

Translation of letter

To: European Commission

From: Swedish Riksdag (Parliament), Secretary-General of the Riksdag Anders Forsberg

Date: 23 October 2009

The Riksdag referred the Commission's Communication "The European Union and the Arctic Region", COM(2008) 763, to the Committee on Foreign Affairs for examination.

The Committee reported the results of its examination in an opinion to the chamber, No 2009/10:UU4. A decision on the opinion was taken on 22 October 2009.

The opinion and the record of proceedings are attached.

Opinion of the Committee on Foreign Affairs, 2009/10:UU4

Communication on the European Union and the Arctic Region

Summary

The Committee's opinion provides the Riksdag with a report of the outcome of its examination, under Chapter 10 Section 4 of the Riksdag Act, of the European Commission's Communication to the European Parliament and the Council regarding the European Union and the Arctic Region, COM (2008) 763.

The Communication sets out the EU's relationship to, importance for and interests in the Arctic. The Communication contains proposed strategic objectives for policy areas in which the EU's actions have bearing on developments in the Arctic or in which developments in the Arctic have bearing on the EU, and almost fifty proposed actions.

The Commission sets out three main policy objectives for the EU's relationship with the Arctic. These are:

- protecting and preserving the Arctic in unison with its population
- promoting sustainable use of resources
- contributing to enhanced Arctic multilateral governance.

The Communication proposes strategic policy objectives and individual actions to be undertaken by EU Member States and institutions with the aim of reducing the impact of climate change and human activity in the Arctic, providing a systematic and coordinated approach to new challenges, forming the first layer of an EU Arctic policy and contributing to the implementation of the EU's Integrated Maritime Policy.

Like the Government, the Committee supports the efforts to shape a coherent EU Arctic policy. Against this background, the Commission's Communication can be welcomed as a first step. The strategic objectives set out in the Communication are good and ought to win broad support among EU Member States.

A note setting out points of disagreement is appended to the Committee's opinion.

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The Committee's proposal to the Riksdag

The European Union and the Arctic Region

The Committee proposes that the Riksdag take note of the Committee's opinion.

Note setting out points of disagreement (Left Party, Green Party)

Stockholm 13 October 2009

For the Committee on Foreign Affairs

Urban Ahlin

The following Committee members participated in the decision: Urban Ahlin (Social Democratic Party), Gustav Blix (Moderate Party), Carina Hägg (Social Democratic Party), Anne-Marie Pålsson (Moderate Party), Kerstin Lundgren (Centre Party), Kent Härstedt (Social Democratic Party), Kenneth G Forslund (Social Democratic Party), Walburga Habsburg Douglas (Moderate Party), Kerstin Engle (Social Democratic Party), Holger Gustafsson (Christian Democrats), Hans Linde (Left Party), Carin Runeson (Social Democratic Party), Rosita Runegrund (Christian Democrats), Mats Sander (Moderate Party), Kent Olsson (Moderate Party) and Max Andersson (Green Party).

Description of the item

The item and its preparation

On 20 November 2008, the European Commission presented its Communication “The European Union and the Arctic Region”. The Commission’s Communication COM(2008) 763 on the European Union and the Arctic Region was received by the Riksdag on 25 November 2008. The General Affairs and External Relations Council (GEARC) welcomed the Communication in December 2008 and looked forward to further examining the proposals in the first half of 2009.

At the Committee meeting of 22 January 2009, the Committee decided to request information from the Swedish Government Offices.

After consulting with the party group leaders, the Speaker decided to refer the Communication to the Committee on Foreign Affairs for examination pursuant to Chapter 10 Section 4 of the Riksdag Act (minutes 2008/09:88, Friday 20 March 2009).

On 10 June, the Government Offices submitted Explanatory Memorandum No 2007/08:127 to the Riksdag.

The Committee's examination

The Commission's Communication

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The Commission sets out three main policy objectives for the EU's relationship with the Arctic. These are:

- protecting and preserving the Arctic in unison with its population
- promoting sustainable use of resources
- contributing to enhanced Arctic multilateral governance.

