

## A sustainable EU policy for the High North

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European Parliament resolution of 20 January 2011 on a sustainable EU policy for the High North  
(2009/2214(INI))

(2012/C 136 E/14)

The European Parliament,

- having regard to the United Nations Convention on the Law of the Sea (UNCLOS), concluded on 10 December 1982 and in force since 16 November 1994,
- having regard to the United Nations Commission on the Limits of the Continental Shelf,
- having regard to the United Nations Framework Convention on Climate Change (UNFCCC) and the Convention on Biological Diversity (CBD),
- having regard to the United Nations Declaration on the Rights of Indigenous Peoples of 13 September 2007,
- having regard to the Declaration on the Establishment of the Arctic Council (AC), signed on 19 September 1996,
- having regard to the Treaty on European Union, the Treaty on the Functioning of the European Union and in particular to Part Four thereof and to the European Economic Area (EEA) Agreement,
- having regard to the Declaration on the Cooperation in the Barents Euro-Arctic Region, signed in Kirkenes on 11 January 1993,
- having regard to the Commission Communication of 20 November 2008 on the European Union and the Arctic Region (COM(2008)0763),
- having regard to its resolution of 9 October 2008 on Arctic governance <sup>(1)</sup>,
- having regard to the Council conclusions on Arctic issues of 8 December 2009 <sup>(2)</sup> and on the European Union and the Arctic region of 8 December 2008 <sup>(3)</sup>,
- having regard to the Ilulissat Declaration adopted on 28 May 2008 at the Arctic Ocean Conference,
- having regard to the Treaty between Norway, the United States of America, Denmark, France, Italy, Japan, the Netherlands, Great Britain, Ireland, the British Overseas Dominions and Sweden concerning Spitsbergen/Svalbard of 9 February 1920,
- having regard to the Northern Dimension policy and its Partnerships as well as the EU-Russia [(th11.59080e2.7(regard-976 )>BD

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- having regard to International Labour Organisation Convention 169 adopted on 27 June 1989,
- having regard to the Nordic Sami Convention of November 2005,
- having regard to United Nations General Assembly Declaration 61/295 of 13 September 2007 on the Rights of Indigenous Peoples,
- having regard to the United Nations Human Rights Council resolutions 6/12 of 28 September 2007, 6/36 of 14 December 2007, 9/7 of 24 September 2008, 12/13 of 1 October 2009 and 15/7 of 5 October 2010,
- having regard to Finland's strategy for the Arctic Region adopted on 4 June 2010,
- having regard to the opinion of the Foreign Affairs Committee of the Swedish Parliament on Commission Communication COM(2008)0763 <sup>(1)</sup>,
- having regard to the joint Danish and Greenlandic strategy for the Arctic at a time of transition of May 2008,
- having regard to the Norwegian Government's Strategy for the High North of 2007, and its follow-up of March 2009,
- having regard to the Nordregio Report 2009:2, 'Strong, Specific and Promising – Towards a Vision for the Northern Sparsely Populated Areas in 2020',
- having regard to the Nordic Council of Ministers' Arctic Cooperation Programme 2009-2011, the Barents Euro-Arctic Council (BEAC) programme and the AC Chairmanship programme,
- having regard to the Canadian Northern Strategy of August 2009 and the follow-up statement on Canada's Arctic Foreign Policy of 20 August 2010,
- having regard to the Canadian Act to amend the Arctic Waters Pollution Prevention Act of August 2009,
- having regard to the 'Basics of the state policy of the Russian Federation in the Arctic for the period till 2020 and for a further perspective' adopted on 18 September 2008 and the Russian national security strategy until 2020 of May 2009,
- having regard to the American National Security Presidential Directive and Homeland Security Presidential Directive of 9 January 2009,
- having regard to the USA's Responsible Arctic Energy Development Act of 2010,
- having regard to the USA's Arctic Oil Spill Research and Prevention Act of 2009,
- having regard to the USA's Arctic Marine Shipping Assessment Implementation Act of 2009,
- having regard to the Monaco Declaration of November 2008,
- having regard to the final statement adopted at the First Northern Dimension Parliamentary Forum in Brussels on 26 September 2009,
- having regard to the Conference Statement of the Ninth Conference of Parliamentarians of the Arctic Region of 15 September 2010,

<sup>(1)</sup> 2009/10:UU4.

