

Article

Arctic States and Asian States for Arctic International Governance and Security: A Japanese View-point

Taisaku Ikeshima¹

Abstract

As Asian economic powers have recently become more interested in Arctic development, the nexus between the Arctic states (which include the Nordic states) and the non-Arctic Asian states will need a more in-depth dialogue on Arctic governance and security. In order for the groups of states to have better relations through dialogue, this paper aims to raise the following three points: first, the significance of the shared definition of the terms ‘governance’ and ‘security’ at the outset; second, the case of Japan as an Asian state concerning security issues in the Arctic; third, the direction and degree of cooperation to overcome confrontations among these groups of states. The paper concludes that on the basis of shared definitions of the terms, and in the light of the Japanese case, these groups should identify relatively neutral and urgent matters for the start of a more advanced type of cooperation.

Key words: Arctic, governance, security, Asian states, Japan.

Introduction

Recently, non-Arctic states have been interested in Arctic development.² In fact, five Asian economic powers, that is, China, India, Japan, South Korea,³ and Singapore were accepted as observer states⁴ in the Arctic Council in 2013.⁵ This shows how highly concerned they are with the Arctic, even though all of them have enough economic power and potential,⁶ among others, to get involved in Arctic development particularly through the Northern Sea Route (NSR).⁷ It is, therefore, important for the Arctic states and many non-Arctic Asian states to hold an enhanced and systematic dialogue in academia with respect to the significance of the Arctic for not only sustainable development in the region but also the political and scientific relations between Arctic

states and non-Arctic states.⁸

These relationships are basically state-state in nature, and are based on mutually stable cooperation for the long term. For the future, collaborative research to address the question of governance and security in the Arctic,⁹ for example, within the context of the so-called Arctic-nexus between the aforementioned Asian states and Arctic states, it is essential to ascertain some fundamental factors that will decide the direction and depth of the collaborative work between the countries discussed.¹⁰ Moreover, stress should be on the significance of the collaborative work among the two groups, that is, the Asian non-Arctic states and the other Arctic states, including the Nordic states.¹¹ In other words, a possible dialogue besides the Arctic Council (AC) should concern the question of what actions these three groups of states can and should take.

Keeping this in mind, this paper focuses on the following three points: first, the significance of the shared definition of the terms ‘governance’ and ‘security’ at the outset; second, the case of Japan as an Asian state with respect to security issues in the Arctic; third, the types and degree of cooperation in order to overcome confrontations among these three groups of states.

1. The definition of the terms ‘governance’ and ‘security’

It is essential to have, to a certain extent, consensus as to the meaning and significance of the terms ‘governance’ and ‘security’ in the context of the Arctic.¹² It may not be very easy to share the same view on these rather broad and general concepts. This is because there are, in fact, many similar but differentiated concepts such as traditional security, non-traditional security, human security, and environmental security.¹³ The same can apply to the concept of governance.¹⁴ These terms are far reaching and controversial, and their meanings vary depending on the context in which they are used and on their users’ objectives and purposes.

It is well known that, under Article 1 of the Ottawa Declaration of 1996,¹⁵ the Arctic Council (AC) should not deal with ‘matters related to military security’, as its main aim is to address ‘issues of sustainable development and environmental protection in the Arctic’. It has also been reported however that in June 2013, defence leaders from ‘Arctic 8’¹⁶ agreed to strengthen security cooperation in the Arctic, including marine surveillance and joint military exercises.¹⁷

On the other hand, it is also necessary to have a common understanding with respect to these terms in order to share a base for further cooperation in the region as well as in the international community.¹⁸ Otherwise, all dialogue participants would be stalled. Therefore, the first thing for them to do is identify and classify security issues so that they can correctly respond to each issue.

Regarding security issues, the dialogue participants can start with identifying the threats and the threatened factors. The threats in the Arctic may include states, non-states (domestic or international), and non-human entities (natural or manmade), while the threatened factors may include states and non-states (individuals).¹⁹ In other words, the coverage of the discussion is not

only a traditional idea of national security that mainly covers the state to state relationship, but also the natural disasters and environmental impacts that may affect human security. Thus, one make a complicated matrix with more minutely differentiated threats addressed.

Regarding governance, there may be controversy over methods and goals. Governance depends on the question of how to govern the Arctic effectively and for what purposes. Under the Ilulissat Declaration of 2008,²⁰ for instance, ‘Arctic 5’²¹ needs no new comprehensive international legal framework other than the 1982 United Nations Convention on the Law of the Sea (UNCLOS) to govern matters in the Arctic.²² Therefore, a question one can ask may be the following: is the current situation in which the AC exists and functions not in need of any major reforms?

