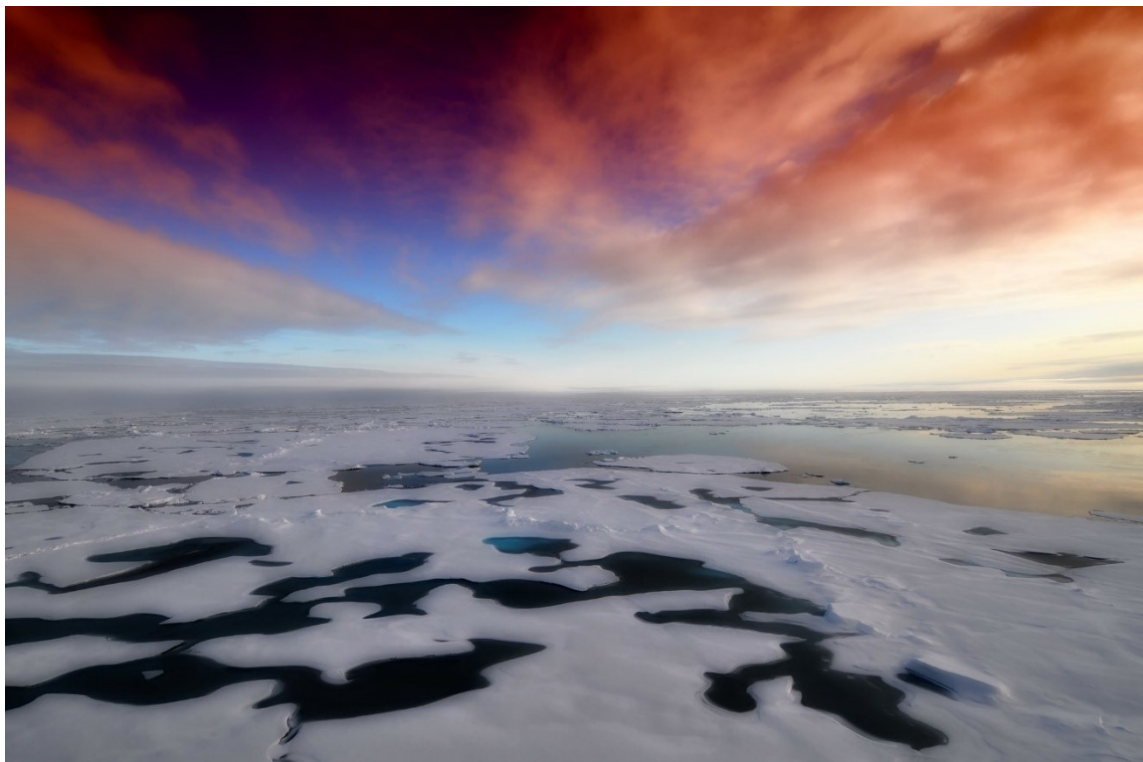




THE ANNENBERG PUBLIC POLICY CENTER
OF THE UNIVERSITY OF PENNSYLVANIA

**Circling the Arctic:
Security and the Rule of Law in a Changing North**
October 1-3, 2020
CONFERENCE REPORT



Conference Overview¹

Climate Change is affecting the entire planet, but it is the Arctic that is experiencing some of its most rapid and dramatic effects. A changing Arctic climate and landscape has security, economic, and geopolitical impacts that present significant challenges and opportunities. As the U.S. Department of Defense wrote in its [June 2019 Arctic Strategy](#), it is imperative “to quickly identify threats in the Arctic, respond promptly and effectively to those threats, and shape the security environment to mitigate the prospect of those threats in the future.” The Center for Ethics and the Rule of Law’s (“CERL”) October 2020 conference, “Circling the Arctic: Security and the Rule of Law in a Changing North,” brought together approximately 35 top-tier experts to identify concrete actions and changes to soft and hard law governance structures that can address security challenges and threats arising from climate change’s effects on the Arctic.

The conference was built on the foundational premise that to succeed, policies addressing the existential security threats of climate change require an intersectional approach that incorporates economic security, human security, and hard security concerns. To that end, each day of programming recognized that a national security strategy in the Arctic needs to include actions to increase knowledge of the Arctic, enhance operational capacity in the region, protect human security, be mindful of economic interests, and strengthen applicable rule-based order.