- having regard to NATO's new Strategic Concept, approved by Heads of State and Government at the Lisbon Summit in November 2010, and its implications vis-à-vis the security prospects in the Arctic region, particularly the military aspects of the High North,
  - having regard to Rule 48 of its Rules of Procedure,
  - having regard to the report of the Committee on Foreign Affairs (A7-0377/2010),
- A. whereas the Commission communication constitutes a formal first step towards responding to the

- M. whereas the effects of climate change mainly originating from outside the Arctic and the globalisation of the world economy will impact the region; whereas in particular the retreat of the sea ice, as well as the potential for resources and the possible use of new technologies, is likely to produce unforeseeable environmental effects and repercussions in other parts of the planet as well as an increase in shipping in particular between Europe, Asia and North America, in exploration and exploitation of natural resources, namely gas, oil and other minerals but also natural resources such as fish, and exploitation of marine genetic resources, increased mining and logging activities and increased tourism and research activities; whereas those effects will produce new challenges but also new opportunities in the Arctic and elsewhere,
- N. whereas climate change is managed by monitoring, mitigation and adaptation methods; whereas the promotion of sustainable development in using natural resources and in building new infrastructures is managed by strategic planning processes,

#### The EU and the Arctic

1. Recalls that three EU Member States – Denmark, Finland and Sweden – are Arctic States; acknowledges that the EU has no Arctic Ocean coastline so far; reaffirms the legitimate interest of the EU and other third countries as stakeholders by virtue of their rights and obligations under international law, its commitment to environmental, climate and other policies and its funding, research activities and economic interests, including shipping and exploitation of natural resources; moreover recalls that the EU has large Arctic land areas in Finland and Sweden that are inhabited by the only indigenous population group in Europe, the Sami;
2. Takes into account that through its Northern Member States and candidate countries the EU is affected by Arctic policies and likewise has an impact on Arctic policies, and recognises the ongoing work in the several partnerships of the Northern Dimension, a common policy of the EU with Russia, Norway and Iceland;
3. Underlines that certain policies that are relevant to the Arctic are exclusive Union competences, such as the conservation of marine biological resources under the common fisheries policy, others partly shared with Member States;
4. Highlights that the EU is committed to devising its policy responses in the Arctic on the basis of the best available scientific knowledge and understanding of the processes affecting the Arctic, and is accordingly already devoting sizeable research efforts to generating sound scientific evidence to support policy-making;
5. Conscious of the need to protect the fragile environment of the Arctic, underlines the importance of overall stability and peace in the region; stresses that the EU should pursue policies that ensure that measures to address environmental concerns take into account the interests of the inhabitants of the Arctic region, including its indigenous peoples, in protecting and developing the region; stresses the

8. Stresses the need for a united, coordinated EU policy on the Arctic region, in which both the EU's priorities and the potential challenges and a strategy are clearly defined;

#### New world transport routes

9. Underlines the major importance of the safety and security of new world trade routes through the sea in the Arctic, in particular for the EU and its Member States' economies, these countries controlling 40 % of world commercial shipping; welcomes the work in the International Maritime Organisation (IMO) on a mandatory Polar Code for shipping and the work in the Working Groups of the AC, particularly the Taskforce on Search and Rescue (SAR); underlines that the EU and its Member States should actively uphold the freedom of the seas and the right to free passage through international waterways;

10. Stresses the importance of developing new railway and transport corridors in the Barents Euro-Arctic Transport Area (Beata) to facilitate the growing need for international trade, mining and other economic development, as well as aviation connections in the High North; draws attention in this regard to the new Northern Dimension Partnership on Transport and Logistics;

11. Suggests that important non-Arctic shipping nations using the Arctic Ocean should be included in the results of the Search and Rescue Work Initiative of the AC; therefore recommends that the Commission and the Council, together with the European Maritime Safety Agency (EMSA), coordinate EU and Member States' policies in that particular field in the IMO, the AC and other organisations;

12. Points out that in spite of the efforts on a mandatory Polar Code for shipping a faster solution to the issue of safety of Arctic shipping might be found through coordination and harmonisation of national legislation and calls on EMSA to concern itself to the maximum with Arctic shipping;

13. Welcomes other cooperation initiatives on secure and safe shipping in the Arctic and on better access to the various Northern sea routes; emphasises that this concerns not only commercial traffic but also a large and increasing volume of tourist shipping carrying EU citizens; calls for more research on the effect that climate change has on Arctic navigation and shipping routes; equally calls for assessments of the impact of the increase in navigation and commercial activities, including offshore activities, on the Arctic environment and its inhabitants;

14. Calls on the States in the region to ensure that any current transport routes – and those that may emerge in the future – are open to international shipping and to refrain from introducing any unilateral arbitrary burdens, be they financial or administrative, that could hinder shipping in the Arctic, other than internationally agreed measures aimed at increasing security or protection of the environment;

#### Natural resources

15. Is conscious of the need for f 0 Tw 9.need scious r4(ls )-6(con19ed )-1.50upDopolnd harmonalls fcognat

17. Calls on the States in the region to resolve any current or future conflicts over access to natural resources in the Arctic in the way of constructive dialogue, possibly within the AC, which constitutes a good forum for such discussion; underlines the role of the UN Commission on the Limits of the Continental Shelf (CLCS) in finding solutions for conflicts between Arctic States over delimitation of their exclusive economic zones;

