

THE FUTURE DESIGN OF THE ARCTIC OCEAN LEGAL ORDER

Second International Symposium organized by PCRC

DATE: July 28 – 29, 2016

VENUE: Rokkodai Campus, Kobe University, Japan

Invitation only

July 28, THURSDAY

Registration: 9:30 -

Conference: 10:00 - 18:00

Keynote Addresses

Kazuko Shiraishi (Ambassador in Charge of Arctic Affairs)

Japan's Arctic Policy and its Challenges

Alexander Sergunin

Russian Approaches to an Emerging Arctic Ocean Legal Order

Session1: Panel Discussion on Actors in the Arctic Ocean Legal Order-making

Panelists:

Paul Arthur Berkman: *Building Common Interests in the Arctic Ocean*

Fujio Ohnishi: *New Modes in the Arctic Ocean Legal Order-making*

Session2: Forum for the Arctic Ocean Legal Order-making

Brian Israel

Form and Function in the Future of Arctic Marine Cooperation

Joji Morishita

Development of a New Fisheries Management Organization in the Arctic High Seas

Tore Henriksen

Institutional Approaches to (Future) Governance of the Arctic Ocean

Discussants:

Kamrul Hossain: *Indigenous Peoples and Norm-making in the Development of Arctic Legal Regime*

Kentraro Nishimoto: *Comment*

CONFERENCE RECEPTION, Sakura (University Restaurant): 18:30 –20:30

July 29, Friday

Coffee and Tea: 9:00-

Conference: 9:30 – 17:30

Session3: Regionalism within Universalism

Viatcheslav Gavrilov

Future Legal Developments in the Arctic: Premises and Prospects

Akiho Shibata

Marine Scientific Research in the Arctic under the New Agreement on Enhancing International Arctic Scientific Cooperation: Fragmentation or Integration?

Discussant:

Takashi Kikuchi: *Scientific Field Observation and International Collaboration Research for Changing Arctic Ocean: Past, Present, and Future*

Session 4: Ecosystem Approaches

Betsy Baker

Large Marine Ecosystems and a Neighborhood Approach to Ecosystem-Based-Management in the Arctic

Suzanne Lalonde

A Framework for a Pan-Arctic Network of Marine Protected Areas: Assessing the Challenges Ahead

Discussant:

Osamu Inagaki: *Inter-institutional Collaboration for Ecosystem Assessment in the Central Arctic Ocean*

Orio Yamamura: *Japan's Research on Arctic Ocean Ecosystem*

Session 5: Panel Discussion on Future Research Development

Panelists:

Hannu Halinen: *Future Collaboration with Arctic Futures Initiative*

Atsumu Ohmura: *Comment from a Scientist*

Concluding Panel Discussion

Kazuko Shiraishi: Ambassador in charge of Arctic Affairs. Ambassador Shiraishi has assumed the present position in June, 2015, following her previous assignment as Ambassador Extraordinary and Plenipotentiary of Japan to Lithuania. She graduated from Sophia University, Tokyo, and entered Ministry of Foreign Affairs in 1974. She has worked as Director of International Economic Agreement Division, Senior Foreign Policy Coordinator, and Director of WTO Dispute Settlement Division at the Ministry in Japan. She has also served overseas as Deputy Chief of Mission of the Japanese Embassy in Poland.

Alexander Sergunin: Japan Society for the Promotion of Science (JSPS) Invited Fellow at Polar Cooperation Research Centre (PCRC), Kobe University (July-August, 2016); He is Professor of International Relations, St. Petersburg State University, Russia. His fields of research and teaching include Russian foreign policy thinking and making as well as Russia's Arctic strategies. His most recent book-length publications include: *Russia in the Arctic. Hard or Soft Power?* (Stuttgart, 2016) (with Valery Konyshev); *Explaining Russian Foreign Policy Behavior: Theory and Practice* (Stuttgart, 2016); *Russian Strategies in the Arctic: Avoiding a New Cold War* (Moscow, 2014) (with Lassi Heininen and Gleb Yarovoy); *Laboratories of European Integration: City-Twinning in Northern Europe* (Tartu, 2012) (with Pertti Joenniemi); *The Arctic in International Politics: Cooperation or Competition?* (Moscow, 2011) (with Valery Konyshev).