The conference consisted of nine sessions—four public and five closed. The conference opened with public remarks by Amb. [David Balton](#), senior fellow of the Polar Institute of the Wilson Center; Prof. [Claire Finkelstein](#), Penn Law professor and faculty director of CERL; and Ms. [Alexandra A.K. Meise](#), senior fellow at CERL. Two public keynote sessions followed that set the stage for the remaining days. The first session featured international security experts discussing how Arctic nations can better engage with each other to improve security efforts in the face of climate change. The second session featured academic experts identifying communication approaches to difficult political issues that could improve climate change policy messaging.

¹ This report provides an overview of the key points discussed during the *Circling the Arctic: Security and the Rule of Law in a Changing North* conference held via Zoom on October 1-3, 2020. It was prepared with the assistance of Jane Wang, Henry Scherck, and Souvik Chatterjee, all of whom were interns in CERL’s 2020 summer internship program. Because the closed sessions operated under the Chatham House Rule, this report does not attribute specific comments made in those sessions to any individual participant(s).

The second day of the conference was a full day of closed sessions focused on identifying strategic impacts of and threats from an Arctic affected by climate change. Discussions addressed: how melting ice, rising temperatures, and rising sea levels affect human security and defense strategies; policy and economic tensions between the United States, China, and Russia; economic impacts and opportunities arising from the region's changing climate; and how climate change is facilitating militarization and disruption in the region.

The final day opened with a morning “coffee talk” with Sen. Angus King (I-ME), co-chair of the U.S. Senate's Arctic Caucus, discussing key developments in U.S. Arctic policy. This was followed by closed sessions exploring technological, legal, intergovernmental, and policy responses to a changing Arctic, with a focus on rules-based order. Discussions addressed evolving strategic security strategy—particularly in response to regional climate change and to Russian and Chinese Arctic activities—and how technology may help States and private entities respond to climate change and possibly mitigate its effects. The conference closed with a final public keynote session with representatives of several Arctic nations addressing the capacity of currently available hard and soft law governance structures to address the Arctic's security and geopolitical challenges, particularly those faced by the region's Indigenous populations.

CONFERENCE SESSIONS

THURSDAY, OCTOBER 1, 2020

Public Keynote 1: 12:15pm-1:30pm

Engaging Arctic Nations—A Conversation with Security Leaders on Strengthening Arctic Cooperation

Moderator:

[Ms. Alexandra A.K. Meise](#), Senior Fellow, Center for Ethics and the Rule of Law, University of Pennsylvania Carey Law School

Panelists:

[Mr. Björn Fagerberg](#), Head of Political Section, Embassy of Sweden

[Hon. Sherri Goodman](#), Secretary General, International Military Council on Climate & Security; Senior Fellow, Polar Institute, Woodrow Wilson International Center; former Deputy Undersecretary of Defense (Environmental Security)

[GEN \(Ret.\) Joseph Votel](#), President and Chief Executive Officer, Business Executives for National Security (BENS); former Commander of U.S. Central Command (CENTCOM) and U.S. Special Operations Command

Summary:

The opening session kicked off the conference with discussions about why addressing climate change is a national security imperative, bringing together Arctic nations in order to tackle regional issues, and considering the security concerns that currently exist in the Arctic and threats that may arise in the future as the result of a more navigable Arctic.

The session opened with questions for each panelist, prompting reflections on ways in which the Arctic and climate change are becoming increasingly relevant to national security, both in the United States and abroad. Ms. Goodman emphasized that climate change, which is affecting the Arctic at a faster rate than the rest of the world, is operating as a threat multiplier, accelerating already-present security issues globally and in the Arctic in particular. She also noted that this is evident in the ways that the military’s perspective on environmental and Arctic issues has evolved; it has shifted its “environmental” concerns from a focus on pollution cleanup and addressing

localized problems to a more global perspective that considers issues such as international pressure on natural resources and ramifications of new trade routes opened by melting ice. Mr. Fagerberg reflected on Sweden's new Arctic strategy, which acknowledges the Arctic's strategic importance and the evolving security situation in the region.

After opening reflections, the panelists discussed whether cooperation or competition is a more pressing concern in the region, given the multiple strategic security issues at play. They concluded that security issues are hard to disentangle from each other and there is a need for cooperation to stave off conflict and promote stable economic activity.

The panel then addressed a question about the legal framework of Arctic governance, recognizing that the Arctic Council's mandate does not include security and that the United States has not ratified the United Nations Convention on the Law of the Sea (UNCLOS), and considering the potential role NATO could play in fostering cooperation. Ms. Goodman noted that UNCLOS is important to Arctic governance and that the United States has benefitted from it, and she encouraged the United States to ratify it. Tensions with Russia—especially following its invasion of Crimea—have made fostering cooperation difficult in recent years. There needs to be normalization of relations before Russia and the NATO allies can effectively cooperate.

