programmes for 2014–15 have specific references to the Arctic, particularly as regards the creation of infrastructure, and a number of the calls issued so far have Arctic aspects. The most interesting appears to be a call with an indicative contribution of EUR 2 million, which aims at the development of a comprehensive European Polar Research Programme, to improve cooperation and contribute to policy advice at EU level and to EU international polar action.⁸³

International cooperation is an increasingly important element in EU's research effort, where the EU contribution can be a major one. The Council Conclusions have underlined the importance of aligning research efforts with Arctic partners. In May 2013 the EU, Canada and the US subscribed the Galway statement on Atlantic research cooperation,⁸⁴ which opens a specific window for cooperation on Arctic and marine science.

A “new entry” in the field of EU Arctic-related policies, with strong links to research, is *space* policy, introduced by Article 189 of the Lisbon Treaty as an area of shared competence with Member States. A joint staff

⁸¹ <http://www.ice-arc.eu/>

⁸² http://ec.europa.eu/research/participants/data/ref/h2020/legal_basis/fp/h2020-eu-establact_en.pdf

⁸³ <http://ec.europa.eu/research/participants/portal/desktop/en/opportunities/h2020/topics/2458-bg-15-2014.html>

⁸⁴ http://ec.europa.eu/research/iscp/pdf/galway_statement_atlantic_ocean_cooperation.pdf

working document prepared together with the European Space Agency, *Space and the Arctic*,⁸⁵ accompanied the 2012 Commission Communication. The document relates how EU space programmes, particularly Galileo – the global satellite navigation system – and the Global Monitoring for Environment and Security, can be of use in the Arctic region for activities of navigation, monitoring and communication, and assesses further needs and possible next steps.

2.3 Environment

Protection of the environment remains arguably the main priority for EU in the Arctic, as confirmed, albeit with different accents, by all European institutions – and in line with the prominent place traditionally reserved to this aspect by the Arctic Council and with widespread support of civil society in Europe and beyond. Urgent appeals to protect the Arctic environment have been signed by eminent political personalities.⁸⁶

The EU continues to contribute to the ongoing work of the relevant Arctic Council working groups, and to participate actively in international efforts contributing to the protection of Arctic environment, particularly in the areas of biodiversity, the establishment of a network of marine protected areas, and the prevention of pollution from contaminants with an especially negative impact on the Arctic – POPs, heavy metals, black carbon. In 2013, the EU signed the Minamata convention on mercury.

DG Environment has been consistently active on Arctic issues, and has established in its website an Arctic section,⁸⁷ which comes in addition to those of the EEAS and DG MARE.

The 7th multiannual EU Environment Action Programme to 2020⁸⁸ contains for the first time an explicit reference to the Arctic under the

⁸⁵ http://eeas.europa.eu/arctic_region/docs/swd_2012_183.pdf

⁸⁶ See <http://arcticdeclaration.org>

⁸⁷ http://ec.europa.eu/environment/international_issues/arctic_en.htm

⁸⁸ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32013D1386>

priority objective 9: “*To increase the Union’s effectiveness in addressing international environmental and climate-related challenges.*”

The text (paragraph 98 of the Annex) reads:

“Many of the priority objectives set out in the 7th EAP can only be fully achieved as part of a global approach and in cooperation with partner countries, and overseas countries and territories. That is why the Union and its Member States should engage in relevant international, regional and bilateral processes in a strong, focused, united and coherent manner. Particular emphasis should be given to [the Black Sea and] the Arctic regions, where there is a need for intensified cooperation and increased Union involvement, including [through membership of the Convention on the Protection of the Black Sea against Pollution and] by gaining permanent observer status in the Arctic Council, in order to address new and shared environmental challenges. The Union and its Member States should continue to promote an effective, rules-based framework for global environment policy, complemented by a more effective, strategic approach in which bilateral and regional political dialogues and cooperation are tailored towards the Union’s strategic partners, candidate and neighbourhood countries, and developing countries, respectively, supported by adequate finance.”

While quite ponderous reading, the text gives sensible directions for the further development of an EU-Arctic policy.