Paul Arthur Berkman: Professor of Practice in Science Diplomacy, Fletcher School of Law and Diplomacy at Tufts University (from September 2015); Director of the Arctic Futures Initiative through the International Institute for Applied Systems Analysis (from April 2016); and the Coordinator of the international *Arctic Options* and *Pan-Arctic Options* projects, which are funded by government agencies from 2013-2020 under the Belmont Forum, addressing *Holistic Integration for Arctic Coastal-Marine Sustainability*. Professor Berkman is an internationally-renown scientist, explorer, educator and author who has made significant contributions to the sustainable development of our world during the past three decades. He is especially motivated to establish connections between science, diplomacy and information technology to promote cooperation and prevent discord for good governance of regions beyond sovereign jurisdictions – which account for nearly 70% of the Earth.

Fujio Ohnishi: Assistant Professor at the College of International Relations, Nihon University. He also serves as a Research Fellow at the Slavic-Eurasian Research Center, Hokkaido University and an Adjunct Professor at the Laval University in Quebec, Canada.

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Brian Israel: Brian Israel serves in the Office of the Legal Adviser for Oceans, International Environmental and Scientific Affairs of the U.S. Department of State. In this capacity, Brian presently serves as co-chair of the Arctic Council’s Task Force on Arctic Marine Cooperation, and as the U.S. Representative to the Legal Subcommittee of the United Nations Committee on the Peaceful Uses of Outer Space. He previously served as head of the United States delegations to the Arctic Council’s Task Force on Arctic Marine Oil Pollution Prevention, and the Task Force on Institutional Issues. From 2010 to 2014, Brian taught international law as an adjunct professor at the George Mason University School of Law. Brian is a graduate of the University of California, San Diego, and the University of California, Berkeley, School of Law, where he was Editor-in-Chief of *the Berkeley Journal of International Law*.

Joji Morishita: Professor at the Department of Marine Policy and Culture, Tokyo University of Marine Science and Technology. Until recently he was Director-General at the National Research Institute of Far Seas Fisheries. He serves as the head of the Japanese delegation to the A5+5 Meeting on High Seas Fisheries in the Central Arctic Ocean. He is also engaged in the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR).

Tore Henriksen: Visiting Professor at Graduate School of International Cooperation Studies (GSICS), Kobe University, Japan (July-September, 2016). Professor of International Law and Director of K.G. Jebsen Centre for the Law of the Sea, UiT Arctic University of Norway. His research interest is international law of the sea, international environmental law and international fisheries law. His recent publications include Tore Henriksen, “Protecting Polar Environments: Coherency in Regulating Arctic Shipping.” In Rosemary Rayfuse (ed.), *Research Handbook on International Marine Environmental Law* (Edward Elgar Publishing, 2015), pp. 363-384; Tore Henriksen, “Conservation of marine biodiversity and the International Maritime Organization.” In Christina Voigt (ed.), *Rule of Law for Nature: New Dimensions and Ideas in Environmental Law* (Cambridge University Press, 2013), pp.331-346.

Kamrul Hossain: Associate Professor and the Director of the Northern Institute for Environmental and Minority Law (NIEM) at the Arctic Centre of the University of Lapland. He is also an Adjunct Professor of International Law, and earlier served as the (Acting) Professor of International Law at the University of Lapland. At the moment he is leading an international research project – HuSArctic – funded by the Academy of Finland (www.husarctic.org).

Kentaro Nishimoto: Associate Professor at the School of Law, Tohoku University, Japan. He obtained his doctorate from the University of Tokyo in 2011, with a thesis on “Territoriality and Functionality in the Historical Formation of the Modern Law

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of the Sea”. His publications on the Arctic include: “The Status of the Maritime Area around the Svalbard Islands in International Law,” in *Governing the Arctic Ocean* (Toshindo, 2013) (in Japanese) and “Coastal States’ Regulation and the Regime of the International Straits in the Arctic Sea Routes,” in *International Straits* (Toshindo, 2015) (in Japanese).

Viatcheslav Gavrilov: Professor, Head Department of International Public and Private Law, School of Law, Far Eastern Federal University (FEFU), Vladivostok, Russia. He received his PhD in International Law from Kazan State University in 1994 and his S.J.D. in 2006. He is the author of many scientific publications devoted to actual problems of international public and private law, including two monographs and textbooks: “International Private Law: Course of Lectures”; “International Law. General and Special Parts” (with co-authors); and “International and Interstate Protection of Human Rights” (with co-authors). In recent years he has been heading the scientific working group of FEFU's law school for International Law of the Sea and the Arctic Studies.

He was invited as a speaker and has participated in numerous international conferences and programs in the US, China, France, Hungary, Taiwan, Spain, Indonesia, Malaysia, Philippines, Cambodia, India, Thailand, Canada and Japan. He is also a member of the Executive Committee of the Russian Association of International Law, member of Asian Society of International Law and co - founder and attorney of the Etalon Board of Lawyers in Vladivostok. In 2010-2011, he was a member of the Study Group on the Responsibility to Protect of the Council for Security Cooperation in the Asia Pacific”.