The panel then discussed how high-tech development in the Arctic could foster cooperation among Arctic States. There is a general need for additional communications infrastructure in the region, and General Votel suggested this as one area in which Arctic nations could cooperate. However, the panel acknowledged that the United States' resistance to acknowledging climate change may pose challenges to such cooperation. Energy development also has security implications, and the panel noted that energy policy and the switch to green energy is another area where cooperation is possible.

In closing, the panel discussed whether and how Russia and China should be included in cooperative efforts and how exclusive economic zones (EEZs) play into the interaction among nations. General Votel, Mr. Fagerberg, and Ms. Goodman all discussed the importance of not overlooking the role that China wants to play in the Arctic. While it is critical to be attentive to the goals of Russia and China, it is important for the United States and its allies to recognize that Russia and China have different goals. For example, Russia – which has always been a major

Arctic player – has long sought to maximize its long Arctic coastline for economic and security goals; China – which asserts that it is a “near-Arctic state” – has taken steps to increase its capacity for circumpolar shipping and Arctic fishing, increasing its economic connections with the region. Overall, the panel agreed that cooperation is imperative and that the United States needs to be in dialogue with its Arctic allies.

Video of the conference “Welcome” and this panel discussion can be found [here](#).

Public Keynote 2: 3:00pm-4:15pm

Communicating the Climate Change Security Threat—Are We Using Effective Language?

Moderator:

[Prof. Kathleen Hall Jamieson](#), Elizabeth Ware Packard Professor of Communication and Director of the Annenberg Public Policy Center (APPC), University of Pennsylvania

Featured speaker:

[Prof. Asheley Landrum](#), Assistant Professor, College of Media & Communication, Texas Tech University

Featured speakers via pre-recordings:

[Asst. Prof. Bruce Hardy](#), Department of Communication and Social Influence, Klein College of Media and Communication, Temple University

[Prof. Matthew Nisbet](#), Professor of Communication Studies and Affiliate Professor of Public Policy and Urban Affairs, Northeastern University

[Prof. Dietram Scheufele](#), Taylor-Bascom Chair in Science Communication and Vilas Distinguished Achievement Professor, University of Wisconsin-Madison; Affiliate, Morgridge Institute for Research

Summary:

This session tackled the vital issue of communicating climate change’s threats and challenges to the public.

Questions of credibility often arise when explaining the science of climate change and whether and how much consensus there is on the topic of climate change. Credibility depends on

the audience's perception of the speaker's credibility and its perception of the veracity of the information the speaker provides. Audiences also come to such discussions with prior world views, values, and knowledge, and when presented with new information, people may internalize, evaluate, and update their world views. If audience members already have a belief, their information intake process will be affected by their perception of the speaker's credibility.

Some historical and political context was given for how information is processed and ultimately believed or disbelieved by people. After the collapse of the Soviet Union, some of the red scare against communists was replaced by a "green scare" in which environmentalists were accused of being "green on the outside" and "red on the inside." In a more recent example, Pope Francis issued an encyclical on climate change recognizing that it is real and something to which humanity can and should respond. Asheley Landrum said, "Several U.S. scholars and research institutions, including the Annenberg Center, collected data surrounding the encyclical's release and the Pope's visit to the [United States] to see whether there would be a 'Francis Effect,' that is, would U.S. conservatives and politically conservative Catholics in particular be persuaded by the Pope that we must act to address climate change?" Politically conservative Catholic politicians in the United States, such as Rick Santorum, responded by urging the Catholic Church to stay out of political issues. The same Annenberg study found that those who were aware of the encyclical were more politically polarized than those who were not. In addition, U.S. progressives were found to grant the Pope more credibility on the issue of climate change than U.S. conservatives.

Motivated reasoning,² confirmation bias,³ biased assimilation,⁴ endpoint bias,⁵ and identity protection⁶ all play important roles in the effectiveness of communication on politically sensitive issues. One example given of successful framing⁷ was how Mitt Romney centered climate change

² "Motivated reasoning" is using emotions to justify reasoning rather than evidence.

³ "Confirmation bias" is the tendency to use new information to support preexisting beliefs.

⁴ "Biased assimilation" is the tendency to bias supporting facts as overwhelmingly strong and negating facts as weak.

⁵ "Endpoint bias" is the tendency to judge an entire situation by the end, or the tendency to overvalue a recent change in a trend.

⁶ "Identity protection" is the tendency for diverse groups to quickly accept facts in favor of and dismiss (delete?) evidence that is inconsistent with the predominant beliefs within their group.