Furthermore, DG Environment has financed from 2012 for three years an Arctic NGO forum,⁸⁹ intended to provide a way by which the main NGOs concerned with Arctic environmental issues can exchange ideas and provide advice to policy-makers. Three meetings have taken place so far, the last in October 2014, and further support for a second phase is being considered.

The *European Environment Agency* continues to be very active on Arctic issues, where it plays a role which could be defined at the interface of environment and external policy. The EEA is a regular attendee and participant in meetings of some Arctic Council working groups as well as in larger international meetings (such as in the NATO and OSCE context) and contributes to international work on the Arctic, inter alia in the IPCC framework. It

⁸⁹ <http://arcticngoforum.org/>

is presently planning a specific Arctic chapter in the next 5-year report on the State of the Environment, as well as a dedicated report addressing environmental opportunities and challenges for Europe in the Arctic.

2.4 Marine policies

The *Integrated Maritime Policy (IMP)* was the framework for the first expression of interest from the Commission for Arctic issues, which led to the 2008 communication. The IMP aims at providing a more coherent approach to maritime issues, with increased coordination between different policy areas. It covers a number of specific cross-cutting policies, among which sea basins strategies, which address the specific characteristics of each sea basin with a view to promoting sustainable growth. The Arctic Ocean is one of those sea basins. The DG MARE website offers information on different relevant aspects and related initiatives.⁹⁰ In fact, DG MARE has maintained a leading role together with the EEAS for EU-Arctic issues, even beyond its strict remit – it is responsible for the dialogue with Arctic Indigenous peoples and in the second half of 2014 released a study on Arctic law and traditional knowledge.

DG MARE is also responsible for the common *fisheries* policy.⁹¹ Chapter 5 of the SADA report highlights the importance of Arctic fisheries for EU economy as well as the multiple ways by which the EU influences Arctic fisheries. The main development has been the reform of the common fisheries policy, which has taken effect from 1st January 2014, with the aim of ensuring that EU fishing is environmentally, economically and socially sustainable. While no Arctic coastal state is an EU Member State, the reform applies to EU vessels fishing outside EU waters and as such has potential impacts in Arctic and sub-arctic areas.

The sharing of quotas has created frictions with some Arctic States and territories following changes in migration patterns of some fish stocks in

⁹⁰ http://ec.europa.eu/maritimeaffairs/policy/sea_basins/arctic_ocean/index_en.htm

⁹¹ http://ec.europa.eu/fisheries/cfp/index_en.htm

those waters, and it is predictable that frictions will continue as patterns change. Where the EU appears to be in tune with States in the region is on the need for interim precautionary measures to prevent any future commercial fisheries in the Arctic high seas without the prior establishment of appropriate regulatory mechanisms. This idea, which the EU has supported since 2008, was agreed upon in February 2014 by the circumpolar states, which also noted the potential interest of other States and looked forward to a broader process to begin soon, and possibly culminate into a binding international agreement.⁹² The EU, a key player in world fisheries, is undoubtedly ready to be a key participant in this process.

The EU interest in *maritime transport* in the Arctic remains high. Sustainability of Arctic shipping remains the paramount preoccupation, with environmental considerations being given great attention. While the EU has limited competence, and is an observer in IMO, DG MOVE follows closely developments in the sector, particularly the elaboration of the IMO Polar Code, and relevant work by the Arctic Council, as well as monitoring the situation in the Northern Sea Route. The European Maritime Safety Agency EMSA is increasingly involved in Arctic Council work, particularly EPPR work.

Chapter 4 in the SADA report *Changes in the Arctic Maritime transport* gives an excellent overview of the situation, and clear concrete indications for possible EU action. The EU will have to supplement and strengthen its regulatory framework on shipping safety and environmental protection, and to work internationally with Member States to obviate the shortcomings of the Polar Code. The EU's and its Member States economic and political weight on the world scene will give them a key role in ensuring a well-regulated opening of new waterways. Furthermore, the EU will also have a role in facilitating cooperation by Member States in the regulation of marine tourist activities in the Arctic, another recognised challenge.

