

## POLITICAL PROCESSES AND INSTITUTIONS

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### European Union and Cooperation in the Arctic Council \*

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**Abstract.** Since 2008, the European Union has unsuccessfully tried to obtain permanent observer status in the Arctic Council, the central cooperation forum in the Arctic. The analysis shows that the EU's failures in this area are connected both with its location mostly outside of the region and remoteness from the northern realities, as well as global geopolitical tensions. However, the EU has had de facto observer ad hoc status since 2013, allowing it to participate in almost all formats of interaction in the Arctic Council. Considering this fact, the permanent observer status has rather a symbolic meaning and is equivalent to joining a kind of "privileged Arctic club". An analysis of the EU's functioning in its relations with the Arctic Council and its members shows that the EU is ready to adapt and listen to the opinion of the Arctic countries in order to become a legitimate Arctic actor. The Arctic Council is of uneven importance for the different EU member states: Denmark, Finland and Sweden are full members, several countries are permanent observers, but most EU countries are not interested in the Arctic issues. Because of this multifaceted nature, the collective EU is more of an extra-regional player on the platform, but one with serious Arctic claims. The EU is actively working on a common Arctic policy. It is represented in the Arctic Council by the Ambassador-at-Large for Arctic Affairs, introduced in 2017, who acts in coordination with the European Commission and the member states concerned. The EU's overall approach is not unsuccessful: it has managed to engage more member states on the Arctic vector, and European expertise and input on sustainable development issues is already becoming an integral part of the AC's work and promises to evolve further.

**Keywords:** *Arctic, Arctic Council, European Union, Arctic cooperation, observer status.*

### Introduction

The Arctic Council (abbreviated AC) was created in Ottawa, Canada 25 years ago, in 1996. The AC is the leading international cooperation forum, which is the central platform for regional interaction of eight member countries, six permanent participants represented by organizations of the Indigenous peoples of the Arctic and, as has become relevant in recent years, numerous observers. For the European Union, the Arctic is not an alien region: according to the EU Special Envoy for Arctic Matters, the EU already exists in the Arctic, since three member countries — Denmark, Finland and Sweden — are members of the Arctic Council, as well as two members of the European Economic Area — Iceland and Norway, not to mention some European countries and organisations having observer status. They all work at different levels of the AC, from the highest to the lowest, through ministerial meetings, negotiations at senior official level and projects in six thematic working groups and complementary expert groups, as well as in other related formats. Taking into account the importance of preserving the fragile Arctic ecosystem, the consequences of climate change and global warming, increasing anthropogenic pressure on the region and the

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desire for its sustainable development, these joint efforts play a key role in identifying common approaches, sharing experience, developing the Arctic comprehensively and supporting its population.

The European Union applied for observer status in the Arctic Council in 2009 after lengthy preparations. For a number of reasons, the representatives of the EU considered their arguments for obtaining this status undeniable, pointing to their long-term contribution to Arctic projects, climate change, green energy, new technologies, investments and geography. However, the application was rejected, and so far (as of July 22, 2021) the EU has not officially become a permanent observer. In practice, the EU started to “observe the work of the Council” in 2013, when the ministers of the Arctic Council, without making a final decision, considered the European application affirmatively. Having become a de facto ad hoc observer, the EU did not receive the official status, which, perhaps, was the original and main purpose of its application. This paper examines the EU's interests in participation in the Arctic Council, outlines the reasons for the European Union's “suspended” status in this body, explores the specifics of country positions and the overall approach to the issue in the integration alliance, analyses the achievements, challenges and prospects for the EU in the Council, and draws brief conclusions.

### *The EU's interest in participating in the Arctic Council*

The Arctic Council is a unique forum for cooperation. On the one hand, it is exclusive, since making decisions at all levels is the prerogative of only eight Arctic countries with the involvement of six organisations of traditional Arctic residents — permanent participants of the forum: the Aleuts, the Athabaskans, the Gwich'ins, the Inuits, the Sami, the Indigenous peoples of the North, Siberia and the Far East of Russia. On the other hand, various organisations and non-regional countries are invited to observe the activities of the Council. They contribute accordingly through their participation in the AC at the working group level, they can propose projects through the states or permanent participants, and finance them commensurately. Observers may make written statements at ministerial sessions, may take the floor in subsidiary bodies if the chairperson considers it appropriate, but only after member-states and the Indigenous peoples. They can also submit the necessary documents and express their position on current issues. In addition to this, countries and organisations without any status, the so-called “ad hoc observers”, whose participation is relevant to the agenda under discussion, are often invited to individual meetings within the AC.