The Communication proposes strategic policy objectives and individual actions to be undertaken by EU Member States and institutions with the aim of reducing the impact of climate change and human activity in the Arctic, providing a systematic and coordinated approach to new challenges, forming the first layer of an EU Arctic policy and contributing to the implementation of the EU's Integrated Maritime Policy.

Legal basis

The Commission's Communication contains no actual proposals with a legal basis. The proposal will be processed through Council conclusions. Council conclusions are adopted unanimously in the European Council. The Commission's Communication is expected to form the basis of Council conclusions at the GEARC meeting in October or November 2009.

Explanatory Memorandum

The Swedish Government's Explanatory Memorandum No 2008/09:127 makes clear that the Government welcomes the Commission's communication. It is high time that the EU paid attention to the great changes taking place in the Arctic and took developments in the Arctic into account during its internal consideration processes when drawing up actions in policy areas that have bearing on the Arctic. Sweden supports the efforts to shape a coherent EU Arctic policy.

The Government welcomes the Commission's Communication and feels that it is important that the EU should take into account, and pay particular attention to, the unique conditions prevailing in the Arctic. The Communication deals with a number of policy areas, but is not comprehensive, instead reporting Arctic-related issues which the Commission has to date encountered.

The Explanatory Memorandum makes clear that realities of international law in the Arctic must be taken into account. The Arctic consists of land and sea areas. It is important to point out that some of the Arctic land areas lie within EU territory (in Finland and Sweden) and that the rest of the Arctic is the EU's northerly neighbour. Greenland is part of Denmark, but left the EU in 1985.

In the Government's view, it is good that the Commission has chosen an ambitious and broad approach in which it accepts the definition of the Arctic as the area around the North Pole north of the Arctic Circle, including territories and seas in which the eight Arctic states have varying degrees of sovereignty or functional jurisdiction.

The Communication ignores the realities of international law, under which the five Arctic Ocean coastal states have legitimate rights and obligations in this Arctic maritime area. There are eight Arctic states, of which five are Arctic Ocean coastal states. Much of the Arctic consists of sea or seabed over which these states have functional jurisdiction which in many cases competes with, or may compete with, the legitimate interests of non-coastal states.

From the viewpoint of international law, there are no objections to the three key strategic objectives set out in the Commission's Communication. The Explanatory Memorandum emphasises that the arguments and facts, and the terminology on which they are based, should be explained and defined more clearly.

The Government notes that while the Communication refers throughout to the "Arctic", it still primarily deals with circumstances involving maritime areas, with Arctic lands being dealt with only in passing. For example, the Communication says nothing about developments in land-based industries such as agriculture, forestry, reindeer herding, mining and mineral extraction on land. The Communication could also have been more specific regarding the protection of land areas and the preservation of biodiversity.

The Communication does not mention the existing extensive regional cooperation between counties and provinces, parliaments and NGOs and between other stakeholders in the Arctic. Nor does it mention the thriving cooperation that has grown up among the indigenous peoples of the Arctic, or the extensive academic research that has been ongoing in the region for some time and whose roots lie in the Polar explorations of the 19th century.

Nor does it report the existence of important regional and bilateral agreements such as the Spitsbergen Treaty and the International Agreement on the Conservation of Polar Bears, or the resource management agreements and fisheries management regimes that control individual specific conditions in the Arctic.

In the Government's view, the melting of the Arctic Ocean ice sheet affords new opportunities for transport, mineral exploitation and other enterprise activity. These changed conditions are altering the geo-strategic dynamics of the Arctic with potential consequences for international stability and European security interests. New economic opportunities, and their consequences for the Arctic environment and population, are attracting increasing attention. This development charges the EU with a responsibility to act to prevent situations from arising that could turn the Arctic into an area of international tension. It is important that the EU shoulders this responsibility and formulates its interest in, and commitment to, the Arctic in the light of it.

The Government's view is that the strategic objectives set out in the Communication are good and ought to be able to command the support of all Member States. Many of the individual actions are only briefly expressed, however, allowing varying interpretations of what they actually mean.

The Government welcomes the Commission's proactive attitude, and its intention to promote better application of existing regional and multilateral legal frameworks – particularly the UN Convention on the Law of the Sea (UNCLOS) – and more consistent implementation of recommendations and guidelines drawn up in the Arctic Council; additionally, that it does not rule out that existing international legal frameworks may require supplementation. The Commission and EU Member States can play a role in this work, in the Arctic Council as well as in other forums.