⁹² <http://naalakkersuisut.gl/en/Naalakkersuisut/News/2014/02/Arktisk-hoejsoefiskeri>

2.5 Exploitation of Arctic hydrocarbons and mineral resources

The exploitation of Arctic hydrocarbons and mineral resources is an important issue for a forthcoming EU-Arctic policy, with strong and obvious links to the sectorial policies mentioned above and to the general economic and political standing of the EU.

Environmental preoccupations fuelled by the Deepwater Horizon disaster, are at the origin of one of the rare mentions of the Arctic in an EU legislative act, the 2013/30/Directive on safety of offshore oil and gas operations⁹³ applicable in principle also to EEA States(although the applicability is being challenged by Norway).

Art 33.3 reads:

“The Commission shall promote high safety standards for offshore oil and gas operations at international level in relevant global and regional fora, including those relating to Arctic waters.” Recital 52 gives the following motivation “The Arctic waters are a neighbouring marine environment of particular importance for the Union, and play an important role in mitigating climate change. The serious environmental concerns relating to the Arctic waters require special attention to ensure the environmental protection of the Arctic in relation to any offshore oil and gas operation, including exploration, taking into account the risk of major accidents and the need for effective response. Member States who are members of the Arctic Council are encouraged to actively promote the highest standards with regard to environmental safety in this vulnerable and unique ecosystem, such as through the creation of international instruments on prevention, preparedness and response to Arctic marine oil pollution, and through building, inter alia, on the work of the Task Force established by the Arctic Council and the existing Arctic Council Offshore Oil and Gas Guidelines.”

This formulation is at first glance harmless, but was long debated, as was the Directive. Powerful economic and industrial interests were at stake, and the initial Commission proposal for a Regulation (a binding act with direct application) was as a result turned into a Directive (an act binding

⁹³ <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32013L0030>

as to the results to be achieved, the choice of the form and methods of implementation being left to national authorities). The same reasons explain with all likelihood the caution with which the subject is treated in the Arctic Council. The 2013 AC Agreement on cooperation on marine oil pollution preparedness and response in the Arctic cannot be described as bold; work of the AC Task force on Arctic marine oil pollution prevention seem to be proceeding slowly and may have to be prolonged beyond the next AC meeting.

The European Parliament, sharing misgivings expressed earlier within the Nordic Council,⁹⁴ has taken a strong position on the issue, regretting the absence of specific binding common standards in the existing AC agreement, and stressing the need for a binding instrument on pollution prevention (see paragraphs 15–18 of the 2014 Resolution).

The EU has in any case few, if any, specific instruments which would directly affect the exploitation of oil, gas and other mineral resources in the Arctic, as Chapters 6 and 7 of the SADA report point out.

One aspect which deserves to be considered more in depth in this connection is the extent to which the EU, in the medium to long term, is likely to benefit from, or even become dependent on, the exploitation of Arctic mineral resources. For both gas and oil, the development of Arctic fields is going to be slow and very costly, as well as very sensitive to political factors, both internal and external. Gas is believed to be the most abundant hydrocarbon resource to be found in the Arctic, and it is presently the most abundant on the market – Arctic projects such as the exploitation of the Shtokman gas field have been shelved. The main target for Arctic exploration is as a consequence oil, but oil is traded on a global market, and the EU needs not be particularly dependent on future Arctic oil rather than on oil from different sources.

⁹⁴ <http://www.norden.org/en/news-and-events/news/governments-dragging-heels-on-safety-in-the-arctic>

The same is true for most mineral resources, which are mainly traded on the global market, without links between producer and consumer except those stemming from logistic conditions. Even for the rare earth elements, the perceived crisis of limited supply was in reality the result of limited production capacity, and fears of disruption in supply seem to have abated while the costs and risks of mining in the Arctic are being considered.