⁷ "Framing" is the use of certain terminology or imagery to set the frame of reference of any piece of information, such as the use of "death taxes" to describe estate taxes.

mitigation and adaptation arguments around common values held by different groups, such as pointing out the economic benefits of climate mitigation.

One tool the speakers offered to overcome potential biases to problems was a useful acronym: “LIVA”: **l**everaging source credibility, **i**nvolving the audience, **v**isualizing the trend, and **a**nalogizing the trend. The speakers tested the LIVA process in the context of climate change discussions on people who were exposed to Fox News and found that those exposed to Fox News and not LIVA were found to possess less knowledge about sea ice than those who were not.

In conclusion, the speakers agreed that polarized political speech excoriating climate change does not accurately reflect what people know or understand about climate change but rather reflects social identity, as climate change is one of the most visible issues in America’s “culture wars.” (For example, 86% of U.S. adults support funding research into renewable energy sources, and 68% support taxing fossil fuel companies while equally reducing other taxes.) Mindful communication on issues of climate change can be effective in overcoming preconceptions about climate issues.

Video of the panel discussion can be found [here](#).

Prof. Nisbet’s full presentation can be found [here](#).

FRIDAY, OCTOBER 2, 2020

Closed Session 1: 11:00am-12:10pm

Profiting from Strategic Development Impacts in the Arctic —The Balance between Commercial Activities and Geopolitical Dynamics

Moderator:

[Ms. Debbie Atuk](#), Portfolio Specialist, SkyView Investment Advisors; Board Member, Bering Straits Native Corporation

Summary:

This session provided an overview of Arctic economic frameworks and how they affect local development and wider geopolitical issues. The opening of additional Arctic maritime routes

due to melting sea ice will likely bring much more traffic to the region. It was pointed out that management of the Bering Strait, a narrow waterway used by humans, animals, and the maritime industry, is an extreme concern not only to Arctic stakeholders but also the world. A possible natural-resources “gold rush” in the Arctic could be forthcoming. One participant noted that gold rushes tend to see less cooperation between players and argued that cooperation in this context is vital. The 16-year moratorium on Arctic fishing in the central Arctic Ocean was pointed to as an example of cooperation.

Participants underscored the importance of Indigenous peoples as stakeholders in the region’s economic development. It was noted that the Indigenous people of the region are not a homogenous group. There is not one opinion shared by all Native Alaskans let alone all the Arctic’s Indigenous peoples. For example, some support natural resource extraction in the Arctic National Wildlife Refuge, but others do not. It was also noted that different portions of the Arctic have different levels of resources, which can exacerbate tensions among regional groups.

One participant described economic tensions – whether about oil, mining, road building, fishing, or new bridges – in the region as a constant battle between private commercial actors and Native people. It was noted that Native groups should be consulted for their local knowledge of things such as climatology and argued that they should get to decide what happens to the natural resources there. Other issues raised included how expensive food is at the stores in the Arctic due to shipping costs and how whale and caribou herds may be impacted by commercial activity.

Another aspect discussed was maritime law and whether the current legal regime is strong enough to protect against petroleum and other contaminant spills, which some say are inevitable when engaged in extraction or transport activity. One participant drew a parallel to the mining industry, which has long-term environmental impacts even with best efforts to mitigate dangers and negative externalities. Strenuous environmental regulations help prevent accidents, but there is much pressure to deregulate and the desire to get resources quickly facilitates risky behavior. As one participant said, “It really does come down to countries being strong in environmental regulation and how hot-to-trot they are to get jobs and cash flows.”

Participants also raised concerns about Russia’s ability or willingness to enforce environmental regulations in the region. According to the United Nations Convention on the Law

of the Sea, nations have territorial jurisdiction within 12 nautical miles from the shore. Russia has environmental laws in place, but they are poorly enforced. This region is often covered with ice, which reduces the ability to enforce laws there. Russia is economically active in the region with 25% of its GDP coming from natural resources, mainly oil and liquified natural gas but also copper, tin, nickel, and coal. Russia has two dozen polar ice breakers that facilitate its ability to engage in trade with and shipping from the region. Russia is not alone in its activities in the region. Participants noted China's growing interest, with at least one participant suggesting that it was not the "near-Arctic state" that its government asserted it to be.

