



INCREASING ROLE AND PARTICIPATION OF NON-ARCTIC STATES IN THE GOVERNANCE OF ARCTIC REGION: A SAMPLE OF TÜRKİYE

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This study aims to analyze the **increasing role and interests of Non-Arctic States** in the region with particular reference to Republic of Türkiye (Turkey). In this regard, the study briefly introduces the legal status quo of the region at the initial. Then, the study **examines the participation of Türkiye to the Arctic Council** and addresses recent developments from legal and policy perspectives. Challenges which might be faced by Türkiye as a Non-Arctic State is discussed later on. Finally, the study aims to recommend a guideline for Non-Arctic States, with a reference to Türkiye, in order to establish a successful cooperation between the Arctic Council and States.

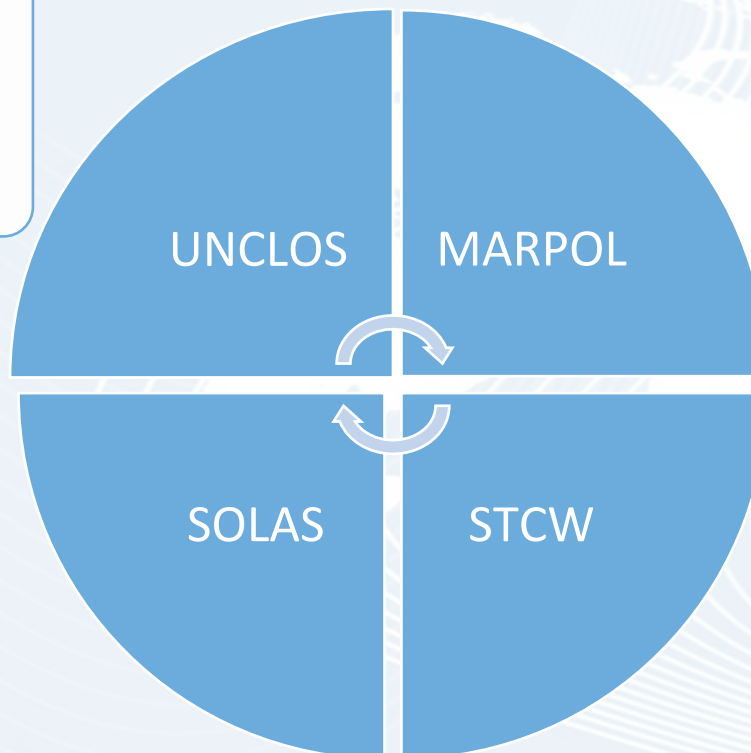
1. Analysis of relevant legal documents.
2. Academic researches and studies.
3. Comparative analysis of Non-Arctic States roles in the global cooperation.
4. Analysis of recent legal and political developments in Türkiye (Turkey).
5. Way forward.

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2. Molenaar, E. J., Oude Elferink A. G. and Rothwell, D. R., ***The Law of the Sea and the Polar Regions (Edited)***, Martinus Nijhoff Publishers, 2013.
3. Scheiber, H. N. And Paik, J. – H., ***Regions, Institutions, and Law of the Sea (Edited)***, Martinus Nijhoff Publishers, 2013.
4. Zacharias, M., ***Marine Policy***, Routledge, 2014.
5. Loukacheva, N., ***Polar Law Textbook (Edited)***, Nordic Council, 2010.
6. Loukacheva, N., ***Polar Law Textbook II (Edited)***, Nordic Council, 2013.
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8. Heininen, L., ***Arctic Yearbook 2013 (Edited)***, Northern Research Forum, 2013.
9. Heininen, L., Exner - Piot, H. And Plouffe J., ***Arctic Yearbook 2014 (Edited)***, Northern Research Forum, 2014.
10. Durak, O. S., ***Polar Law – Relevant International Legal Documents (1914 – 2015) and Selected Literature Review***, “Polar Era from a Global Perspective: Cooperation, Conflicts and National Interests”, Akdeniz University Publications, 2015.
11. And a number of Articles, reports, academic presentations and website sources.

Ships operating in polar seas

- Legal framework governing the rights and responsibilities of nations in their use of ocean and maritime spaces

- Safety requirements apply to all sea-going ships which are subject to the Convention and operating in polar seas.