More concretely, the questions that will need to be addressed may include the following: do we still need other agreements under the auspices of the AC than the one on ‘Search and Rescue’ (SAR)²³ and the other on ‘Emergency Prevention, Preparedness, and Response’ (EPPR)²⁴?

2. The case of Japan as an Asian state with respect to security issues in the Arctic

It is helpful to look at a case of Japan as an Asian state in terms of security issues in the Arctic.

It is, symbolically, a landmark incident for the AC and the rest of the world that in May 2013, the AC granted permanent observer status to six states: China, India, Italy, Japan, South Korea, and Singapore at the same time in response to long-awaited requests.²⁵ All of these new observer states except for Italy are Asian stakeholders, and can be regarded as ‘user-states’ of the Arctic region in some ways. They have legitimate interests in the exploration and exploitation of Arctic energies and resources as far as they abide by the rules and norms in the Arctic regime. Each of them has its own foreign policy and national interests. Moreover, the current relations among the four Asian, non-Arctic observers (i.e., China, India, Japan, and South Korea) are more complex and tense, in particular. Therefore, our focus will be on how to arrange the AC’s internal and external relations.

It is said that the observation and research activities conducted by Japan in the Arctic date back to as early as the 1950s, and its coverage is broad and varied.²⁶ Japan has been determined to make sincere and continuous contributions across regions and fields by conducting observations and research activities in the Arctic through its national institutions and programmes.²⁷ In the field of natural resources exploitation, the Japan Oil, Gas and Metals National Corporation (JOGMEC) is among those who are dedicated to the principles of environmental protection and the sustainable use of natural resources.²⁸

Therefore, Japan’s position is ‘to contribute to international society primarily by participating in the work of the Arctic Council based on the scientific expertise and observation methods built on the years of research and observation experiences in the Arctic’, as a Japanese

Ambassador stated.²⁹

Regarding domestic policy, Japan has also adopted a new ‘Basic Plan on Ocean Policy’³⁰ to take comprehensive and strategic policy measures to cope with existing divergent maritime issues, among which Arctic policy is counted. In December 2013, the Japanese government adopted its ‘National Security Strategy of Japan’,³¹ in which the seas are regarded as a global commons.³² This is because for the government, ‘there is a growing risk of incidents at sea and of possible escalation into unexpected situations’.³³ As the Arctic for example ‘is deemed to have enormous potential for developing new shipping routes and exploration of natural resources’, ‘such potential could provide new causes of friction among [states concerned]’.³⁴

At the same time, however, there is a debate among scholars and practitioners over the question of whether or not the Arctic (maritime space) is among other global commons such as outer space and cyberspace.³⁵ This question also invites an issue of the definition of ‘global commons’, which is also wide, comprehensive, and controversial. One may understand the reason why this question arises primarily against the current background wherein maritime security is particularly tense in East and South Asia due to the dynamic and rapid changes in the power balance in the regions.³⁶ Nowadays, ‘global commons’ is often introduced to refer to the maritime space in the context of national security.³⁷

However, this does not seem to precisely reflect the development of the concept, as it has a root in the debate particularly in the 1980s over the global protection of the natural environment. My opinion on this matter is that it is out of context to introduce the concept of global commons in the discussion of security and governance of the Arctic under the current situation.³⁸

For example, it has been said that China’s maritime expansionism in the East China Sea significantly affects Japan’s security concern. China’s active diplomacy in the Arctic and pursuit of its own interests should not be exaggerated as a turbulent factor in the region, but it may bring business opportunities for Nordic states in particular so far as it abides by the relevant legal rules and seeks its legitimate interests.³⁹ At the same time, the China-Russia-US triangle will undoubtedly be a definitive factor for security in the region.⁴⁰ Therefore, the balanced shape of the triangle should be maintained so that the Arctic will remain peaceful and stable for all of the states concerned, irrespective of the distance between the three parties. In this connection, Japan’s position will be that it keeps a good distance from every one of these parties, at least in the Arctic, for the sake of good governance of the AC and the region.⁴¹

Therefore, what is needed is a common base on which the three groups (Asian, Nordic,⁴² and other Arctic states) of interested states can cooperate to maintain peace and security in the region. In order to share common views regarding security and good governance in the Arctic, the discussion should be about the common threats and risks to Arctic security. Those three groups may have different views regardless of their internal or external relations among states in each group. Even among Asian states, they may have different views on priorities regarding security

issues in the Arctic.