18. Points in particular to the responsibility of the Arctic States to ensure that oil companies that plan to engage in offshore oil drilling within their respective maritime borders have the necessary safety technology and (g) tetics )21.2(in )lancega e foinanca loy prearted to end(gesponsd)7.9(thooil )-4(orig)6.76diasastrs h21.and(g)53(ail )spllis;

26. Regards the Arctic as a sensitive region where the effects of climate change are especially visible, having serious repercussions on other regions in the world; supports therefore the Council Conclusions on increased cooperation with the UNFCCC and the Sustaining Arctic Observing Networks (SAON) and the efforts to realise the Svalbard Integrated Observation System (SIOS) and the Arctic components of the European Multidisciplinary Seafloor Observatory (EMSO), since those initiatives ensure a unique European contribution to understanding climate and environment change in the Arctic region;

27. Recognises the disproportionately large Arctic warming impact caused by black carbon emissions from the EU and other regions in the northern hemisphere, and stresses the need for inclusion of black carbon emissions in the relevant UNECE and EU regulatory framework, such as the Convention on Long-Range Transboundary Air Pollution and the National Emissions Ceilings Directive;

28. Welcomes the ban on the use and carriage of heavy fuel oil on vessels operating in the Antarctic Area, approved by the IMO's Marine Environment Protection Committee (MEPC), which is due to enter into force on 1 August 2011; stresses that a similar ban might be appropriate in Arctic waters to reduce risks to the environment in case of accidents;

29. Supports increased cooperation with Arctic and non-Arctic states on developing the Sustaining Arctic Observing Networks (SAON) and encourages the European Environmental Agency to continue its valuable work and to promote cooperation through the European Environment Information and Observation

35. Notes that the economies of the indigenous peoples rely to a high extent on sustainable use of natural resources and therefore that the reduction of climate change and its effects and the right of the indigenous peoples to an unpolluted natural environment are also questions of human rights;
36. Welcomes the work of the UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and that of the UN Expert Mechanism on the Rights of Indigenous Peoples;
37. Welcomes the successful completion by the Expert Mechanism of its progress report on the study on indigenous peoples and the right to participate in decision-making;
38. Encourages the Arctic Member States to engage in negotiations leading to a new ratified Nordic Sami Convention;
39. Urges the EU to promote actively the culture and language rights of Finno-Ugric people living in Northern Russia;
40. Takes note of the recent legal developments regarding the EU's ban on seal products, in particular the action brought for annulment of Regulation (EC) No 1007/2009 <sup>(1)</sup> (Case T-18/10, Inuit Tapiriit Kanatami v Parliament and the Council) pending before the General Court; notes the consultation procedure under the auspices of the World Trade Organisation (WTO) requested by Canada and Norway; expresses its hope that disagreements between the parties can be overcome following the rulings of the ECJ and the result of the WTO procedures;
41. Is aware of the increasing interest in the exploitation of resources; in that regard points out the need for broad all-encompassing ecosystem-based approaches as most likely to be capable of dealing with the multiple challenges facing the Arctic related to climate change, shipping, environmental hazards and contaminants, fisheries and other human activities, along the lines of the EU's Integrated Maritime Policy or Norway's Integrated Management Plan for the Barents Sea and the sea areas of the Lofoten Islands; recommends the Member States to endorse the revised Arctic Council Offshore Oil and Gas Guidelines of 2009;

#### Governance

42. Recognises the institutions and the broad framework of international law and agreements that govern areas of importance to the Arctic such as UNCLOS (including the basic principles of freedom of navigation and innocent passage), the IMO, the OSPAR Convention <sup>(2)</sup>, the North East Atlantic Fisheries Commission (NEAFC), CITES <sup>(3)</sup> and the Stockholm Convention as well as the existing numerous bilateral agreements and frameworks, in addition to the national regulations in place in the Arctic States; thus concludes that the Arctic region is not to be regarded as a legal vacuum, but as an area with well developed tools for governance; nevertheless points out that, due to the challenges of climate change and increasing economic development, those existing rules need to be further developed, strengthened and implemented by all parties concerned;
43. Emphasises that, although States play a key role in governance in the Arctic, other players – such as international organisations, indigenous and local people and sub-state authorities – also have important



the UK, Netherlands, Spain and Poland are active permanent observers; affirms its commitment not to support any arrangements which exclude any of the Arctic EU Member States, candidate countries or Arctic EEA/ EFTA states; acknowledges the concrete work done in the working groups of the AC with the involvement of the observers and calls on the Commission and EU agencies to continue to actively engage in all relevant working groups whenever possible; favours strengthening the legal and economic base of the AC;