Closed Session 2: 2:00pm-3:00pm

Threats to Physical Security—Increasing Militarization and Resource Conflicts

Moderator:

[Mr. Anthony Johnson](#), Strategic Red Team Chief in the Joint Advanced Warfighting Division, Institute for Defense Analyses

Summary:

This session opened with a broad discussion about the potential for geopolitical conflict in the Arctic as more resources become exposed because of climate change and the growing presence of commercial and military actors in the region. While some discussants did not see a high likelihood of a cold war resulting from a race for resources, they noted that a host of other risks could potentially lead to conflict. These risks include miscalculations during military exercises, tensions from freedom of navigation exercises that edge too close to sovereign boundaries, and escalation of Russia-NATO tensions over the Suwalki gap that could lead to militarization of the nearby Arctic waters.

Other discussants disagreed, suggesting that an international desire to extend and maintain international norms and laws in the Arctic could incentivize States to prevent misunderstandings from ballooning into real conflicts. As an example of a maritime misunderstanding that was quickly resolved, one discussant pointed to the 2001 Hainan Island incident between China and the United States in the South China Sea. In addition, while mainstream media descriptions of Arctic relations might focus on the sensational, several participants underscored that Arctic

countries share significant and constant communications with each other on a number of topics, including cooperative fishing rights, search and rescue incidents, and general environmental oversight. At the most optimistic level, some participants theorized that the harsh physical environment of the Arctic crystallizes in those who live there a realization that no one can survive alone. Perhaps this ingrained belief can serve as a base for all Arctic States to understand that they have shared common interests in the region and would mutually benefit from peaceful collaboration.

At the same time, a desire to maintain international norms does not preclude Arctic and “near-Arctic” States from engaging in aggressive posturing, increasing geopolitical tension, or attempting to procure more resources in their own self-interest. For example, China is already taking steps to construct a “Polar Silk Road.” These advances have not gone unnoticed by other nations as demonstrated by Secretary of State Pompeo’s 2019 speech to the Arctic Council, which included antagonistic remarks toward China and Russia. In navigating these political tensions, participants agreed that requesting more NATO involvement in regional discussions and governance was a sensitive issue because there is internal conflict about how to proceed in the Arctic within NATO itself and because doing so might trigger a negative reaction from Russia.

Finally, the discussion turned briefly to the topic of the recent freedom of navigation operations (FONOPs) undertaken by the United States in the Arctic region. In late 2018, Navy Secretary Richard Spencer announced plans for FONOPs exercises—consistent with the United Nations Convention on the Law of the Sea—to assert the right of ships to operate freely in waterways under dispute. Such operations, however, are deeply interwoven with questions of both transit and military resource capacity as the Arctic trade routes are only open in the summer and the United States has limited ice-breaking capability.

Closed Session 3: 3:30pm-4:40pm

Threats to Human Security – Migration, Agricultural, and Cultural Disruption

Moderator:

[Dr. Melody Brown Burkins](#), Associate Director, The John Sloan Dickey Center for International Understanding, Senior Fellow, UArctic Institute of Arctic Policy, Dartmouth College

Summary:

This session explored the evolving paradigm of national security and the importance of human security to overall security planning in the Arctic.

The discussion initially centered on analyzing the current state of monitoring and governance structures in the Arctic and their capacity to respond to human security issues and include Indigenous peoples in decision-making processes. Most participants agreed that States vary in their current frameworks for recognizing Indigenous rights. In addition, most States continue to perceive human security from a State-focused perspective even though all indicators suggest that climate change demands a mobility perspective—one in which human migration is anticipated, inevitable, and prepared for accordingly. The participants also debated proactive ways the Arctic Council could advance national security by building a more inclusive framework that collaborated with Indigenous peoples and other local Arctic voices.

Regional consensus on security monitoring and governance structures is impeded by the lack of global consensus on the concept of “security.” For example, Indigenous peoples tend to frame the concept of security around issues of food security, while States tend to analyze security through the lens of hard security. There has been unprecedented movement in the past decade for States to incorporate Indigenous views in decisions regarding the Arctic. The practice of unilaterally initiating Arctic activities without Indigenous input is still commonplace. Participants noted, however, that the National Environmental Policy Act (NEPA) permits individuals to challenge such acts, including the attempted unchecked building of military infrastructures in the region.

While brainstorming approaches to bring Indigenous and local Arctic voices to the table, all participants agreed that States need to work to regain the Indigenous communities’ trust. Disastrous State and military initiatives like “Project Chariot”⁸ had caused environmental contamination and hurt local communities. Although the project was never realized, attempts to test land for the project and the later disposal of radioactive material in the project area from an

⁸ Through Project Chariot, the United States Atomic Energy Commission proposed using nuclear explosives to create an artificial harbor in Alaska in 1958 against the wishes of local residents and environmental groups and despite environmental studies which suggested that the resulting radioactive contamination could harm the health and safety of local residents and animals.

unrelated nuclear explosion led to contamination and unusually high rates of cancer deaths in communities near the planned project area. One participant proposed focusing on climate reparations as an initial step toward rebuilding trust with Indigenous communities.