2.6 Regional policies

Regional and cross-border investment in the Arctic region for the period 2007–2013 is estimated by the Commission to EUR 1.14 billion. While this amount includes funding in areas not *stricto sensu* Arctic, it is undeniable that the EU has been an important provider of funds for the Arctic region. Kolarctic,⁹⁵ INTERREG Nord⁹⁶ and Northern Periphery⁹⁷ (see section 3.2 in NCM 2008) have been the main programmes with operations in Arctic areas, both in the EU and across the borders. The *Compendium*⁹⁸ lists a number of projects, undertaken in the framework of those programmes, which illustrate the variety of activities financed.

Regional policy in general has been revamped for the budgetary period 2014–2020, notably by the identification of thematic priorities which would ensure a contribution to the Europe 2020 strategy for smart, sustainable and inclusive growth.⁹⁹ The main financing instrument for cross-border cooperation has been renamed European Neighbourhood Instrument (ENI);¹⁰⁰ the European Regional Development Fund (ERDF) continues to support European territorial cooperation.

⁹⁵ <http://www.kolarcticenpi.info/en>

⁹⁶ <http://www.interregnord.com/en.aspx>

⁹⁷ <http://www.northernperiphery.eu/en/home/>

⁹⁸ <http://www.arcticinfo.eu/en/compendium>

⁹⁹ http://europa.eu/rapid/press-release_MEMO-13-1011_en.htm. Cf also

http://ec.europa.eu/regional_policy/information/legislation/index_en.cfm

¹⁰⁰ http://eeas.europa.eu/enp/pdf/enp-regulation-11032014_en.pdf

The three above-mentioned programmes will be continued for the 2014–2020 financing period. The new programmes have been finalized, or are in the process of being finalized, and will become operational after adoption by the Commission. The Arctic dimension of these programmes will be strengthened, in line with the increased importance given by the EU to the Arctic region. As an example, the Northern Periphery programme has been renamed Northern Periphery and Arctic Programme (NPA) and will put a strong accent on the Arctic.¹⁰¹

¹⁰¹ <http://www.northernperiphery.eu/en/content/show/&tid=232>

3. Part III

What next? Final considerations

On the basis of the previous parts, it can be concluded that awareness of Arctic issues in the relevant EU policies and EU participation in international Arctic activities have continued to progress. Strengths and weaknesses identified already in 2008 have been confirmed: the EU continues to be strong in Arctic research and to play a major role in international efforts for the protection of the environment, and remains a significant provider of funds in northern, if not necessarily Arctic, regions. However, it has not yet succeeded in gaining full acceptance by some Arctic partners and indigenous peoples.

The Council has indicated as the next objective for the EU the development of an integrated and coherent Arctic policy. Building on its assessment of the situation, the SADA report formulates valuable suggestions for the future development of an Arctic policy framework.¹⁰²

To arrive at an integrated and coherent Arctic policy, the EU will, however, have to deal successfully with internal and external challenges.

3.1 The need for good housekeeping

A first recognized challenge is the rationalisation and better coordination of the different forms and instruments of Arctic regional cooperation.

The Parliament in its 2014 Resolution used strong and explicit wording to denounce the present situation. It asked the Commission:

¹⁰² http://www.arcticinfo.eu/images/pdf/SADA_report.pdf, pages xv-xvi

“in view of the huge number of scientific, economic and civic activities, in particular in the European Arctic, the Barents region and beyond, to develop practices aimed at better utilising existing EU funding and ensuring a proper balance in protecting and developing the Arctic region when channelling EU funds towards the Arctic” (paragraph 25). It further called “for the development of more effective synergies between existing programmes, for instance under the Interreg IV programme, the Northern Periphery Programme (NPP), Kolarctic, Baltic and the Blue Growth strategy, as well as contributions to fund Northern Dimension Partnerships such as the Northern Dimension Environmental Partnership (NDEP) and the Northern Dimension Partnership on Transportation and Logistics (NDPTL), or other European Neighbourhood Instrument (ENI) envelopes to enable the efficient channelling of funding, and to clearly define investment priorities for engagement with the Arctic region;” a long enumeration, not even exhaustive, which conveys a definitely messy picture. It also urged “the Commission and the EEAS to cooperate for a coherent channelling of funds on the Arctic and thereby to maximise effective interaction between the EU’s internal and external programmes and projects related to Arctic and sub-Arctic region” (paragraph 27).