According to the Declaration on the Establishment of the Arctic Council, observer status in the Arctic Council is open to non-Arctic states and all kinds of organisations that support the AC goals, recognise the sovereignty, sovereign rights and jurisdiction of the states in the Arctic, the

legal framework regarding the Arctic Ocean (AO), including the law of the sea, demonstrate financial capacity to contribute to the work, interest in the Arctic, etc.<sup>1</sup>

According to experts from The Arctic Institute, the European Union considers the status of a permanent observer of the AC as a tool that legitimises its participation in matters that concern the Arctic, and uses it as an important intergovernmental platform for discussing the problems of the region<sup>2</sup>. Although the EU received ad hoc observer status in 2013 (that is, having been invited to AC events, the EU has the same rights as any other observer, despite the absence of a final decision), the desire to become an official observer “is gaining more and more importance and relevance, since this status is seen as giving the EU the desired legitimacy as an Arctic actor, whose voice will have sufficient weight to be heard and have the ability to influence discussions about the future of this region”[1, Aliev N., p. 5].

If one evaluates the practical advantages of the desired status of a permanent observer, it does not entail anything more than regular invitations to AC meetings and contributions to the activities of working groups, which is an option also available to ad hoc observers<sup>3</sup>. It is therefore clear that for the EU the official status of observer has more of a symbolic value. Becoming a permanent observer is tantamount to joining a kind of “closed club” of legitimate players in the Arctic arena. This is especially important in the context of the growing number of parties expressing their interest in high-latitude processes. Legitimacy is comparable to access, influence, and opportunity for them. In this case, the Arctic Council is seen as a kind of formal gatekeeper of the region, which is facilitated by involvement of indigenous peoples in its work, refusal to discuss “hard security” issues and active participation of Russia. In addition, with the growing opposition of the Arctic and non-regional countries, the inclusion of “outsiders” allows the format to remain relevant against the background of the development of other international platforms. With this perception of the AC observers, the ambiguous approach to the European Union by some Arctic states becomes understandable.

### *Analysis of the EU's functioning on cooperation in the Arctic Council*

When discussing the EU's approach to Arctic issues, it is necessary to take into account the general principles underlying it. First of all, it is important to state that the Arctic is included in the sphere of “soft policy” for the EU, that is, there is no clear doctrinal framework for a common European Arctic policy. There is no single treaty, strategy or action plan that defines the EU's goals and priorities in the Arctic. The region is also not defined in any of the main financial framework

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<sup>1</sup> Arkticheskiy sovet: nablyudateli [Arctic Council: Observers]. URL <https://arctic-council.org/ru/about/observers/> (accessed 04 May 2021).

<sup>2</sup> Østhagen A. In or Out? The Symbolism of the EU's Arctic Council Bid // The Arctic Institute. URL: <https://www.thearcticinstitute.org/symbolism-eu-arctic-council/> (accessed 04 May 2021).

<sup>3</sup> Østhagen A. In or Out? The Symbolism of the EU's Arctic Council Bid // The Arctic Institute. URL: <https://www.thearcticinstitute.org/symbolism-eu-arctic-council/> (accessed 04 May 2021).

documents of the association. Therefore, the approach to the Arctic and the Arctic Council is an “umbrella”, that is, the efforts of various departments of the European Commission in the relevant direction are coordinated by the EU Special Representative for the Arctic<sup>4</sup>. The “soft” approach of Europe to the Arctic Council is defined in one of the relatively relevant documents: in 2016, the document “EU Policy for the Arctic” was published (in 2020, the European Commission launched a consultation process to update this document)<sup>5</sup>. It singles out the Arctic Council as one of the main platforms for international cooperation in the region and emphasises the importance of EU participation at all levels. However, according to the same document, the Arctic Council is not the only polar ambition of the EU. For example, on October 3-4, 2019, a special European Union Arctic Forum, organised by the European Commission, the European External Action Service and the Swedish government, took place in the city of Umeå in the north of Sweden. The forum was attended by the heads of the foreign ministries of Italy, India, Finland, Latvia, Norway, Malta, as well as two European Commissioners. This example demonstrates that the EU is ready to take a proactive line in the Arctic, bypassing the Arctic Council, and the European member states of the AC are ready to participate and then promote their collective interests in the official Arctic forum.