Finally, participants discussed ongoing human migration within the Arctic itself and the inevitability of increased global migration northward as climate change intensifies globally. Uneven climate change policy implemented by the U.S. federal government (and other Arctic governments) has often led to “local-up leadership.” On an individual level, many Arctic families have already been compelled to move their homes farther and farther inland. It was clear to all participants that climate change preparations—planning for climate “resilience”—must become more proactive rather than reactive and that the Arctic Council needed to further integrate its activities within the larger sustainable development/environmental conservation movement.

SATURDAY, OCTOBER 3, 2020

Public Keynote 3: 09:30am-10:30am

Coffee Talk on U.S. Arctic Strategy with Senator Angus King, Co-Chair, Arctic Caucus

Conversation with:

[U.S. Senator Angus King](#) (I-ME), Co-Chair, U.S. Senate Arctic Caucus

[Prof. Claire Finkelstein](#), Algernon Biddle Professor of Law and Professor of Philosophy, Faculty Director, Center for Ethics and the Rule of Law, University of Pennsylvania Carey Law School

Summary:

In this session, Senator Angus King of Maine discussed pressing policy issues challenging U.S. strategic development and security priorities in the Arctic. A longtime advocate for environmental conservation and renewable energy, Senator King expounded on the importance of preparing for and mitigating against the disastrous effects of climate change and increasing the use of renewable energy. “The days of fossil fuels are numbered.... To me, the real Green New Deal is energy storage, which isn’t as exciting or sexy but is the biggest thing we can do to get us to a green economy,” he stated.

King believes that a broader consensus regarding the importance of climate change is developing as people begin to experience its effects in their personal and professional lives. Internationally, he emphasized that heat, drought, resource shortages, and other effects of climate change had already created millions of climate change refugees. “The estimate of climate refugees is in the range of 200 million [by 2050],” Senator King noted. “This is a destabilizing effect that will have worldwide implications....”

Although some may question why a senator from Maine has such a passion for Arctic issues, Sen. King noted that if/when additional Arctic routes open for transit, Maine would be the first seafaring port state at which an Asian ship would dock when entering the United States. In preparing for that eventuality, King believes it is essential for the United States to investigate the energy and resources hidden in the Arctic.

King also noted that one strength of the Arctic Council as an international body in the region is that military security is excluded from its charter, which helps preserve a sense of neutrality in the Arctic. For this reason, King opposes proposals to allow the Arctic Council to deal with or defuse tensions regarding security. Instead, King recommends reinvigorating the NATO-Russia Council for such purposes—an entity which has been moribund since the Ukraine invasion.

Video of this session can be found [here](#).

Closed Session 4: 11:00am-12:10pm

How Can Technology Advance Strategic Security in the Arctic?

Moderator:

[Mr. Christopher Jacobs](#), Senior Research Fellow, Center for Ethics and the Rule of Law, University of Pennsylvania Carey Law School

Summary:

This session explored ways in which technology and geoengineering can help alleviate climate change and other Arctic issues. One avenue that was explored was emitting aerosols into the atmosphere to reduce the amount of sunlight reaching the Earth. This requires substantial

On the technology development side, participants agreed that the expansion of communication infrastructure should be a priority. One participant noted that it was easier to communicate with the summit of Mount Everest than within the high north or to the high north. Current satellite arrays and geospatial orbits do not cover the Arctic dependably. Issues remain as to how Arctic States can best share communications technology in the region or at least promote better physical communication structures between the States. As one participant pointed out, “There is no question, UNCLOS and the Arctic Council are incredibly valuable. But how do we get them to the next step of addressing for tactical communication demands?”

Many of the participants had prior military experience, and military and non-military participants agreed that decision-makers are likely to prioritize the development of communication and other technology in the region for the military before they do so for civilian populations. Communications are important from a military perspective to avoid potential conflicts and, as a result, there is much communication among nations there, including through the Arctic Coast Guard Forum. Communication technology will also improve domain surveillance in the Arctic, where 80% of maritime traffic is civilian. Every day 200,000 vessels worldwide ping the automatic identification system (AIS).

Some participants worried that the world may feel it can simply “engineer” itself out of climate change problems without changing its behavior. Instead, participants agreed that engineering should be a complement to a comprehensive climate strategy, including plans of reducing carbon, cleaning up manufacturing processes and supply chains, and other activities.