- Provides the mandatory level environmental protection with zero discharge requirements for Polar regions

- Newly adopted guidance and recommendations for training and competency of officers and masters on ships sailing through polar seas.

- Arctic is an attention grabbing region not only because of global warming issue, but also attracting extensive interest from the global community.
- Arctic issues;
 - Climate change.
 - Environmental considerations.
 - Fishing and sea food stocks.
 - Biodiversity.
 - Indigenous peoples and regional inhabitants.
 - Cultural heritage and intellectual property.
 - Sustainable development
 - Security.
 - Natural resources, deep sea mining.
 - Energy transportation.
 - Commercial navigation.

4. Arctic and Arctic Council

- Basic legal framework;
 - Declaration on Establishment of The Arctic Council (The Ottawa Declaration), 1996
 - Joint Communique of the Governments of the Arctic Countries
 - Terms of Reference for a Sustainable Development Programme
 - Framework Document (Chapteau) for the Sustainable Development
 - **Arctic Council Updated Rules of Procedure**
 - **Arctic Council Observer Manual**
 - Arctic Council Secretariat Host Country Agreement
 - And etc.

4. Arctic and Arctic Council

- The Arctic Council was established by the Ottawa Declaration of 1996.
- The Arctic Council is a high level intergovernmental forum which aims to provide cooperation, coordination and interaction among the Arctic States. The forum involves the Arctic Indigenous peoples and Arctic inhabitants on common Arctic issues which are particularly as sustainable development, environmental protection and cultural heritage.
- Members of the Arctic Council: Canada, Denmark, Finland, Iceland, Norway, Russia, Sweden and USA.
- Permanent Participants of the Arctic Council:
 - Arctic Athabaskan Council (AAC)
 - Aleut International Association (AIA)
 - Gwich'in Council International (GCI)
 - Inuit Circumpolar Council (ICC)
 - Russian Association of Indigenous Peoples of the North (RAIPON)
 - Saami Council (SC)
- Working Group:
 - Arctic Contaminants Action Program (ACAP)
 - Arctic Monitoring and Assessment Programme (AMAP)
 - Conservation of Arctic Flora and Fauna (CAFF)
 - Emergency Prevention, Preparedness and Response (EPPR)
 - Protection of the Arctic Marine Environment (PAME)
 - Sustainable Development Working Group (SDWG)

4. Arctic and Arctic Council

- Arctic Council Observers
 - Non – Arctic States.
 - France, Germany, The Netherlands, Poland, Spain, United Kingdom, People's Republic of China, Japan, Republic of Korea, Republic of Singapore, Republic of India.
 - Inter – governmental and Inter – parliamentary organizations.
 - International Federation of Red Cross & Red Crescent Societies (IFRC), International Union for the Conservation of Nature (IUCN), Nordic Council of Ministers (NCM), Nordic Environment Finance Corporation (NEFCO), North Atlantic Marine Mammal Commission (NAMMCO) Standing Committee of the Parliamentarians of the Arctic Region (SCPAR), United Nations Economic Commission for Europe (UN-ECE), United Nations Development Program (UNDP), United Nations Environment Program (UNEP).
 - Non – governmental organizations.
 - Advisory Committee on Protection of the Seas (ACOPS), Arctic Institute of North America (AINA), Association of World Reindeer Herders (AWRH), Circumpolar Conservation Union (CCU), International Arctic Science Committee (IASC), International Arctic Social Sciences Association (IASSA), International Work Group for Indigenous Affairs (IWGIA), Northern Forum (NF), University of the Arctic (UArctic), World Wide Fund for Nature-Global Arctic Program (WWF).

- Challenges for the Arctic Council
 - Dramatic climate change and its effects on the region.
 - A possible fundamental change of the character of the region in coming years.
 - Decreasing level of sea ice coverage, snow cover and permafrost.
 - Changes in biodiversity and ecosystems.
 - Introduction of new species in to Arctic region through commercial shipping.
 - Risk of maritime casualties due to increasing commercial navigation.
 - Development of maritime infrastructure alongside the Arctic coastal.
 - Protection of indigenous peoples and regional inhabitants.
 - Protection of cultural heritage, language and intellectual property.

