

Theme Project Group I: The Future of Northern Cooperation: Legal and Political Issues

Thursday, September 25, 2008

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The roundtable discussion focusing on the legal and political issues of future northern cooperation had five presenters. The discussion was commenced by **Mr.Inuuteq Holm Olsen**, whose presentation discussed the development of Greenlandic-Danish relations, particularly the increased autonomy of Greenland. According to the Greenland Home Rule Administration Act of 1979, Greenland has been a special cultural community in the Kingdom of Denmark. However, as it had become obvious that this legislation needed adjustments in order to fit better with the present conditions, the Greenlandic-Danish Commission on Self-Government was established in June 2004. The main purpose of this Commission was to identify areas which could be taken over by Greenland from Denmark. The mere establishment of this Commission can be seen as a strong indication of Greenland's wish to re-evaluate its relationship with Denmark in order to become more independent than the existing Home Rule structure would allow.

As the Danish-Greenlandic Self-Rule Commission ended its work in May 2008, a process of taking over the responsibilities could commence if passed by a referendum and both Parliaments. As a result of the new law, Greenland would gain a higher degree of independence, a legally strengthened position, a more progressive and secure economic arrangement, a recognition of the Greenlandic people according to international law with a right to self-government, a recognition of Greenlandic as an official language, and a right to mineral resources as well as to secession. All in all, taking over new fields of responsibility meant that the Greenlandic citizens were now closer to the actual decision making process, which in turn can be seen to strengthen democracy. According to Mr.Holm Olsen, the new responsibilities, however, will neither be taken over immediately nor all at once. Even after the new agreement, defence, foreign affairs and monetary issues will remain administrated by Denmark.

It is essential to keep in mind that the development of Greenlandic autonomy is a process from home rule via autonomy (i.e., self governance) towards independence, rather than a sudden change. According to Mr.Holm Olsen, there is no support for immediate independence in Greenland at present, yet there is general support for working towards that goal. According to a Danish view, in comparison, Greenlandic independence would be a way to move forward Danish-

Greenlandic relations as it is regarded by many that the Danes have already paid the price for colonization by subsidizing Greenland heavily in the past. The interesting twist here is that should Greenland gain independence, Denmark would no longer be an Arctic state. What is even more interesting is that before the topic of climate change became in fashion, Greenland had had trouble convincing Denmark that it was actually an Arctic state; now the situation has changed as climate change has become such a buzzword. Perhaps the most attention-grabbing question was, however, raised in the discussion: if Greenland becomes independent, should it then be considered geopolitically as a part of North America instead of Europe – especially given that Greenland has already left the EU, which it was forced to join as Denmark joined to Union in 1972.

The second speaker in Thursday's session was Young Researcher **Maria Pettersson**, who had studied legal preconditions for the use of renewable resources and the struggle for a sustainable energy supply in Sweden, Norway, Denmark and England. Her study focused on two main themes: 1) climate change and the energy sector, and 2) climate change and the Arctic, both of which can be studied through a set of relevant legal regimes/functions. Even if no real answer could yet be found, a fascinating discussion took place around such topics as: resource ownership rights (who owns land, wind, water, etc.?), physical planning (lack of coherent planning from national to local levels), environmental considerations, authorization of concession regimes, and public participation.

Dr. Dalee Sambo Dorough's presentation dealt with the role of indigenous people vis-à-vis international law. She emphasized that marine/coastal indigenous people are in actuality a very distinct people with an extraordinary development in terms of self-determination. Given this recognition, there is also a profound recognition that there exists a unique relation between indigenous people and their land/territories – including coastal areas. This in mind, a number of topics would need to be revisited: 1) More indigenous people should be included in the decision-making processes; 2) The management of resources is currently not comprehensive from indigenous people's perspective, 3) Recognition of resource rights; i.e., right to land and coastal areas, but also to free navigation as well as; 4) Collective security among all Arctic Ocean Rim nations. Especially given the latter, Dorough's opinion was that the Arctic council has simply not been able to do enough. As the interest in the issues of the Arctic has grown, it has become too much for the Council to handle. Thus, there is an urgent need for a new regime that would specifically address the Arctic Ocean and would include strong indigenous people's participation. Even if there is a need for something to be done, she stressed that it does not necessarily have to be something brand new; we can just make the already existing framework (i.e., Arctic Council) work better and work towards the goal of making indigenous people's rights align with international human right law.

The fourth presentation, by Mr. **Mead Treadwell**, focused on the question whether or not the United States of America is prepared for a more accessible Arctic. His main message was that shipping in the Arctic Ocean has increased and will keep doing ever more so in the future. This is not, however, only because of climate change, but also due to more efficient ice breakers. Increased traffic and various interests in the Arctic now require a seamless Arctic Ocean regime with a practical approach. The main purpose of this regime would be to harmonize the environmental regulations between the “Arctic Eight,” take care of search and rescue, and to come up with a joint investment vehicle for the basic infrastructure needed for safe shipping. According to Mr. Treadwell, the Arctic Council would be an appropriate venue for creating this safe, secure and reliable Arctic shipping regime.

The last presentation of this theme group was given by Dr. **Natalia Loukacheva**, who stressed the importance of Legal Education and inter-disciplinary collaboration for the future of northern cooperation. In her opinion many indigenous people have been educated according to western standards, downplaying the role of traditional knowledge. In many cases, the people do not even know their basic rights – which would be a precondition for a change for the better. Thus, more public and legal education in line with indigenous people’s interest is needed in order to come up with a solution that would really work for the people in the North. A good example of such an educative possibility is the Polar Law program at the University of Akureyri, Iceland of which she is the director.

The theme group continued its work on Saturday by summing up its work and making plans for the future. The roundtable discussion on Thursday brought up a lot of information and many urgent, yet fairly diverse set of issues as well as various ways to deal with them. There was general agreement among the group members that it is necessary to keep the topic alive in the future. After a long discussion, the group decided to keep the theme broadly defined (i.e., legal and political issues) in order to allow more people to participate in its work and to carry out theme-relevant research while waiting for the next NRF Open Assembly. It was, however, also decided to come up with two sub-themes to guide its future efforts: 1) *Applicability of international agreements to climate change in the Arctic*; and 2) *Adaptation and the role of regional organizations to the challenges of the 21st century (implications to the Arctic)*. The group also came to the conclusion that, as the agenda and interest in the North seems to be ever diversifying, it would be important to come up with policy recommendation in the future based on relevant research. On the road towards the next NRF Open Assembly, the group decided to follow closely other international conventions focusing on Arctic issues and to study how the increased attention to the Arctic is actually affecting these Northern regions. The possibility of organizing a smaller meeting or a workshop with a regional approach to Northern issues before the next NRF was also raised. The meeting would

function as an opportunity for the theme group members to come together and make sure that progress is actually being made on the issues decided in Anchorage.