Since receiving ad hoc observer status in the Arctic Council in 2013, the European Union has significantly strengthened and coordinated its Arctic policy, including by introducing institutional mechanisms in this direction. Thus, in 2017, the post of Ambassador-at-Large for Arctic Affairs (also: EU Special Representative for Arctic Affairs / Special Envoy for Arctic Matters) was created, which is largely similar in content and tasks to the functions of the Ambassador-at-Large for the Russian Foreign Ministry<sup>6</sup>. For the EU, it has been a turning point in raising its profile in the region and increasing its involvement in Arctic affairs. The tasks of the diplomat in this post are to promote the EU's activities in the Arctic both in the international arena and directly within the integration association itself, and to coordinate the Arctic policy of the Union<sup>7</sup>. Among other things, his duties include attending all meetings of the Arctic Council to which the EU is invited, actively participating in them and providing information support.

At the expert level, the EU's involvement is even more noticeable: speakers attend meetings of all the working groups in which the Arctic Council works. EU experts support AC projects

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<sup>4</sup> Exclusive interview with Michael Mann, EU's Ambassador at large for the Arctic / Special envoy for Arctic matters. *The Groupe d'études géopolitiques*. 2021. URL: <https://geopolitique.eu/en/2021/01/18/exclusive-interview-with-michael-mann-eus-ambassador-at-large-for-the-arctic-special-envoy-for-arctic-matters/> (accessed 04 May 2021).

<sup>5</sup> Aliyev N. Russia's Arctic Council Chairmanship in 2021-2023. *Friedrich Ebert Stiftung. Peace and Security*. 2021. URL: <http://library.fes.de/pdf-files/bueros/moskau/17686.pdf> (accessed 04 May 2021).

<sup>6</sup> Exclusive interview with Michael Mann, EU's Ambassador at large for the Arctic / Special envoy for Arctic matters. *The Groupe d'études géopolitiques*. 2021. URL: <https://geopolitique.eu/en/2021/01/18/exclusive-interview-with-michael-mann-eus-ambassador-at-large-for-the-arctic-special-envoy-for-arctic-matters/> (accessed 04 May 2021).

<sup>7</sup> Ibid.

and programs, co-financing many of them, e.g. the Expert Group on Black Carbon and Methane<sup>8</sup>. Thus, having not received the official status of an observer in the AC, Europe is trying to go another way. Through a number of initiatives, the EU is involved in expert discussions and decision-making, primarily in the field of combating global warming, supporting peoples of the North, Arctic business and agriculture [2, Zagorskiy A.V.]. In addition, the EU has already developed many effective legislative measures to protect the environment, which are applied in the European Arctic not only by Denmark, Finland and Sweden, but also by Norway and Iceland, as members of the EEA. Other EU initiatives in the Arctic include a circular economy with reducing pollution, efficient waste management and ecosystem restoration<sup>9</sup>. In this way the EU already fulfils a key objective for all Arctic countries — to preserve Arctic nature under increasing pressure from human activity — and promotes these practices within the framework of the AC.

### *Special Aspects of the Arctic Interests of Different EU Member States*

The member states of the European Union have varying degrees of interest in the Arctic Council activities. Formally, they can be divided into three groups: AC member countries, non-regional countries actively participating in Arctic cooperation, in particular, in the role of observers of the Arctic Council (or trying to become one), and countries that are not interested in the Arctic. The first group includes three states: Denmark, Finland and Sweden [2, Zagorskiy A.V., p. 189].

Denmark owes its participation in the AC only to Greenland, which after the 1985 referendum is not included in the European Union, being only a European overseas territory. Meanwhile Sweden and Finland are not included in the “Arctic Five”, since they have no access to the Arctic Ocean and therefore have no part of their Arctic shelf. Two more European member states of the Arctic Council — Norway and Iceland — are not part of the European Union, but are part of the European Economic Area and participate in a number of pan-European projects, for example, The European Framework Programmes for Research and Innovation. Among all these countries, only Sweden and Finland, to a lesser extent — Denmark, can be called active supporters of EU involvement. The greater engagement of the EU allows them to receive appropriate funding for their Arctic initiatives and events, increase their weight in promoting projects in working groups, and attract serious expert support and technologies to the region.

As for the second group, many EU member states are already full-fledged observers in the Arctic Council, in contrast to the European Union itself: France, Germany, Italy, the Netherlands,

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<sup>8</sup> Dudina G. Zolotoe pravilo Arkticheskogo soveta — ne privnosit' v ego rabotu politicheskie konflikty izvne [The golden rule of the Arctic Council is not to bring political conflicts into its work from the outside]. Kommersant. 11 Apr. 2019. URL: <https://www.kommersant.ru/doc/3940235> (accessed 04 May 2021).