5. Non – Arctic States and Their Roles

- Criteria for Non – Arctic States for Admitting as Observer in the Arctic Council
 - In accordance with the principles prescribed in the Declaration on the Establishment of Arctic Council and governed by the Arctic Council Rules of Procedure, the Arctic Council will take in to account following criteria:
 - Accept and support the objectives of the Arctic Council defined in the Ottawa Declaration.
 - Recognize Arctic States' sovereignty, sovereign rights and jurisdiction in the Arctic.
 - Recognize that an extensive legal framework applies to the Arctic Ocean including, notably, the **Law of the Sea**, and that this framework provides a solid foundation for responsible management of this ocean.
 - Respect the values, interests, culture and traditions of Arctic indigenous peoples and other Arctic inhabitants.
 - Have demonstrated a political willingness as well as financial ability to contribute to the work of the Permanent Participants and other Arctic indigenous peoples.
 - Have demonstrated their Arctic interests and expertise relevant to the work of the Arctic Council.
 - Have demonstrated a concrete interest and ability to support the work of the Arctic Council, including through partnerships with member states and Permanent Participants bringing Arctic concerns to global decision making bodies.

- Role of Observers in the Arctic Council
 - Observers shall be invited to the meetings of the Arctic Council once observer status has been granted.
 - While the primary role of observers is to observe the work of the Arctic Council, **observers should continue to make relevant contributions through their engagement in the Arctic Council primarily at the level of Working Groups.**
 - **Observers may propose projects through an Arctic State or a Permanent Participant** but financial contributions from observers to any given project may not exceed the financing from Arctic States, unless otherwise decided by the SAOs.
 - In meetings of the Council's subsidiary bodies to which observers have been invited to participate, observers may, at the discretion of the Chair, make statements after Arctic states and Permanent Participants, **present written statements, submit relevant documents and provide views on the issues under discussion.** Observers may also submit written statements at Ministerial meetings.

- Turkey and Polar Regions
 - Public awareness with the voyage of «**UZAKLAR I/II**» in 1992 and 1997.
 - Official Gazette, D. 18.09.1995, N. 22408, 95/7172 Numbered Decision of Council of Ministries on the **Accession of Antarctic Treaty**.
 - **Draft Code on the Accession of Environmental Protocol to the Antarctic Treaty.**
 - Status Quo : On the agenda.
 - Main Commission : Submitted the report (Ministry of Affairs).
 - Secondary Commission : Have not submitted the report up to today (Ministry of Environment and Urbanization)

- Observer Status in Arctic Council
 - Ministry of Foreign Affairs Spokesman, 31 January 2013, « ... **Arctic Council**, ... **we were specially invited by the Member States , for being an observer to this organization**».
 - Minister of Foreign Affairs, 9 March 2013, « **There is an Arctic alliance, ... We applied to be an observer for it.**»
 - *Ad – hoc* observer situation with the EU.
 - Observer status application, 2015.

- Recent Developments
 - Official Gazette, D. 02.10.2014, N. 29137, Decision on the Acceptance of National Marine Research Strategy Document of Turkey
 - Article 6/a/(1) and 6/a/(2)
 - To provide effective enforcement of **marine researches in seas** and maritime jurisdiction zones.
 - **With a global perspective, encourage conducting marine researches in areas which are not a part of Turkish seas or maritime jurisdiction zones likewise Arctic and Antarctic.**

- Recent Developments
 - Official Gazette, D. 17.01.2015, N. 29239, Istanbul Technical University Polar Researches Research and Implementation Center (**Polar Research Center/PolReC**) Regulation.
 - Polar Research Center – Aims
 - **Scientific, technological, research and development activities within its scope; training; and at the same time, providing consultation to the relevant governmental offices with regard to Arctic and Antarctic Regions.**
 - **Developing and conducting projects by working as a coordinator between national and international science and authoritative organizations.**
 - Studies on Turkey's engagement with Antarctic Treaty System as a Consultative Member.
 - Studies on Turkish active participation in Polar Regions.
 - Coordination between ITU and other university researches in Turkey and abroad, and, between national and international scientific and authoritative organizations.
 - Studies on establishing cooperation and sustainability of cooperation between universities conducting Polar Regions researches.

- Recent Developments
 - Polar Research Center – Aims
 - Joint studies and researches with other States, development on new technologies in natural sciences within the **Arctic and Antarctic Regions.**
 - Scientific Research Center and Research Vessel Development Projects.
 - Operation of scientific research center in Antarctic.
 - **Engagement of Turkey with the Arctic Council.**
 - **Joining international and national scientific activities regarding to climate changes and other recent issues in Polar Regions.**
 - Working on framework and infrastructure developments providing environment for Turkish scientists dealing with researches in Polar Regions.
 - Supporting projects and studies for the protection and preservation of natural resources in Polar Regions.