It is particularly important to improve fishery regulation in the area and prevent unregulated fishing in new areas.

It is good that the Communication particularly emphasises the need to improve ecosystem-

based management of the marine environment and the need for decisions to be preceded by environmental impact assessments.

Climate change in the Arctic is a threat not only to the Arctic environment and its inhabitants, but also has global ramifications. A strong EU climate policy and action for climate adaptation in the Arctic – including action to protect biodiversity – must therefore, according to the Explanatory Memorandum, be key areas of EU Arctic policy.

In its section on fossil fuels, the Communication could have made it more clear that increased exploitation of oil and gas resources in the Arctic will lead to higher greenhouse gas emissions that will speed global climate change. The section on transport also lacks explicit references to the fact that greater emissions of pollutants to air will exacerbate climate change. The Communication could also have made more clear that the sources of rapid change in the Arctic environment lie largely outside the Arctic, and that these must be eliminated if the Arctic environment is to be saved.

The Government notes that the Communication welcomes the agreement on cross-border emergency response cooperation in the Barents Euro-Arctic Council, concluded in December 2008 between Finland, Norway, Russia and Sweden.

The Government welcomes the Commission's support for the principle of freedom of navigation and the right of innocent passage through new routes and sea areas that may open up in the Arctic, as well as the Commission's clearly-expressed support for active work within the framework of the International Maritime Organisation (IMO) to strengthen the international legal framework governing sea safety in Arctic navigation routes. The Government also supports the Commission's work together with the European Space Agency to explore a polar-orbiting satellite navigation system for better surveillance, more rapid emergency response and safer navigation in the Arctic.

It is positive that the Communication promotes strong support for Arctic research, particularly the need to secure long-term effects from the 2007–2008 International Polar Year (IPY). The proposed action on polar research infrastructure is welcome. However, the Government sees no need for a new EU-funded research icebreaker, and would instead prefer if other Member States made more use of the Swedish research icebreaker *Oden* for their research expeditions in the Arctic Ocean.

The Commission expresses its intention to contribute to the establishment of the "Sustained Arctic Observing Networks" (SAON). The Communication also indicates its intention to support the work of monitoring and destruction of harmful chemicals in the Arctic, and measures to reduce the spread of pollution. The Government welcomes the Commission's intention to deepen its involvement in this area.

The Government supports the Commission's decision to seek permanent observer status in the Arctic Council (AC). Through work in the AC, the Commission would be able to boost its knowledge and understanding of how the Arctic states and populations, including indigenous populations, view developments in the region, and the actual problems and circumstances existing there. The Commission can also contribute financial support and technical expertise in relevant policy areas by participating actively in concrete pan-Arctic regional cooperation in the AC's working groups. The work of the European Environment Agency is particularly relevant in this context. The April 2009 meeting of AC foreign ministers in Tromsø rejected the Commission's application for permanent observer status. The discussion on the role of observers in the AC will continue under the new Danish AC chairmanship.

Against this background, it is important that the Commission and EU Member States improve their understanding of the realities of the Arctic regions. Particularly important is

knowledge of the utilisation of domestic natural resources which form part of Arctic cultural tradition and are an essential element of access to locally-produced foodstuffs. With respect to the exploitation of marine mammals, many countries are demanding that the scope of exploitation of these animals be adapted to the cultural and social mores of other parts of the world. One expression of this has been the marginalisation of whaling and seal hunting. It is important to improve information about Arctic conditions so that problems of this type can be avoided.

The Commission's and Community's work in various international fora on Arctic-related issues should be consistent with the objectives of EU Arctic policy. This applies primarily within the framework of the Arctic Council, but also *inter alia* in the International Maritime Organisation, the UN Environment Programme, the UN Biodiversity Convention, the UN Convention on the Law of the Sea and at the climate convention negotiations ahead of the UN climate conference in Copenhagen in December 2009. The EU's actions should help to strengthen Sweden's role as an Arctic state.