3. Cooperation in order to overcome confrontation

It is therefore possible at this stage to identify the common ground among the three groups of states for cooperating to overcome or avoid confrontation and/or threats in this region. It will probably be easier for us to accept that, for the time being, the AC is a unique forum that will not yet yield a solid regime in the region to embark on the next stage to enhance cooperation to tackle new issues in the Arctic for good governance.⁴³ Moreover, on the basis of this understanding, we may also learn from the two precedents that the AC has so far achieved: that is, the Agreements on the SAR of 2011⁴⁴ and the EPPR of 2013,⁴⁵ respectively. One of the reasons why these agreements were adopted may be that the issues with which they deal are neutral and urgent in nature, and thus it may be easier for the parties to share common values and interests.

Therefore, the next step that should be taken will be to choose themes and topics that we can propose on our agenda. Some of the topics of urgency may be related to regulatory regimes that are designed 'to govern specific human activities and mechanisms for encouraging compliance with these rules',⁴⁶ as was pointed out by Oran Young. As the International Code for Ships Operating in Polar Waters (Polar Code) was recently approved by the Marine Environment Protection Committee (MEPC) of the International Maritime Organization (IMO),⁴⁷ it may be a good step for the participants in the dialogue to begin by analysing the significance and effects of the Polar Code before its entrance into effect.⁴⁸ This Code is also related to the interpretation and application of the law of the sea, including UNCLOS. A joint research committee may be established among the three groups mentioned to ascertain common understandings of the relevant rules and mechanisms under UNCLOS.⁴⁹

Finally, there are some other possible issues with which we can deal. First, the exchange of information with respect to data and records regarding shipping and the environment in the region may be helpful for those who are interested in advancing the development of the Northern Sea Route (NSR)⁵⁰ in a more stable and effective manner. Second, high seas fisheries may be another issue that needs the particular attention of the countries that have potential needs in fishing stocks in the high seas in the region. Last but not least, more discussion will be needed on the improvements of infrastructure in the region such as ship navigation and charting, radio and satellite communication, icebreaker capacity, and port facilities.⁵¹ Joint research and study among the three groups of states may also be of some use for the NSR's future development.

Thus, the Nordic states (Denmark and Norway, in particular) will have more chances to make their voices heard and their policies respected, if and when they are successful in making closer and deeper relations with the Asian observer states that have significant economic influence on investment and trade through the NSR.

Conclusion

In conclusion, the following three items are pointed out for stronger dialogue on governance and security between the Arctic states (including the Nordic states) and Asian states.

First, it is important to have consensus on the meaning of terms such as ‘governance’ and ‘security’, as these terms are too wide and general to examine the possibilities of cooperation between these two groups of states.

Second, in order to share common views regarding good governance and security in the Arctic, it is prerequisite to identify common threats and risks to Arctic security and good governance for its security.

Third, considering the type and degree of cooperation in terms of governance and security in the Arctic region, something relatively neutral and urgent such as environmental matters will be an appropriate start, because of the nature and relevance of wide and long-term cooperation in the Arctic region among these groups of states.

Endnotes

- 1 This paper is an extended and revised version of the author’s oral presentation at the Arctic-Nexus Workshop held on 4 November 2014 at Aalborg University, Denmark. The author gratefully acknowledges the various comments of the participants who heard the speech. The responsibility for any errors and mistakes rests solely on the author.
- 2 See, for example, ‘Interests and roles of Non-Arctic States in the Arctic: Background Brief’, 2011, at <http://www.gordonfoundation.ca/sites/default/files/publications/Arctic%20Seminar%20Background%20Brief_1.pdf> (accessed 7 January 2015); Taisaku Ikeshima, ‘China’s Interests in the Arctic: Threat or Opportunity?’, *Transcommunication*, Vol. 1, 2013, pp. 73-83. See also the materials cited in the latter.
- 3 For South Korea’s recent activities, see Akshita Mathur, ‘South Korea’s Proactive Approach to the Arctic’, National Maritime Foundation, at <<http://maritimeindia.org/CommentaryView.aspx?NMFCID=3366>> (accessed 7 January 2015).
- 4 For the significance of observer status, see the following site: ‘Observers’, the Arctic Council’s official site at <<http://www.arctic-council.org/index.php/en/about-us/arctic-council/observers>> (accessed 7 January 2015).
- 5 See the Kiruna Declaration of 15 May 2013 at the Arctic Council’s official site at <<http://www.arctic-council.org/index.php/en/document-archive/category/5-declarations?download=1793:kiruna-declaration-signed-2013>> (accessed 7 January 2015) at p. 6.
- 6 See the following articles: Steven Lee Myers, ‘Arctic Council Adds 6 Nations as Observer States, Including China’, *The New York Times*, 15 May 2013, at <http://www.nytimes.com/2013/05/16/world/europe/arctic-council-adds-six-members-including-china.html?_r=0&pagewanted=print> (accessed 7 January 2015); Patricia Zengerle, ‘China granted observer seat on Arctic governing council’, *Reuters*, 15 May 2013, at <<http://www.reuters.com/article/2013/05/15/us-arctic-council-idUSBRE94E0IJ20130515>> (accessed 7 January 2015).
- 7 For the Northern Sea Route (NSR), see *The 21st Century – Turning Point for the Northern Sea Route?*,