Closed Session 5: 1:30pm-2:40pm

A Status Check on U.S. Arctic Policy

Moderator:

[Ms. Alexandra A.K. Meise](#), Senior Fellow, Center for Ethics and the Rule of Law, University of Pennsylvania Carey Law School

Summary:

This closed session served as a culmination of the closed sessions that preceded it, taking a closer look at key drivers of regional security policy (including China's Arctic strategy and potential role in the region) and discussing where the United States should focus its energy going forward with regard to Arctic policy.

The session kicked off with participant polls asking the following questions:

1. What should be the highest priority for U.S. Arctic strategy and policy?

- Addressing "Great Power" competition issues
- Supporting economic development
- Expanding physical military/security presence and readiness
- Preserving human security
- Environmental regulation
- Seeking opportunities for cooperation with other Arctic nations
- Other

2. What is the greatest weakness of U.S. Arctic strategy and policy?

- "Great Power" competition issues
- Economic development
- Military readiness
- Engaging local populations
- Environmental regulation
- Seeking opportunities for cooperation with other Arctic nations
- Other

In response to the first question, a plurality of participants agreed that the United States should seek more opportunities for cooperation in the Arctic and that this lack of cooperation is currently the greatest weakness of U.S. Arctic policy. The second most common answer was that the United States should pursue greater environmental regulation, with participants also agreeing

(in response to the second question) that this was the second greatest weakness of current policy. The top response to the second question was “seeking opportunities for cooperation,” followed by “environmental regulation” and “Great Power competition.”

There was consensus among some discussants that given the increase in Arctic shipping traffic and China’s increasing interest in and activity related to the Arctic, the United States should seek greater legal, security, and economic cooperation with its allies. Joining UNCLOS should be part of that cooperation. Not only would it strengthen U.S. geopolitical ties to its Arctic partners, it would also help facilitate formation of a united front against the encroaching influence of China in the Arctic seas.

Participants also considered recent shifts in U.S. Arctic policy, including the very recent appointment of a new U.S. Arctic coordinator. During President Obama’s administration there was an increase in attention to Arctic issues and to international cooperation, particularly when the United States held the chair of the Arctic Council. Overall, attention to the Arctic has been reduced during President Trump’s administration. The summer 2020 appointment of an Arctic coordinator, however, has the potential to bring more attention to Arctic issues.

The participants also discussed how the United States might present a more consistent front on climate policy instead of changing with each administration. The United States has at times been reacting to the changing geostrategic environment in the region, especially the growing role of China, rather than following longer-term plans. Nuanced discussions addressing longer-term issues continue behind the scenes, however, and could help advance a longer-term strategy moving forward.

One point of distinction between the discussions in this session and earlier sessions was a clear consensus on the need to take proactive action to stave off conflict, especially with China. Discussants noted that these two emphases were not conflictual but rather that this session was considering the possible long-term effects of a lack of action. Both China and Russia are attempting to make long-term gains in the region, building capacity for economic and military development. Although a “hot war” may not be imminent, it is necessary for the United States and its partners to prepare for the coming developments.

Public Keynote 4: 3:00pm-4:00pm

The Rule of Law? Maximizing Hard and Soft Law Arctic Governance

Moderator:

[Amb. David Balton](#), Senior Fellow, Polar Institute, Wilson Center; fmr. U.S. Ambassador for Oceans and Fisheries

Panelists:

[Dr. Dalee Sambo Dorough](#), Chair, Inuit Circumpolar Council; Senior Scholar and Special Adviser on Arctic Indigenous Peoples, University of Alaska Anchorage

[Dr. Lassi Heininen](#), Professor of Arctic Politics, University of Lapland; Editor of Arctic Yearbook

[Hon. Inuuteq Holm Olsen](#), Head of Representation for Greenland

Summary:

This session focused on how various mechanisms—including those under UNCLOS (United Nations Convention on the Law of the Sea), other treaties, and domestic law—impact Arctic governance and how these forms of governance intersect with national and economic security in the region.

The panelists' opening comments centered around several issues, including the need to recognize the right of Arctic peoples to self-govern, the growing global interest in the region's security importance, and some of the limits of current governance regimes.

First, Hon. Inuuteq Olsen considered the evolving political and economic dynamics among Greenland, Denmark, and the United States, especially in light of the United States' reported interest in purchasing Greenland. He emphasized that Greenland has gained, and continues to gain, significant self-governance and autonomy from Denmark, and the relationship between the United States and Greenland remains strong.