Position of the Committee

The Arctic has a unique and sensitive environment. The Arctic environment is affected by emissions that come from distant locations. The Arctic is being hit hard by ongoing climate change, which threatens not only the Arctic environment and its inhabitants, but also has global ramifications.

There are a number of reasons to protect the Arctic, including slowing the pace of global warming, preventing hazardous emissions, protecting threatened species and safeguarding the traditional lifestyles of indigenous peoples.

According to the Arctic Climate Impact Assessment (AICA) report, published in 2004, temperatures in the Arctic have increased twice as fast as those in the rest of the world. Glaciers and sea ice are melting more rapidly than previously. Flora, fauna and people living in the Arctic have already been affected. Climate change opens up new opportunities for transport and the exploitation of natural resources, which can impact on the Arctic environment. A number of scientists have now concluded that the situation is worse than was thought a few years ago. Temperatures are rising faster than expected. For three years in a row, the melting of sea ice in the Arctic basin has reached record levels, almost halving its extent in late summer.

The Committee wishes to emphasise that the melting of sea ice affords new opportunities for transport, mineral exploitation and other enterprise activity which in the long term may have repercussions for international stability and European security interests. The EU has a responsibility to act to prevent situations arising that will turn the Arctic into an area of international tension.

As mentioned above in Explanatory Memorandum No 2008/09:127, the Communication ignores international law, under which the five Arctic Ocean coastal states have legitimate rights and obligations in the Arctic maritime area. There are eight Arctic states, of which five are Arctic Ocean coastal states. Much of the Arctic consists of sea or seabed over which these five coastal states have functional jurisdiction which in many cases competes with, or may compete with, the legitimate interests of non-coastal states. Work is under way in these states (Russia, the US, Canada, Norway and Denmark (through Greenland)) to investigate the extent of each country's continental shelf. The ambitions of these Arctic states to secure rights over navigation routes, oil, gas and other natural resources are worth bearing in mind in EU contexts.

The Committee welcomes the Commission's decision to seek permanent observer status in

the Arctic Council (AC). The Arctic Council is an intergovernmental forum for consultation and cooperation between the Arctic states (the five Nordic countries plus Canada, Russia and the US) and representatives of six organisations for Arctic indigenous peoples. The Council also has six observer countries, and a number of other countries and organisations have applied for observer status, including the European Commission and China. The work is organised in six permanent Working Groups, and much of the cooperation concerns environmental protection and climate issues.

In the next few years, the AC will be paying particular attention to changes in ice, snow, permafrost and water circulation in the Arctic, and the local and global impact of these. At the 2009 Ministerial Meeting, the foreign ministers also decided to appoint a special Working Party to examine how methane gas, tropospheric ozone and atmospheric soot particles accelerate the greenhouse effect, and what can be done to prevent this. The AC also works to improve coordination of environmental surveillance systems in the Arctic, which may improve the potential to carry out forecasts of future climate change. The Arctic Council is chaired by Denmark in 2009–2011, after which Sweden takes over. To coordinate Nordic work on Arctic issues, the Nordic Council of Ministers has drawn up a Nordic strategy for climate and environmental toxins in the Arctic, which applies until 2012.

The Committee welcomes the Swedish Government's work to assert the need of thorough environmental impact analyses and ecological consideration in all activities taking place in the Arctic. The Arctic environment is particularly sensitive to change and outside impact. In the AC and other fora, the Government has pushed for a coherent view among the parties involved on how we can best preserve and protect the Arctic environment against all types of injurious impact, not just climate change.

The Committee agrees with the Government's view of the importance of improving surveillance and observation of changes in the Arctic, and expresses its support for the EU's active participation in the ongoing work of the "Sustaining Arctic Observing Networks" (SAON).

Through the EU, Sweden is also pushing for the establishment of an international framework, related to the Convention on the Law of the Sea, for measures that will preserve and protect marine biodiversity in the deep waters outside national jurisdiction, including the establishment of marine protected areas. The potential for coordinated action in the Arctic improves if all states, including the US, ratify the Convention on the Law of the Sea.