- Edited by Claes Lykke Ragner, Kluwer Academic Publishers, 2010; Nataliya Marchenko, *Russian Arctic Seas: Navigational Conditions and Accidents*, Springer, 2012 (For this book's review, see Taisaku Ikeshima, *Transcommunication*, Vol. 2, 2014, pp. 91-93); Willy Østreg *et al.*, *Shipping in Arctic Waters: A Comparison of the Northeast, Northwest and Trans Polar Passages*, Springer, 2013.
- 8 For the emergence of non-Arctic states in science and research, see Iselin Stensdal, 'Asian Arctic Research 2005-2012: Harder, Better, Faster, Stronger', Fridtjof Nansen Institute, May 213, at <<https://www.google.co.jp/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=0CCUQFjAB&url=http%3A%2F%2Fwww.fni.no%2Fdoc%26pdf%2FFNI-R0313.pdf&ei=HwWtVLSqMuPamAXPj4HADg&usg=AFQjCNF4xZIvewQSEmxZ3aNX-YE7-A6YLQ&bvm=bv.83134100,d.dGY>> (accessed 7 January 2015).
 - 9 For governance issues, see Oran R. Young, 'Arctic Governance – Pathways to the Future', 1 *Arctic Review on Law and Politics* 164 (2010). For security issues, see *Arctic Security in an Age of Climate Change*, Edited by James Kraska, Cambridge University Press, 2011. However, this book does not deal with Asian view-points but only examines European and North American security interests.
 - 10 For a geopolitical view-point, see Chapter 2 of Østreg *et al.*, *supra* n. 7, pp. 47-82.
 - 11 See the following for Arctic cooperation principally among Arctic 5 but without non-Arctic states' participation: Ian G. Brosnan, Thomas M. Leschine & Edward Miles, 'Cooperation or Conflict in a Changing Arctic?', 42 *ODIL* 173 (2011).
 - 12 See Franklyn Griffiths, '1 Arctic Security: The Indirect Approach', in *Arctic Security in an Age of Climate Change*, *supra* n. 9, at pp. 3-19.
 - 13 See Lawson W. Brigham, '2 The Challenges and Security Issues of Arctic Marine Transport', in *Arctic Security in an Age of Climate Change*, *supra* n. 9, at pp. 20-32. For environmental security, see Olav Schram Stokke, 'Environmental Security in the Arctic: the Case for Multilevel Governance', 66 *International Journal* 835 (2011).
 - 14 See also the report of The Arctic Governance Project, titled 'Arctic governance in an Era of Transformative Change: Critical Questions, Governance Principles, Ways Forward', 14 April 2010, at <[http://img9.custompublish.com/getfile.php/1219555.1529.wyaufoxvuc/AGP+Report+April+14+2010\[1\].pdf?return=arcticgovernance.custompublish.com](http://img9.custompublish.com/getfile.php/1219555.1529.wyaufoxvuc/AGP+Report+April+14+2010[1].pdf?return=arcticgovernance.custompublish.com)> (accessed 7 January 2015); Fernando Garcés de los Fayos, 'Arctic Governance: Balancing Challenges and Development', European Parliament Regional Briefing 2012, DG EXPO/B/PolDep/Note/2012_136, June 2012 at <http://www.europarl.europa.eu/thinktank/en/document.html?reference=EXPO-AFET_SP%282012%29491430> (accessed 7 January 2015).
 - 15 See the Ottawa Declaration at <<http://www.arctic-council.org/index.php/en/document-archive/category/5-declarations?download=13:ottawa-declaration>> (accessed 7 January 2015).
 - 16 This refers to Canada, Denmark/Faroe Islands/Greenland, Finland/Aaland Islands, Iceland, Norway, Russia, Sweden and the USA.
 - 17 See 'Policy Options: Governance and Diplomacy' in 'The Emerging Arctic: A CFR InfoGuide Presentation', Council on Foreign Relations, at <[http://www.cfr.org/arctic/emerging-arctic/p32620#/>](http://www.cfr.org/arctic/emerging-arctic/p32620#/)> (accessed 7 January 2015).
 - 18 This point is often missed and has been less covered by researchers. In other words, Asian (non-Arctic) states have not been regarded as major stakeholders in this region up until recently.
 - 19 See Takahiro Ishihara, 'Security Architecture and Multilateral Institutions at the Arctic', *Japan Maritime Self-Defense Force Command and Staff College Review*, Vol. 4, No. 1, 2014, pp. 44-65, at 59-62.

