

# Analysis of Pros and Cons of China Being the Observer of the Arctic Council

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**Abstract:** Being the observer of the Arctic Council indicates that China is in possession of more edges in intervening Arctic issues. However, congenital elements of its structure of the Arctic Council have caused its ineluctable limitations. After participation the council, China should not only take full advantage of its own superior resources, but be clearly aware of constraints on it, flexibly tackling relations between the council and other member states to achieve the maximum of rights and interests in Arctic.

## Introduction

On 15<sup>th</sup> May, 2013, the Arctic Council Ministerial conferences were held in Sweden. At this meeting, foreign ministers of Arctic states (Russia, the United States, Canada, Italy, Denmark, Norway, Iceland and Finland) signed *Kiruna Declaration*, which granted China, India, Italy, Japan, South Korean and Singapore as observers. Since then, China had been the permanent observer<sup>[1]</sup> of the Arctic Council, and further acquired a say on the Arctic matters. With these natural changes of global warming and the melting of Arctic sheet and so on in recent years, the possibility of developing and utilizing Arctic resources has enhanced gradually, all countries attach more importance to Arctic affairs. Marked by Russian research ship planting its national flag at the North Pole, Arctic states, including some non-Arctic countries compete for the Arctic rights and interests. As a near-Arctic country<sup>[2]</sup>, China also has significant national rights and interests there; hence it must have a place in Arctic affairs. The Arctic Council, as one of prime organizations where international community tackles Arctic matters, is increasingly playing a significant role. Being the permanent observer of the Arctic Council is indubitably of great significance to strive for legitimate rights and interests at the North Pole.

## I. Positive Influence of China Being the Observer

### 1. Conforming to China's Arctic Policies

Without excessive intervention on Arctic affairs, China barely released white paper on 26<sup>th</sup> January, 2018, *an Arctic Strategy of China*, and was discreet in actual communications with other nations, highlighting collaboration between Arctic states and aborigines, holding a wait-and-see attitude. China emphasizes that the work in the Arctic focuses on China's environmental impact caused by Arctic sea ice melting and climate changes, and sustainable development, which has been confirmed by China's real practices. The Arctic Council is derived from the development and change of environmental protection strategy, and all its tasks focus on Arctic environmental protection and sustainable development; therefore, participating of the council will provide a broader platform for China implementing Arctic policies of environmental protection and sustainable development. It is China that mutually exchange experience with Arctic countries, provide scientific research teams, share the newest technologies, launch cooperation in specific matters, jointly safeguard ecological environment in Polar, decrease the impact of environmental changes on both Arctic states and China, and finally benefit all mankind.

## **2. Contributing to Grasping the Newest Trend**

It merely has 32-year history since the Arctic Council was established, and its structures and functions are developing and improving. To handle new challenges and problems of Arctic affairs, the council will spare no efforts to move towards to a formal international organization, and the progress of institutionalization and legalization is in full swing. So far, the council newly establish vice minister-level conference and permanent Secretariat, preliminarily found three-tier structure, promulgate two legal documents: *Arctic Sea and Air Search and Rescue Cooperation Agreement* and *Arctic Marine Oil Pollution Prevention and Response Cooperation Agreement*, and have the tendency to expend functions to energy, shipping and so on. As China participates in the Arctic Council as early as possible, it can grasp duly the latest trend, know the resolutions of Arctic countries on new issues, and express perspectives appropriately. It also can affect other countries' viewpoints through legitimate approaches, to make perspectives of Arctic states and China as consistent as possible. Before systems of the Arctic Council are rigidified, China systematically engaging in the council will gradually improve this process, and increasingly facilitate the council's transformation towards China's expectations.

## **3. Contributing to Incorporating Arctic Affairs into International Law**

On account of geographical edge, Arctic nations are in possession of congenial dominating power. Proceeding from various countries' strategic interests, they attempt to make Arctic matters specialized, disassociate domination category defined by current international laws. Universal China's scholars don't recognize above propositions of Arctic states, and the mine viewpoints is to regard current frameworks provided by United Nations Convention on the Law of the Sea as the basis of defining legitimate nature of various Arctic affairs, considering those countries along the Arctic Ocean coast have the capacity to maintain internal waters, territorial waters, exclusive economic zones and continental shelf. However, apart from above areas, the principle part of the Arctic Ocean is pertained to high seas or "international sea floor district". As "common heritage of mankind", they should be governed and developed by International Seabed Authority, and can't be possessed by any countries. <sup>[3]</sup>Arctic issues are not exclusive to Arctic states, but the global issues concerning international community. China's participation can maximize the impact of Arctic affairs in the predictable scope, expand international concerns on them, and constraint them by current international rules.