<sup>9</sup> Spetspredstavitel' ES po Arktike: Evrosoyuz nameren tesno rabotat' s Moskvoy vo vremya predsedatel'stva RF v Arkticheskome sovete [EU Special Representative for the Arctic: EU intends to work closely with Moscow during Russia's chairmanship of the Arctic Council]. Interfax. 19 Mar. 2021. URL: <https://www.interfax.ru/interview/756798> (accessed 04 May 2021).

Poland and Spain<sup>10</sup>. Many of these countries have not only their own specialists and Arctic strategy, but also officials who deal exclusively with polar areas. Moreover, recently more and more EU member states are applying for observer status in the AC. In November 2020, Estonia officially submitted its application, positioning itself as “the northernmost non-Arctic state”. In addition, since autumn of 2020, the Czech Republic has been preparing its application, filed in March 2021<sup>11</sup>. Getting a seat at the table in the Arctic Council is now prestigious (although in reality, observers are not seated at one table, usually behind the backs of the member states and permanent participants). However, a number of experts point out that the country's participation in the AC is motivated not least by geopolitical interests. This is evidenced by recent reports regarding the Czech Republic's unfair motives, confirmed by American statements. It is argued that Western countries seek to ensure the prevalence of the Western position through the quantitative superiority of the AC observer countries loyal to them. This increases Russia's distrust of the EU.

One of the observers in the Arctic Council is the former member of the European Union — Great Britain. Its exit from the EU significantly weakened the position of the union in the region: it lost not only one of the observers, but also the main sponsor — 15% of the EU budget was formed from British investments, and a significant part of the Arctic projects were also supported precisely with the UK's money<sup>12</sup>. For example, in the period 2007–2013, the EU has allocated 1.98 billion euros for Arctic projects, in 2014–2020 — over a billion euros from various funds. Funds went to clean energy, indigenous peoples, educational programs, etc., and a significant share was allocated by the UK. This raises concerns about the potential independence of Greenland that is not part of the EU, which could further weaken its position, including in geographic terms: the EU will lose another observer and the Arctic territory, which has a continental shelf in the Arctic Ocean. This is also linked to the EU's focus on the latest elections on the island in the spring of 2021.

### *EU achievements, challenges and perspectives in the Arctic Council*

In 2008, Brussels expressed its desire to become an observer in the Arctic Council<sup>13</sup>. According to the communiqué “The European Union and the Arctic Region” that was released that year, this status was important for the future involvement of the EU in regional processes. Unexpectedly, the 2009 application ran up against a Canadian veto. Representatives of the North American state said that “they do not feel they have any understanding of the spirit of the EU platform at the moment”. It is believed that the veto of the Canadians followed the EU ban on the import of

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<sup>10</sup> Mezhuev B. Evropeyskiy Soyuz rasshryaet svoe prisutstvie v Arktike [The European Union is expanding its presence in the Arctic]. Proektnyy ofis razvitiya Arktiki [Project Office for the Development of the Arctic]. Oct 14 2019. URL: <https://goarctic.ru/society/evropeyskiy-soyuz-rasshryaet-svoe-prisutstvie-v-arktike/> (accessed 04 May 2021).

<sup>11</sup> Ibid.

<sup>12</sup> Brocza S., Brocza A. Less EU in the Arctic Region after 2020. Arctic Yearbook 2020. URL: <https://arcticyearbook.com/arctic-yearbook/2018/2018-briefing-notes/298-less-eu-in-the-arctic-region-after-2020> (accessed 04 May 2021).

<sup>13</sup> European Commission (11 November 2008). The European Union and the Arctic Region. Retrieved 5 March 2010 from Communication from the Commission to the European Parliament and the Council.

seal fur products, mainly from Canada [3, Voronkov L.S., p. 421]. In 2011, the Canadians vetoed the European attempt again. It is curious that this conflict is more of a symbolic nature as the export of seal products, without playing a significant role in the trade relations between the sides, is the livelihood basis of the indigenous people of the Canadian North — the Inuit, who have been traditionally involved in this fishery for hundreds of years. In this regard, for Canadians, positioning themselves as an Arctic nation, the conflict personified the opposition of regional and non-Arctic actors [3]. In other words, by keeping the EU out of the Arctic Council, Canada made it clear who was “in the club” and who made the decisions [4, Sokolov V.I.]. Until a compromise was found in 2015, allowing the import of indigenous peoples’ products, including Canadian ones, into the European Union, Canadians did not soften their position [4]. That is, it was necessary for the European Union to adapt and change the approach, and not for the Arctic countries.