The Council for its part underlined in its Conclusions the need for the Commission “to ensure effective synergies between the various EU funding instruments in the Arctic region” as an essential component in its elaboration of proposals for the development of an integrated and coherent EU Arctic policy.

A much-needed initiative, aiming at a more coordinated cooperation between all the programmes covering the Arctic area and financial institution operating in the region, was undertaken by Norwegian participants in 2013.¹⁰³ The so-called *Bodø process* is continuing and could potentially lead to some institutionalized form of cooperation.

The Commission (DG MARE) for its part has launched a public consultation,¹⁰⁴ with questions of a very general nature, on streamlining EU funding in the Arctic.

¹⁰³ http://www.northnorway.org/files/Minutes_from_Arctic_Seminar_in_Bod_19_March_2013.pdf

¹⁰⁴ http://ec.europa.eu/dgs/maritimeaffairs_fisheries/consultations/arctic-eu-funding/index_en.htm

A second challenge is internal EU coordination on Arctic issues. Coordination has been ensured so far by the Arctic Inter-Service Group, which meets regularly to exchange information between the EEAS, the Commission services and relevant agencies. However, there is a need to strengthen this coordination, as noted by the Parliament, which suggests “enhanced coordination within the EU institutions between the Commission and the EEAS, particularly considering the cross-sectorial nature of Arctic issues”(paragraph 35).

An interesting development to come is the new Commission’s new and different organisation¹⁰⁵ with a number of vice-presidents responsible for steering and coordinating in designated policy areas, the so-called “project teams” Furthermore, a number of portfolios have been reshaped and streamlined. Practically all the main Arctic-relevant policies are part of the suggestively named Project Team “Energy Union with a Forward-Looking Climate Change Policy.” The environment portfolio has been combined with maritime affairs and fisheries, and climate action with energy, reflecting the overarching concept that “protecting the environment and maintaining competitiveness have to go hand-in-hand” to ensure a sustainable future. Transport and space policy will also be under the same commissioner. Regional policy and research remain stand-alone as part of the same cluster.

It remains to be seen whether and to which extent this new organisational setting could contribute to improving coordination on Arctic issues. More important, it is not only too early, but near impossible to predict how the philosophy underlying the new setting could influence the shape of an emerging EU Arctic policy. Political leanings, nationality, personal interests, skills and sensitivities of the individual commissioners will unavoidably play a role.

In any case, the establishment of a permanent dedicated Arctic unit at this stage would probably not be justified, but the main responsibility for Arctic issues needs to be clearly allocated. A possibility to be considered could be the appointment of a “shadow Senior Arctic Officer” for the EU,

¹⁰⁵ http://ec.europa.eu/commission/2014-2019_en

with sufficient rank and visibility to become the recognised person of reference on Arctic issues both internally and in external relations.

3.2 Walk-on, actor, or co-protagonist?

An in-depth reflection on the role the EU could and should play in the Arctic policy framework is the most challenging task ahead.

For a long time, the aspiration to become an observer in the *Arctic Council* has dominated the Arctic political discourse in the EU. One argument which may have not been properly considered so far is the fact that the role of observers in the Arctic Council is severely limited (see box below) – as a number of “historical” observers, first and foremost France, have consistently deplored.

Role of observers

Decisions at all levels in the Arctic Council are the exclusive right and responsibility of the eight Arctic States with the involvement of the Permanent Participants:

- Observers shall be invited to the meetings of the Arctic Council once observer status has been granted.
- While the primary role of observers is to observe the work of the Arctic Council, observers should continue to make relevant contributions through their engagement in the Arctic Council primarily at the level of Working Groups.
- Observers may propose projects through an Arctic State or a Permanent Participant but financial contributions from observers to any given project may not exceed the financing from Arctic States, unless otherwise decided by the SAOs.
- In meetings of the Council’s subsidiary bodies to which observers have been invited to participate, observers may, at the discretion of the Chair, make statements after Arctic states and Permanent Participants, present written statements, submit relevant documents and provide views on the issues under discussion. Observers may also submit written statements at Ministerial meetings.