- 20 See the Ilulissat Declaration at <http://www.oceanlaw.org/downloads/arctic/Ilulissat_Declaration.pdf> (accessed 7 January 2015).
- 21 This refers to Canada, Denmark, Norway, Russia, and the USA.
- 22 See Charles K. Ebinger & Evie Zambetakis, 'The Geopolitics of Arctic Melt', (2009) 85 *International Affairs* 1215, 1224-1226. For the US position concerning UNCLOS, see Taisaku Ikeshima, 'Chapter 9 The US Position concerning its Acceding to UNCLOS' (in Japanese), in the 2013 Report of JIIA, titled 'A New Perspective of US Domestic Politics and its Foreign Policy', pp. 147-164, at <http://www2.jiia.or.jp/pdf/resarch/H24_US/09-ikeshima.pdf> (accessed 7 January 2015).
- 23 See the Agreement at <<http://www.arctic-council.org/index.php/en/document-archive/category/20-main-documents-from-nuuk?download=73:arctic-search-and-rescue-agreement-english>> (accessed 7 January 2015).
- 24 See the Agreement at <<http://www.arctic-council.org/index.php/en/document-archive/category/425-main-documents-from-kiruna-ministerial-meeting?download=1792:agreement-on-cooperation-on-marine-oil-pollution-preparedness-and-response-in-the-arctic-signed-version-with-appendix>> (accessed 7 January 2015).
- 25 See *supra* n. 5.
- 26 See 'Statement by Ambassador in charge of the Arctic Affairs of Japan Mr. Toshio Kunikata', Arctic Frontiers 2014, Uit, Tromsø, Norway, 20 January 2014, p. 4, at <<http://www.mofa.go.jp/mofaj/files/000028220.pdf>> (accessed 7 January 2015).
- 27 These institutions and programmes include the Ministry of Education, Culture, Sports, Science and Technology (MEXT), National Institute of Polar Research (NIPR), Japan Agency for Marine-Earth Science and Technology (JAMSTEC), and Japan Aerospace Exploration Agency (JAXA).
- 28 See the Statement of Mr. Kunikata, *supra* n. 26, p. 4.
- 29 See the speech given by the Ambassador in charge of the Arctic Affairs of Japan Toshio Kunikata in the Arctic Frontiers 2014, held in Tromsø, Norway on 20 January 2014.
- 30 See the 'Basic Plan' at <http://www.kantei.go.jp/jp/singi/kaiyou/kihonkeikaku/130426kihonkeikaku_je.pdf> (accessed 7 January 2015).
- 31 See the 'Strategy' at <<http://www.cas.go.jp/jp/siryu/131217anzenhoshou/nss-e.pdf>> (accessed 7 January 2015).
- 32 See the 'Strategy', *supra* n. 31, at p. 8. For the original meaning of global commons, see the following: Susan J. Buck, *The Global Commons: An Introduction*, Island Press, 1998; Christopher C. Joyner, *Governing the Frozen Commons: The Antarctic Regime and Environmental Protection*, University of South Carolina Press, 1998; John Vogler, *The Global Commons: Environmental and Technological Governance*, Second Edition, John Wiley & Sons, LTD, 2000; Taisaku Ikeshima, 'The Stable Use of Global Commons and Role of the United Nations', in *Global Commons and the United Nations (The United Nations Studies, No. 15 (June 2014))* by the Japan Association for United Nations Studies, Kokusai Shoin, 2014, pp. 21-56 (in Japanese).
- 33 See the 'Strategy', *supra* n. 31, at p. 8.
- 34 *Id.*, p. 9.
- 35 See Ikeshima, *supra* n. 32, pp. 37 & 40.
- 36 See Taisaku Ikeshima, 'China's Dashed Line in the South China Sea: Legal Limits and Future Prospects', *Waseda Global Forum*, No. 10, 2014, pp. 17-50.