## **II. Limitations of China Being the Observers**

### **1. The Arctic Council has congenital Defects**

The Arctic Council was established on the basis of "Arctic environmental protection strategy". From its establishment of 1996 to now, the council has stood for protection of environment in the Arctic and promotion of sustainable of these regions. Objectively speaking, the council has made achievements in environment, climate appraisal, promotion of sustainability, but it seldom involves in the sensitive waterways and resources, and it cannot handle such matters including politics, military and security of Arctic states and observers. With finite scope of the council's work, hence China is in pursuit of realizing interests beyond the principles of the council by virtue of other approaches.

### **2. The Imbalance of Rights and Obligation tests China's Patience**

The Arctic Council extremely highlights contributions of observers. Either entry criteria of observers or subsidy of observers to projects of subordinate institutions apparently represent the high requirements for observers, which can be found in the second part of this paper, the value appraisal process of the Arctic Council's approval of China's permanent observer qualification. China is endowed with the fundamental right of participation, which make rights and obligations non-equivalent. Its interest requirements are restricted within controllable scope of Arctic states: if China accepts the principle of "three recognitions", it indicates that China acknowledges that Arctic

nations are in possession of dominant powers on Arctic affairs, and passively implies the deletion of core rights. China will never be entitled to votes of the council, which is the core to realize interests. China can only attend the conference but without the right to engage in any decisions, and acquire limited materials and documents, excluding these documents of “only restricted to arctic states and permanent participants”. On the conference, China’s utterance is restrained by the speaking order which is forcibly regulated in *Brochure*. Arctic states and permanent participants initially express their full viewpoints on a certain issue, so China’s final statement seems to be of no importance, and its statement must be approved by the chair of the conference. On such significant occasions producing decisions, for instance, ministerial conference, China can only submit to its perspectives written in paper, which exert negligible influence on determination of decisions. It proposes project plan through collaboration with Arctic states and permanent participants, however, the decision to submit to discussion still hinges on Arctic countries and permanent parties. Once the chair of the conference deems that China doesn’t respect any provision of the *Brochure*, he is capable to require China’s representative to leave. The council will censor whether China make contributions to it and Arctic aborigines every four years, if not, it can conceal the qualification of China’s permanent observer.

### **3. The Arctic Council’s Monroe Doctrine Impedes the Realization of China’s Rights and Interests**

Although Arctic countries have controversies over the sovereignty of islands, waterways, the delineation of continental shelf and, at current circumstances, they can’t be resolved in a short time, these countries gradually realize collective actions must be better than individual actions. Therefore, a kind of regional consciousness has been formed, which is strengthened in the utilization of the Arctic Council’s practical functions. This consciousness has been called “Monroe Doctrine” [4]. Arctic states attempt to band together to fight against the outsiders, embrace all Arctic matters, and exclude other subject of international law to participate, in order to create an exclusive Arctic for Arctic countries. With continuous improvement of the Arctic Council’s structure in recent years, two legal documents are promulgated successively. By virtue of the platform of council, Arctic states have reached into sensitive regions; thereby their dominant positions have been enhanced significantly. The council held conference in Iqaluit, Canada in September, 2014, announcing the Arctic Economic Council was formally established. The Arctic Council would advance the collaboration of Arctic states in economy, and continued to implement “exclusiveness” without opening to non-Arctic countries and organizations. This was the authentic depiction that the Arctic Council aimed to reinforce rights of the Arctic Council, and foreshadowed the forthcoming era of “Arctic development”. [5] After drawing benefits from “Monroe Doctrine”, the exclusiveness of the council would grow in intensity. If China expects to safeguard Arctic rights and interests by means of effective utilization of the council, it has to be confronted with this phenomenon. There will be more difficulties over scarce rights. China’s any overactive actions will touch sensitive nerves of Arctic states and cause more rigid restrictive measures. [6]

China has enjoyed significant national rights and interests. As a near-Arctic country, on one hand, China is supposed to stick to current principles and systems of international law applicable to Arctic regions. On the other hand, it should energetically participate in modification and establishment of Arctic laws and regulations. Being an observer of the Arctic Council is indubitably a step toward this direction. To dilate and maintain rights and interests in future Arctic governance, constant efforts are required by China [7].

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