Against the background of the approval of the applications of large non-regional states in 2013 (China, India, Japan, the Republic of Korea, Singapore, Italy) [5, Ivanov I.S.], the EU was given a partial “green light”, and the Europeans were allowed to “observe the work of the council” until “a final decision” was made<sup>14</sup>. But it was never adopted, since after the events in Ukraine and the EU sanctions against Russia in 2014–2015, arguments against Brussels being a permanent observer in the Arctic Council have also emerged in Russia. According to experts from the Friedrich Ebert Foundation, the Russian side has previously expressed concern over Brussels’ aspirations to join the organization, and has also played an important role in developing criteria for permanent observers of the AC, which delayed the decision on the European application [1]. In 2021, Norway expressed skepticism about the EU’s application. This happened against the backdrop of a disagreement between the EU and the Kingdom of Norway over cod fishing quotas in the Fisheries Protection Zone around Svalbard archipelago. Thus, the EU found itself locked in an uncertain situation: the union cannot be fully called either outsider or an insider of the region<sup>15</sup>.

At the same time, the EU has learned how to operate in this undefined status. According to the former EU Ambassador-at-Large for the Arctic, Marie-Anne Coninx, the EU is treated the same as other observers and is invited to all events<sup>16</sup>. At the same time, the diplomat criticized Russia’s resistance to obtaining observer status by the European Union, saying that “it is not customary to bring political conflicts from outside into the work of the Arctic Council”. According to her, if the reason for the Russian position is sanctions, then the “golden principle” of the AC is violated. In any case, from the side of the official Brussels and its representatives, there is always a confidence

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<sup>14</sup> Govorova N. Arkticheskaya politika ES. Mezhdunarodnaya zhizn'. 2021 [Arctic policy of the EU. International life. 2021]. URL: <https://interaffairs.ru/news/show/29350> (accessed 04 May 2021).

<sup>15</sup> Østhagen A. In or Out? The Symbolism of the EU’s Arctic Council Bid. The Arctic Institute. 18 June 2013. URL: <https://www.thearcticinstitute.org/symbolism-eu-arctic-council/> (accessed 04 May 2021).

<sup>16</sup> Dudina G. Zolotoe pravilo Arkticheskogo soveta — ne privnosit' v ego rabotu politicheskie konflikty izвне [The golden rule of the Arctic Council is not to bring political conflicts into its work from the outside]. Kommersant. 11 Apr. 2019. URL: <https://www.kommersant.ru/doc/3940235> (accessed 04 May 2021).

that in the future the EU will definitely receive the status of a permanent observer in the Arctic Council.

### **Conclusion**

In conclusion, it can be noted that the European Union, despite numerous attempts, has not become a full observer to the Arctic Council after 13 years. In practical terms, this is not a problem: being a de facto observer since 2013, the European Union is present at all AC meetings, and its rights and obligations, according to the statements of the Europeans themselves, do not differ from the rights and obligations of other observers. The pro-active EU policy in this direction, broad expert and financial support for the AC projects, the introduction of the position of the EU Special Envoy for Arctic Matters and broad information powers allow the integration association to play a significant role in the Arctic direction, including in the opinion of ordinary people.

Nevertheless, in the context of the significance of official observer status in the Arctic Council, the European Union is seriously losing. If there is a “closed club” of observers, it is obvious that the EU is not allowed “inside”, but rather kept “in the hallway”. Considering that a number of EU member states already have observer status and the list is expanding, the absence of such a status for the European Union speaks for itself. On the one hand, this is due to the conflict between the Arctic identity of the regional countries and the EU's lack of understanding of high latitude issues; on the other hand, it is also due to geopolitical tensions that originate far beyond the region. Thus, due to the lack of an official observer status, the EU has to “deserve” its place in the Council each time by actively proposing solutions and its own experience in areas such as combating climate change, protecting the environment, promoting sustainable development, etc. The EU is also looking for ways to work around Arctic issues, including developing its own internal working mechanism on the North and organising European Arctic events such as the recent summit in Umeå, which attracted lots of Arctic-interest from member states, most of them from outside the region.

The ambiguity of EU involvement in the Arctic Council is likely to continue into the future, with de facto involvement without formal status appearing to be a compromise solution difficult to replace in the short term. However, no one doubts that it will be found.

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