46. Recognises that the challenges facing the Arctic are global and should therefore include all relevant actors;

47. Welcomes the results of major reports which the AC working groups have produced in recent years on Arctic oil and gas, the impacts of warming and emergency response needs;

48. Welcomes the degree of political organisation of indigenous interests in the Sami Parliaments and then Sami Council in Northern Europe and the cooperation among several indigenous organisations on a circumpolar basis and acknowledges the unique role of the AC with regard to the involvement of indigenous people; recognises the rights of the indigenous peoples of the Arctic as set out in the UN Declaration on the Rights of Indigenous Peoples and encourages the Commission to make use of the EIDHR for the benefit of Arctic indigenous people empowerment;

49. Welcomes the broad cooperation on issues such as the protection of the Arctic marine environment (PAME Working Group), not only on a regional level but bilaterally and internationally; interprets in this respect the work done on SAR in the AC as a first step towards mechanisms also to take binding decisions;

50. Welcomes the continuous AC assessment of the scope and structure of its work and is confident that it will continue to broaden the basis for decision-shaping processes to include non-AC actors;

51. Expresses its hope that the AC will further develop its important work and broaden the basis for decision-shaping processes to include other Arctic actors who are upgrading their presence in the Arctic region, and thus involve their knowledge and capacities and take into account their legitimate interests under international law, while at the same time the significantly greater importance of the interests of the Arctic States should be stressed; welcomes the internal procedure within the AC regarding a review of the status of observers and of the possible future scope of the tasks of the AC;

52. Is of the opinion that a strengthened AC should play a leading role in cooperation on the Arctic and would therefore welcome politically and administratively improved capacities of the AC, e.g. the permanent secretariat currently under discussion, more equal sharing of costs, more frequent ministerial meetings and an Annual Arctic Summit on the Highest Level, as proposed by the Foreign Minister of the EU Member State Finland, which is also a Member of the Arctic Council; would further welcome greater involvement of the Parliamentarians of the Arctic to underline the parliamentary dimension and be sure to include relevant non-Arctic players; furthermore insists that continued high-level meetings of an inner exclusive core of States will merely undermine the status and role of the AC as a whole; wishes the AC to maintain its open and inclusive approach and thus to remain open to all stakeholders;

53. Regards the Northern Dimension as a focal point for regional cooperation in Northern Europe; notes that the four partners, namely the EU, Iceland, Norway and the Russian Federation, as well as the Arctic Council, the Barents Euro-Arctic Council, the Council of the Baltic Sea States, the Nordic Council of Ministers, the European Bank for Reconstruction and Development (EBRD), the European Investment

Working Groups; stresses meanwhile that the EU and its Member States are already present as members or observers in other international organisations with relevance to the Arctic such as the IMO, OSPAR, NEAFC and the Stockholm Convention and therefore should more coherently focus on the work in these organisations; underlines in this regard in particular the need for coherence in all EU policies towards the Arctic; encourages the AC to involve civil society and non-governmental organisations more closely as ad-hoc observers;

55. Regards the Barents Euro-Arctic Council (BEAC) as an important hub for cooperation between Denmark, Finland, Norway, Russia, Sweden and the European Commission; notes the work of the BEAC in the fields of health and social issues, education and research, energy, culture and tourism; notes the advisory role of the Working Group of Indigenous Peoples (WGIP) within the BEAC;

#### Conclusions and requests

56. Requests the Commission to develop the existing Inter-Service Group into a permanent inter-service structure to ensure a coherent, coordinated and integrated policy approach across key policy areas relevant to the Arctic, such as the environment, energy, transport and fisheries; recommends assigning the co-lead of this structure to the EEAS and DG MARE, the latter acting as a cross-sectoral coordinator within the Commission; further recommends creating an Arctic unit in the EEAS accordingly;

57. Calls on the Commission, in negotiating bilateral agreements, to take account of the fact that the sensitive Arctic ecosystem must be protected, the interests of the Arctic population, including its indigenous population groups, must be safeguarded and the natural resources of the Arctic must be used sustainably, and calls on the Commission to be guided by these principles in relation to all activities;

58. Notes that scientific data clearly demonstrates that the Arctic ecosystem is currently going through massive climate-related changes and that this situation requires that a precautionary and scientifically robust approach be taken to any future development in the Arctic; calls for further scientific studies within the

62. Emphasises the contribution of the EU's European Territorial Cooperation objective, as a clear European added value, in particular the cross-border cooperation programmes of Kolartic and Karelia as well as the CBC Baltic Sea Basin programme, which includes the Barents region; requests the Commission to explore how a suitably enhanced Northern Periphery Programme could have a similar impact on an Arctic Strategy in the next programming period;

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