In December 2007, the European Council adopted a Maritime Strategy for the EU, with an accompanying action plan. The EU Blue Book emphasises that marine reserves are a means of preserving and protecting marine biodiversity. Before the end of 2009, the Commission intends to present a strategy for the establishment of protected maritime areas in the world's oceans. As far as the Committee has been able to ascertain, this does not include any Arctic maritime areas.

In 1991, the parties to the Antarctic Treaty, including Sweden, adopted an Environmental Protection Protocol under which the exploitation of natural resources was banned for at least 50 years. The international legal situation of the Arctic differs from that of the Antarctic, since the Antarctic is a land mass surrounded by sea while the Arctic is a sea surrounded by land. There are, however, lessons to be learned from the work on the Antarctic Treaty Environmental Protocol when considering measures to protect and preserve the Arctic environment from hazardous exploitation.

Like the Government, the Committee notes that the Communication does not take a comprehensive approach to Arctic issues in that the Communication primarily deals with issues concerning the maritime areas. Arctic lands are dealt with only in passing. The Committee feels that the Communication could have been more specific regarding the

environmental protection of land areas and biodiversity preservation.

The Committee notes that the Communication does not mention the extensive regional cooperation between counties and provinces, parliaments and NGOs and between other stakeholders in the Arctic. The Communication could also have highlighted the co-operation between Arctic indigenous peoples and the extensive academic research that have been ongoing in the region for a long time.

The Committee also agrees that the Communication could have made more clear that increased exploitation of oil and gas resources in the Arctic will result in higher greenhouse gas emissions that will speed global climate change. The section on transport could have contained explicit references to the fact that higher emissions of pollutants to air will exacerbate climate change. It is also the view of the Committee that the Communication could have made clear that the sources of the rapid deterioration of the Arctic environment are often to be found outside the Arctic.

In summary, the Committee, like the Government, supports the efforts to shape a coherent EU Arctic policy. Against this background, the Commission's Communication can be welcomed as a first step. The strategic objectives set out in the Communication are good and ought to win broad support among EU Member States.

Note setting out points of disagreement

The Committee's proposed decision to the Riksdag and its position have resulted in the following note setting out points of disagreement.

EU and the Arctic – the reasoning (Left Party, Green Party)

by Hans Linde (Left Party) and Max Andersson (Green Party).

Position

The Green Party and the Left Party are of the view that the majority, in its examination of the Commission's Communication, have not clearly enough drawn attention to the major climate-related risks attached to the prospecting for and exploitation of fossil fuels in the Arctic. Estimates indicate that 20–25% of the world's undiscovered oil and fossil gas reserves may lie in the Arctic.

The Green Party and the Left Party object to the Commission's positive attitude to the prospecting for and exploitation of the vast unexploited hydrocarbon reserves in the Arctic.

The effects of climate change are very obvious in the Arctic. In recent decades, almost half of the North Pole's winter ice has disappeared – a surface that is six times the size of Sweden. It is therefore not enough to assert – as the Commission does – that “support for the exploitation of Arctic hydrocarbon reserves should be provided in full respect of strict environmental standards taking into account the particular vulnerability of the Arctic”.

Within only a few years, the Arctic may be ice-free in summer and the higher temperatures will enable prospecting for and exploitation of the fossil fuels in the region. We are already seeing how countries such as Russia, Canada, Norway and Denmark are laying claim to these resources. We are also seeing how multinational oil companies are competing for concessions and how exploitation vessels and oil rigs are being moved ever further north apace with the retreat of the ice sheet.

The Green Party and Left Party take the view that it is impossible to ignore the fact that Sweden is in a unique position to influence developments, particularly since Sweden holds the EU Presidency just as the Communication is being discussed between Member States. The Green Party and Left Party are of the view that Sweden must act decisively to get the international community to develop and adopt a convention as soon as possible that will protect the Arctic against exploitation and militarisation for at least 100 years. Such an instrument could be drafted in various ways, but should fulfil the same functions as the treaty that currently protects the Antarctic against exploitation. Pending the realisation of such a treaty, Sweden should immediately propose an immediate moratorium on increased exploitation in the Arctic until an effective treaty has been secured.

ANNEX

List of proposals discussed

Commission Communication to the European Parliament and to the Council on the European Union and the Arctic Region, COM (2008) 763.

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