- Recent Developments
 - Polar Research Center – Activities
 - National and international courses, conferences and meetings.
 - Education and training activities (public policy and awareness).
 - Publishing reports, bulletins, books and journals.
 - Establishing a center with laboratories, simulation centers and so on within the ITU.

- Challenges
 - Public awareness,
 - Bureaucracy, resistance of public authorities,
 - Funding,
 - Structural difficulties (construction of a base or research vessel).
 - Networking, cooperation and lobbying.
 - Researchers who voluntarily participate for polar researches and studies
 - Political support (current status)

8. Conclusions

- Turkey has not taken any steps with regard to Polar regions till recent years.
- Very first steps for Turkey in Polar regions.
- Polar Research Center, pioneers in the field.
- Enthusiastic, conscious and hardworking team.
- Aims for substantial contribution, networking and capacity building.

- Expansion of the Arctic Council
 - Overloaded agenda of the Arctic Council.
 - Political discord about individual applications.
 - Hesitancy in widening the quantity of observers without having improved the quality of their commitment to the work of the Council.

Figure 1: Number of Attendances at AMAP Working Group Meetings from 1998 to 2014

Member States		Permanent Participants	
Canada	17/17	Saami Council	12/17
Denmark	17/17	Inuit Circumpolar Council	9/17
Finland	17/17	RAIPON	6/17
Norway	17/17	Arctic Athabaskan Council	3/14
Russia	17/17	Aleut International Association	2/17
United States	17/17	Gwich'in Council International	1/14
Iceland	16/17		
Sweden	16/17		
Observer States		Observer IGOs	
The Netherlands	16/17	UN Environment Programme	10/17
United Kingdom	3/17	Nordic Environ. Finance Corporation	2/10
Japan	2/2	Stand. Committ. of Parliamentarians of the Arctic	1/17
South Korea	2/2	UN Economic Comm. for Europe	0/17
Germany	1/17	Nordic Council of Ministers	0/17
Poland	1/17	North Atlantic Marine Mammal Comm.	0/14
China	1/2	UN Development Programme	0/12
India	1/2		
Italy	1/2		
France	0/14		
Spain	0/8		
Singapore	0/2		
		Observer NGOs	
		World Wide Fund for Nature	10/17
		International Arctic Science Committee	3/17
		Association of World Reindeer Herders	3/14
		Circumpolar Conservation Union	2/14
		Int. Union for Circumpolar Health	1/17
		Northern Forum	0/17
		Advisory Comm. on Protect. of the Sea	0/14
		Int. Arctic Social Sciences Association	0/14
		Int. Fed. of Red Cross & Red Crescent Soc.	0/14
		Int. Union for Conservation of Nature	0/14
		Int. Work Group for Indigenous Affairs	0/12
		University of the Arctic	0/12
		Arctic Cultural Gateway	0/10

Source: Sebastian Knecht

- Challenges for existing observers
 - Observers play a secondary role in the work and leadership of the Council.
 - Sharing expenses, money and technical expertise requirement for the working group participations.
 - Far flung and remote locations for meetings.

- Way forward
 - The question no longer seems to be who should be an observer, how one should be an observer.
 - There is a role and a right for non-Arctic states and organizations to be involved in the governance of the region, especially with regards to the transnational issues that non-Arctic states both impact and are impacted by.
 - Financial support would be more helpful, but it has not tended to flow more freely outside of the Arctic States.
 - Contributions of expertise is needed but is also in short supply, and more readily comes from scientific networks than foreign ministries.
 - So, recent status quo of the observers might be reviewed in accordance with the Arctic Council Updated and Arctic Council Observer Manual.

- Final Remarks
 - Need a review of recent system.
 - Higher qualification for candidates.
 - Financial contribution.
 - Turkey is a new-beginner in polar researches and studies.
 - Needs more efforts in terms of political and scientific researches.
 - Can have a role at international level with regional experiences.
 - New-comers' influence and dynamic approach initiated by them.
 - Should not be taken only as a political matter, should be regarded as a global matter.
 - Active cooperation with international and regional actors.
 - Holistic approach should be provided.



THANKS...

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