The EU has much to offer in terms of knowledge, know-how, infrastructure, expertise and, last but not least, funds. It is a key player, with exclusive or shared competence with Member States, in many international fora of relevance to the Arctic. Whether it would be better able to contribute to the development of a sustainable Arctic as a second-rank insider or as a travelling companion of the Arctic Council is a legitimate question. Maintaining an independent position would make it easier for the EU to take the lead in international fora for initiatives, such as enhanced protection for the Arctic high seas, which may not meet consensus in the Arctic Council.

Whether the EU should focus its political effort on the *wider Arctic* or on the *near Arctic* is another basic question which will shape the future Arctic policy.

The Economic and Social Committee had suggested¹⁰⁶ that to be a credible and constructive player and initiator, the EU should start from its “domestic Arctic:

“Consideration should be given first and foremost to the northern parts of the EU’s Arctic member states and to solidifying cooperation with the Arctic states, above all with neighbouring countries in Europe (including Greenland). The situation requires a fully developed Arctic strategy from the EU. Concentrating EU resources earmarked for the Arctic region in one place or coordinating them effectively, and including a heading for the Arctic region in the EU budget, is needed to ensure credible implementation of an EU Arctic policy/strategy.”

The SADA report recommends that the EU, while continuing to seek its place in the broad Arctic political framework, should concentrate its attention on the European Arctic – where European Arctic is intended as covering Arctic areas from Greenland to Northwest Russia. In the words of the report: “It is crucial to provide support for sustainable development and high environmental standards, and to demonstrate the positive imprint of such efforts in the EU’s northernmost regions and their closest neighbours. That cannot mean losing focus on the main global trends and pan-Arctic environmental priorities. However, in this way the

¹⁰⁶ Cf Part I, 1.3

EU may establish itself more firmly and be more broadly acknowledged as an Arctic actor, and as a consequence gain greater influence on Arctic affairs in general.”

It is a fact that the presence of the EU in the Northern Dimension and – to a different degree – in the Barents cooperation is generally recognised as a positive and significant element by all actors involved, and that a capital of credibility and goodwill has been established.

In conclusion, there appear to be valid arguments to support the idea that the EU in the development of its Arctic policy should focus where it can make a real difference – geographically, thematically or politically. In other words, the EU should be inspired by one of its basic tenets, the subsidiarity principle broadly intended – to act if and in so far as the objectives of the proposed policies and actions are not sufficiently achieved by other actors or in other ways.

It is also necessary that the EU institutions – Commission, Parliament and Council – which until now have been acting with sporadic and far-between expressions of interest, undertake to work together to elaborate an agreed vision for the EU role in the Arctic which could be translated into action.

4. Sammenfatning

Første gang EU udtrykte interesse for arktiske spørgsmål var i en meddelelse fra Kommissionen i 2008, som indeholdt følgende forslag til prioriteringer i EU's tilgang til Arktis: (I) Beskyttelse af miljøet samt befolkningen i Arktis. (II) Bæredygtig udnyttelse af ressourcer. (III) Bidrag til multilateral forvaltning samt identificering af relevante tiltag. Denne vision fik bred opbakning fra Rådet for Den Europæiske Union i 2009 og Europa-Parlamentet i 2011, som supplerede med yderligere elementer og forslag.

Meddelelsen fra Kommissionen/EU's Udenrigstjeneste i 2012 har et andet udtryk. Den sætter fokus på fremskridt inden for EU's politikområder med relevans for Arktis, men der fremsættes ikke et program med klare prioriteringer. Den søsætter i stedet for relativt abstrakte begreber som "viden", "ansvar" og "engagement", som skal fungere som inspiration og vejledning i forhold til en videre udvikling af en sammenhængende tilgang til Arktis i EU. Parlamentet gav et temmelig langt og sammenhængende svar i marts 2014 med ambitionen om at skabe grundlag for en arktisk strategi i EU. Kort efter bakkede Rådet op om de overordnede linjer i meddelelsen og tilføjede et par forslag og forespørgsler af en mere generel karakter.

