



November 19 (Eng.Ver.1)

International Symposium on Emerging Arctic Legal Orders in Science, Environment and the Ocean

Date: 18-19 December 2015

Venue: Kobe University, Kobe, Japan

We request pre-registration by December 7. Please send e-mail to:
<[kobe_arctic_research2 \[at\] diamond.kobe-u.ac.jp](mailto:kobe_arctic_research2@diamond.kobe-u.ac.jp)>

For details and updates, see our HP:
<<http://www.research.kobe-u.ac.jp/gsics-pcrc/index.html>>

Keynote Speech by

Ambassador Hannu Halinen of Finland

Presentations by

Professor David L. VanderZwaag of Dalhousie University, Canada

Professor Rachael Lorna Johnstone of University of Akureyri, Iceland

Professor Kentaro Nishimoto of Tohoku University, Japan, and

Professor Akiho Shibata of Kobe University, Japan

The Graduate School of International Cooperation Studies (GSICS), Kobe University, has been designated as one of the participating institutions of the Japanese government's Arctic Challenge for Sustainability (ArCS) Project, and will be responsible for research on Arctic legal and policy issues, particularly focusing on the Arctic international legal framework and institutions. In order to implement the project, Polar Cooperation Research Centre (PCRC) was established on October 1, 2015, seeking to be the leading institution in polar legal and policy studies in Japan and in the world.

The main objective of this kick-off symposium at Kobe is to provide a broad yet insightful overview of emerging legal and policy issues in the following four areas: Arctic science, Arctic Ocean, Arctic environment, and Arctic Council (AC) as a framework institution, acknowledging the inter-linkages between and among them. The presentations by world's leading experts in the field and the discussion following them will set a framework for the future direction of research at PCRC.

See below the provisional program, biography of main speakers, and their abstracts.

**International Symposium on
Emerging Arctic Legal Orders in Science, Environment and the Ocean
18-19 December 2015, Kobe Japan**

Venue: [Kobe University, Graduate School of International Cooperation Studies](http://www.kobe-u.ac.jp/gsics/)
(GSICS)

Provisional Program

December 18 (Fri)

9:00 - Registration

9:30-9:45 Welcome note by the organizer

9:45-10:15 Keynote Address by **Ambassador Hannu Halinen**

Arctic Council as an Institutional Framework for Arctic Legal Order-making

10:30-11:00 **Panel Discussion** on the Arctic Council and the role of non-Arctic States

11:15-12:30 Presentation by **Professor Rachael Lorna Johnstone**

**Environmental Governance through the Arctic Council:
The Arctic Council as Initiator of Norms of International Environmental Law**

- Lunch -

14:30-15:45 Presentation by **Professor David L. VanderZwaag**

Arctic Ocean Governance: Shifting Seascapes, Hazy Horizons

16:15-17:30 Presentation by **Professor Akiho Shibata**

**The Arctic as a Distinct Legal Sphere for
Promoting International Scientific Cooperation**

18:00 – 20:00 - Conference Reception -

All registered participants are welcome to attend (free of charge)

December 19 (Sat)

9:30-11:00 Presentation by **Professor Kentaro Nishimoto**

Regulation of Arctic Shipping after the Polar Code

11:15-45 Concluding remarks

Because of limited space, **we request pre-registration.**

For inquiry and pre-registration: <kobe_arctic_research2@diamond.kobe-u.ac.jp>

For updates: see our HP: <<http://www.research.kobe-u.ac.jp/gsics-pcrc/index.html>>

Biography of Main Speakers and Abstract of Their Presentations

Ambassador Hannu Halinen is, since 2015, 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 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).

Abstract: Arctic Council as an Institutional Framework for Arctic Legal Order-making

In the opening key note address Ambassador Halinen will discuss the existing regulatory framework in the Arctic region, drawing particular attention to the emerging new requirements under rapidly changing circumstances, on one hand, and the role of the Arctic Council, on the other. How and by whom should the international law be considered and developed in the Arctic?

Professor Rachael Lorna Johnstone is Head of the Faculty of Law at the University of Akureyri, Iceland. She specializes in Polar law: the governance of the Arctic and the Antarctic under international and domestic law. Within this broad field, her main research areas are the rights of indigenous people, international human rights law, environmental law, due diligence, and state responsibility, especially all of the above in the context of hydrocarbon activities. She is the author of *Offshore Oil and Gas Development in the Arctic under International Law: Risk and Responsibility* (Brill 2015). She studied at the University of Glasgow (LL.B.(Hons) 1999), the European Academy of Legal Theory (LL.M. (Magna Cum Laude) 2000), the University of Toronto (S.J.D. 2004) and the University of Akureyri (M.A. (Polar Law) 2014).

Abstract: Environmental Governance through the Arctic Council: The Arctic Council as Initiator of Norms of International Environmental Law

In this presentation, Professor Johnstone will explore the potential for the Arctic Council to initiate norms of international environmental law. The hypothesis to be explored is whether the Arctic Council can be equally or even more effective by developing non-binding standards in the Arctic as it can by pursuing “hard law”, for example, through binding treaty agreements. Challenges facing the Arctic Council as an institution in establishing binding norms will be discussed, including international and domestic political barriers to treaty-making and the difficulties of opening binding

instruments to States outside of the Arctic. On the other hand, the vulnerability of non-binding standards to political wind-changes means that non-binding standards may not be sufficient to protect the Arctic environment and there may still be a role for treaty-based norms.