Akiho Shibata: Professor of International Law and Director, Polar Cooperation Research Centre (PCRC), Graduate School of International Cooperation Studies (GSICS), Kobe University. His recent articles include: “Japan and 100 Years of Antarctic Legal Order: Any Lessons for the Arctic?” in *Volume 7 of Yearbook of Polar Law* (2015), and “An Agreement on Enhancing International Arctic Scientific Cooperation: Only for the Eight Arctic States and Their Scientists?” in *Volume 8 of Yearbook of Polar Law* (2016, forthcoming). Professor Shibata participated in the 8th meeting of the Scientific Cooperation Task Force (SCTF) as a representative of the Japanese government.

Takashi Kikuchi: Deputy Director, Institute of Arctic Climate and Environment Research (IACE), Japan Agency for Marine-Earth Science and Technology (JAMSTEC). He is interested in physical oceanography, polar oceanography, and polar climate. Based on lots of his experiences of the field observations in the Arctic Ocean, he plays an important role in the international scientific research community for the Arctic Ocean. For instance, he is Executive Committee Member of the International Arctic Buoy Programme (IABP) since 2008, International Science Steering Group of the Arctic Subarctic Ocean Flux (ASOF)

since 2010, and Vice-chair of Pacific Arctic Group (PAG) since 2012.

Betsy Baker: Professor at Vermont Law School and an Anchorage-based consultant on international environmental law, ocean policy, and the Law of the Sea. Her recent Arctic work on resource development and regulation includes studies for the Alaska Arctic Policy Commission, the Inuit Circumpolar Council, Statoil, and the Arctic Council. A member of the National Academy of Sciences Polar Research Board, Baker is also an Affiliate Professor with the University of Washington School of Law, and the International Arctic Research Center at UAF.

Suzanne Lalonde: Professor of International Law and the Law of the Sea at the Law Faculty of the University of Montreal and a research associate with the ArcticNet network of excellence in Canada. She holds a PhD in Public International Law from the University of Cambridge, King's College obtained in 1997 under the supervision of Professor James Crawford. Her current research focuses on core international legal principles, especially those pertaining to sovereignty and the determination of boundaries on land and at sea, with a particular emphasis on the Arctic. She is the Canadian member of the International Law Association Committee currently investigating State practice in relation to straight baselines.

Osamu Inagaki: Assistant Professor of the Polar Cooperation Research Centre (PCRC), Graduate School of International Cooperation Studies (GSICS), Kobe University. He earned Doctor of Laws in September 2015. His research interest is public international law, treaty law, treaty interpretation and polar law. His recent publication is "Evolutionary Interpretation of Treaties Re-examined: The Two-Stage Reasoning," *Journal of International Cooperation Studies*, Vol.22 No.2•3 (2015), pp.127-149.

Orio Yamamura: Associate Professor at the Division of Marine Bio-resource and Environmental Science, Graduate School of Hokkaido University, Hakodate, Japan. He has served as visiting associate professor at Graduate School of Tokyo University of Marine Science and Technology and head of the Higher Trophic Levels Study Program at Hokkaido National Fisheries Research Institute, where he has been leading Steller sea lion research for 11 years until this March. He has co-chaired working groups for micronekton studies at North Pacific Marine Science Organization (PICES).

Hannu Halinen: Special Advisor to the Director General/CEO of International Institute for Applied Systems Analysis (IIASA) and Co-chair of the IIASA Arctic Futures Initiative. He has been serving in the Finnish Foreign Service from 1973 until 2015. During this time he has been posted to Ottawa, Budapest, New York, Rome, Berlin, and Cairo. He was Ambassador of Finland in Germany, Hungary, Egypt and Sudan. He has wide experience in multilateral diplomacy (UN Mission in

<<http://www.research.kobe-u.ac.jp/gsics-pcrc/index.html>>

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New York, Permanent Representative in FAO and International Organizations in Rome, UN Special Rapporteur on Occupied Palestinian Territories). At the Ministry for Foreign Affairs he has been Ambassador for Human Rights and Humanitarian Affairs, and finally Arctic Ambassador of Finland and Senior Arctic Official at the Arctic Council from 2009 to 2015. Ambassador Halinen has a Master of Law degree from the University of Helsinki (1973).

Atsumu Ohmura: Chair, ArCS Council; Professor emer., Institute for Atmospheric and Climate Science, Swiss Federal Institute of Technology