- 37 For relevant materials, see Ikeshima, *supra* n. 32, p. 46, endnote 2.
- 38 See my opinions expressed in the reports written in the joint research held under the Japan Association of International Affairs (JIIA): Taisaku Ikeshima, 'The Arctic Sea as Part of Global Commons and Security: from a Viewpoint of International Law' (in Japanese), at <http://www2.jiia.or.jp/pdf/research_pj/h25rpj06/131204_ikeshima_report.pdf> (accessed 7 January 2015); Taisaku Ikeshima, 'Chapter 7 Security appropriate for the Arctic Sea as Part of Global Commons', in the 2013 Report of JIIA titled 'Japan-US Alliance in Global Commons', at <http://www2.jiia.or.jp/pdf/resarch/H25_Global_Commons/08-ikeshima.pdf> (7 January 2015).
- 39 See Taisaku Ikeshima, 'China's Interest in the Arctic: Threat or Opportunity?', *Transcommunication*, Vol. 1, 2013, pp. 73-74.
- 40 For the China-Russia relations in the Arctic, see Younkyoo Kim & Stephen Blank, 'The Arctic: A New Issue on Asia's Security Agenda', *The Korean Journal of Defense Analysis*, Vol. 23, No. 3, 2011, pp. 303-320, at pp. 310-315; Nadezhda Filimonova & Svetlana Krivokhizh, 'A Russian Perspective on China's Arctic Role', *The Diplomat*, 27 September 2014, at <<http://thediplomat.com/2014/09/a-russian-perspective-on-chinas-arctic-role/>> (accessed 7 January 2015). For the Russia-US relations in the Arctic, see Valery Konyshev & Alexander Sergunin, 'Russia's Policies on the Territorial Disputes in the Arctic', (2014) 2 *Journal of International Relations and Foreign Policy* 55; Aurel Braun, 'North American Defence, Arctic Security, and Russian Imperial Delusions', *MLI Commentary*, September 2014, at <<http://www.macdonaldlaurier.ca/files/pdf/MLICommentaryBraun09142014.pdf>> (accessed 7 January 2015). See also Ronald O'Rourke, 'Changes in the Arctic: Background and Issues for Congress' (CRS Report), 4 August 2014, at <<https://www.fas.org/sgp/crs/misc/R41153.pdf>> (accessed 7 January 2015), at pp. 62-63.
- 41 See also the observations shown in my articles, *supra* n. 38.
- 42 One may add the Nordic group as a distinct one even among Arctic States because the Nordic group states are the so-called middle power compared with the US and Russia.
- 43 See Young, *supra* n. 9, pp. 169-173.
- 44 See *supra* n. 23.
- 45 See *supra* n. 24.
- 46 See Oran R. Young, 'Whither the Arctic? Conflict or Cooperation in the Circumpolar North', (2009) 45 *Polar Record* 73, 80.
- 47 See 'IMO adopts mandatory Code of Ships Operating in Polar Waters', 21 November 2014, the IMO, at <<http://www.imo.org/MediaCentre/PressBriefings/Pages/38-nmsc94polar.aspx#.VKw98CusWSp>> (accessed 7 January 2015).
- 48 For a brief explanation given by the IMO, see 'Shipping in polar waters', the IMO, at <<http://www.imo.org/MediaCentre/HotTopics/polar/Pages/default.aspx>> (accessed 7 January 2015).
- 49 See E.J. Molenaar, 'Current and Prospective Roles of the Arctic Council System within the Context of the Law of the Sea', 27 *IJML* 553 (2012).
- 50 For an analysis of the 2013 season, see Malte Humpert, 'Arctic Shipping: An Analysis of the 2013 Northern Sea Route Season', 31 October 2014, at <<http://www.arcticyearbook.com/index.php/briefing-notes2014/116-arctic-shipping-an-analysis-of-the-2013-northern-sea-route-season>> (accessed 7 January 2015).
- 51 See CFR Report, *supra* n. 17.