Denne anden bølge af udmeldinger fra EU om Arktis bærer tydeligt præg af, at alle EU-institutioner anerkender et fortløbende behov for en konsistent og målrettet tilgang. Rådet har formelt efterspurgt forslag til den videre udvikling af en integreret og sammenhængende arktisk politik med udgangen af 2015.

EU's status i Arktis som en politisk aktør og partner er det andet tema, som har været i forgrunden siden 2008 – og i endnu højere grad i de senere år. Det lange tilløb før EU kan accepteres fuldgældigt som observatør i Arktisk Råd synes snart at være overstået. Der er dog stadig behov for, at EU's rolle bliver tydeligere defineret i forhold til de politiske rammer vedrørende Arktis, og der er stadig behov for EU at opnå en højere grad af anerkendelse uden for den smallere "europæisk-arktiske" kontekst, hvilket også afspejles i strategier og politiske oplæg i de arktiske lande samt EU-landene.

En vigtig faktor i denne forbindelse er EU's forhold til arktiske interesser, herunder de arktiske lande og oprindelige befolkninger, som EU i de senere år har været mere opmærksomme på – ikke mindst når det gælder EU's stræben efter at blive accepteret i en arktisk kontekst. EU har anerkendt behovet for at fremme, forbedre og supplere de eksisterende kommunikations- og informationskanaler og taget skridt i denne retning. Der er dog stadig behov for at overveje, hvordan man bedst møder de tilbagevendende udfordringer som udspringer af udnyttelsen af de levende ressourcer i Arktis (jagt samt sæl- og hvalfangst), hvor der er store forskelle i synspunkterne hos henholdsvis urbefolkningerne i Arktis og de "typiske" EU-borgere.

Opmærksomhed på den arktiske dimension i de primære relevante EU-politikområder såsom forskning, miljø, havpolitik, fiskeri, energi og regional politik er blevet et permanent princip, omend med forskellige fokuspunkter og metoder. Der er dog behov for en mere systematisk tilgang. EU har været, og vil fortsætte med at være, en betydelig financier, når det gælder aktiviteter i Arktis – alene eller i samarbejde med arktiske partnere. Det er i stigende grad nødvendigt at koordinere både finansiering og aktiviteter med henblik på at maksimere indvirkningerne og undgå overlappning. Samtidig er der behov for tydeligt at fordele det primære politiske og organisatoriske ansvar for arktiske spørgsmål i Kommissionen og/eller i EU-Udenrigstjenesten, for at opnå en veldefineret struktur, som kan fungere som både intern og ekstern reference.

Den primære udfordring for EU i de kommende år er at opbygge en fælles vision for en fremtidig EU-politik for Arktis, baseret på samlede og omfattende overvejelser for at opnå en reel enighed blandt EU-institutionerne, når det gælder svar på en række gensidigt forbundne spørgsmål:

Er EU villig til, og i stand til, at gennemføre en arktisk politik som er proaktiv og ikke blot reaktiv?

Bør EU, på mellemlang sigt, stræbe efter at blive en væsentlig aktør i en bred arktisk kontekst, eller fokusere på de nære arktiske områder, som EU allerede er forbundet med via medlemslande?

Inden for hvilke politikområder er EU bedst forberedt og bedst i stand til at gøre en forskel?

Og på hvilke politikområder skal EU derfor i bedste fald koncentrere sin indsats?



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The European Union and the Arctic

The report updates to September 2014 reports published in 2008 and 2010 on the same subject. It analyses the policy statements on Arctic issues released from 2010 by the EU institutions, and the EU's role-building in the Arctic political framework, notably the Arctic Council. It describes how the EU's role in the Arctic is seen in strategies and policy papers of Member States, and reports on the EU's relations with other Arctic actors, particularly indigenous peoples. It gives an overall view of the status of the main EU policies with relevance for the Arctic, and identifies the main challenges the EU has to face for progressing towards an integrated and coherent Arctic policy.

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