Professor David L. VanderZwaag is Professor of Law and the Canada Research Chair (Tier 1) in Ocean Law and Governance at Dalhousie University, Halifax, Canada. He teaches international environmental law and is the past Co-director of Dalhousie's interdisciplinary Marine Affairs Program (1986-1991) and the past Director of the Marine & Environmental Law Institute. Dr. VanderZwaag is currently a member of the IUCN's World Commission on Environmental Law (WCEL) and Co-chair of the WCEL's Specialist Group on Oceans, Coasts & Coral Reefs. He is an elected member of the International Council of Environmental Law. David has authored over 150 papers in the marine and environmental law field. He has written widely on polar law and policy issues including: co-leading the writing of the Governance of the Arctic Shipping chapter of the *Arctic Marine Shipping Assessment* (Arctic Council 2009) and co-editing *The Challenge of Arctic Shipping: Science, Environmental Assessment and Human Values* (Montreal & Kingston: McGill-Queen's University Press, 1990) and *Transit Management of the Northwest Passage: Problems and Prospects* (Cambridge: Cambridge University Press, 1988, reprinted 2008). His most recent co-edited book publications are: *Routledge Handbook of National and Regional Ocean Policies* (London and New York 2015) and *Polar Oceans Governance in an Era of Environmental Change* (Cheltenham, UK: Edward Elgar 2014). He continues to serve as regional reporter on the Arctic for the *Yearbook of International Environmental Law*. Professor VanderZwaag's educational background includes: PhD (1994, University of Wales, Cardiff), LL.M. (1982, Dalhousie Law School), J.D. (1980, University of Arkansas Law School), M.Div. (1974, Princeton Theological Seminary), and B.A. (1971, Calvin College).

Abstract: Arctic Ocean Governance: Shifting Seascapes, Hazy Horizons

Professor VanderZwaag's presentation will first highlight the changing global and regional approaches to Arctic Ocean governance including Arctic 5 efforts to put in place interim measures for the central Arctic Ocean. The second part will discuss the numerous uncertainties surrounding future governance directions including whether a regional seas program might emerge from the task force process.

Professor Akiho Shibata is Professor of International Law, and Director of the newly established Polar Cooperation Research Centre (PCRC), Graduate School of International Cooperation Studies (GSICS), Kobe University, Japan. He served as a legal advisor to the Japanese Ministry of Foreign Affairs on Antarctic and environmental matters from 2001 to 2010 and was a member of the Japanese delegations to negotiate and adopt the Antarctic Environmental Liability Annex (2005)

and the Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress (2010). He has written extensively in the areas of international law-making, Antarctic Treaty System, and international environmental law. His recent publications include: “Japan and 100 Years of Antarctic Legal Order: Any Lessons for the Arctic?”, *Yearbook of Polar Law*, Vol.7 (2016, forthcoming); “ICRW as an Evolving Instrument: Potential Broader Implications of the *Whaling Judgment*”, *Japanese Yearbook of International Law*, Vol. 58 (2016, forthcoming); “*L'etre situé*”, *Effectiveness and Purposes of International Law: Essays in Honour of Professor Ryuichi IDA* (Brill, 2015, Co-editor); and *International Liability Regime for Biodiversity Damage: The Nagoya-Kuala Lumpur Supplementary Protocol* (Routledge, 2014, Editor). Professor Shibata holds LL.M. from Kyoto University (1992) and New York University School of Law (1993).

Abstract: The Arctic as a Distinct Legal Sphere for Promoting International Scientific Cooperation

In this presentation, Professor Shibata will examine the new legally binding agreement being negotiated under the Scientific Cooperation Task Force (SCTF) of the Arctic Council (AC) and highlight its legal significance and remaining issues. Based on “informed speculation” of the draft agreement (the negotiating text is not publicly available), Professor Shibata will argue that this agreement will be epoch-making in the treaty-making exercise under the auspices of AC in that it may establish a distinct legal sphere for promotion of Arctic science, encompassing both land and sea, integrating relevant science both from and outside of the Arctic area, and (potentially) extending its benefits both to the Arctic and non-Arctic States and their scientists. He will situate this within the historical development from the establishment of International Arctic Science Committee (IASC) in 1990.

Professor Kentaro Nishimoto is Associate Professor at the School of Law, Tohoku University. His current research is focused on the law of the sea, especially on the settlement of maritime disputes, law of the sea issues in the Arctic, and biodiversity beyond national jurisdiction. He serves on a number of government advisory boards, including the Advisory Board on the Extension of the Continental Shelf at the Headquarters for Ocean Policy. His recent publications 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 Route” in *International Straits* (Toshindo, 2015) (in Japanese).

Abstract: Regulation of Arctic Shipping after the Polar Code