Next, Dr. Dalee Sambo Dorough discussed means through which Indigenous Arctic people can access seats at the tables of Arctic governance. Such access is especially important given that Arctic peoples do not have national governments recognized by international mechanisms in the

same way or status as traditional independent nation-States. She noted that Arctic peoples have made tremendous strides into structures of regional and global international governance, including into United Nations' mechanisms. The current state of Arctic peoples' participation in governance is, however, insufficient. Arctic people not only have a right to be included in governance, but also a responsibility. She also noted that there is potential for the rising presence of China and Russia in the region to have a deleterious impact on the way of life of Arctic peoples and called upon Western governments to remain vigilant in responding to potentially deleterious acts.

Like many of our conference speakers, the panelists considered the important role global climate change is playing in the Arctic and underscored how what happens in the Arctic is a global concern. The region's increasing relevance has been an important backdrop for Indigenous Arctic people's efforts for increased inclusion in international affairs generally and in U.N. deliberations relevant to the region in particular. Ambassador Balton asked the panel how the growing relevance of the region might cause "Arctic-interested" nations to take disputes to the United Nations or other international mechanisms; Dr. Heininen responded that increased interest on the international stage in the Arctic by non-Arctic nations should not concern Arctic States because they retain their sovereignty. Many nations' have a stated scientific interest in the Arctic, including China. While there is the possibility that the "Arctic Eight" nations could invite concerned and/or "near-Arctic" nations to conduct more research in the region, there are increasing concerns that greater global involvement in the region could encroach on the sovereignty of Arctic nations. The panel agreed that coordination and cooperation among the Arctic nations on their economic and security interests can help to support and uphold one another's sovereignty.

In conclusion, the panelists discussed how nations that have an interest in the Arctic could be held accountable for their actions in the region. As in other regions, it can be difficult to hold countries accountable for their actions in the Arctic. Arctic nations and nation-states are, and need to continue to be, defensive of their sovereignty as interest in the region grows from Arctic and near-Arctic entities.

Video of the panel discussion and the conference's Closing Remarks can be found [here](#).

REGISTERED PARTICIPANTS

<u>Ms. Debbie Atuk</u>	Portfolio Specialist, SkyView Investment Advisors; Board Member, Bering Straits Native Corporation
<u>Prof. David Auerswald</u>	Professor of Security Studies, National War College
<u>Mr. Harry Bader</u>	Deputy Executive Director of the U.S. Global Development Lab, USAID
<u>Dr. Betsy Baker</u>	Global Fellow, Polar Institute, Wilson Center; Principal, Baker Arctic Consulting
<u>Amb. David Balton</u>	Senior Fellow, Polar Institute, Wilson Center; fmr. U.S. Assistant Secretary of State for Oceans and Fisheries
ENS Ian Bayer	Ensign, U.S. Navy & Masters of Environmental Studies (MES) student, University of Pennsylvania
<u>Mr. Alec Bennett</u>	Faculty, HSEM Program, Cyber/Climate Security, University of Alaska Fairbanks
<u>Hon. Harold Berger</u>	Of Counsel and Managing Shareholder Emeritus, Berger Montague; CERL Executive Board Member
<u>Prof. Uma Bhatt</u>	Chair, Dept of Atmospheric Sciences; International Arctic Research Center, University of Alaska Fairbanks
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<u>Dr. Michael Horowitz</u>	Director, Perry World House, University of Pennsylvania
<u>Lt. Cmdr. Thomas Huntley</u>	Lieutenant Commander, U.S. Coast Guard

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<u>Mr. Jim Landis</u>	Counsel, U.S. Marine Corps
<u>Prof. Asheley Landrum</u>	Assistant Professor, College of Media & Communication, Texas Tech University
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<u>Prof. Irina Marinov</u>	Associate Professor, Center for Ocean & Climate Dynamics, University of Pennsylvania
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<u>Hon. Fran Ulmer</u>	Visiting Senior Fellow, Belfer Center for Science and International Affairs, Harvard University
<u>GEN (Ret.) Joseph Votel</u>	President and Chief Executive Officer, Business Executives for National Security (BENS); fmr. Commander of U.S. Central Command (CENTCOM) and U.S. Special Operations Command
<u>Mr. Ali Wyne</u>	Nonresident Senior Fellow, Scowcroft Center for Strategy and Security, Atlantic Council

ADDITIONAL CONFERENCE OUTPUTS

CERL's work on the Arctic and issues at the intersection of national security and climate change will not end with the October conference. As described below, CERL has organized a special series on climate change and the Arctic for CERL's blog, [The Rule of Law Post](#), that will roll out over the course of the fall 2020 semester. CERL will also release a briefing paper on the need for an intersectional approach to climate security policy.

The Rule of Law Commentary Series on Climate Change and the Arctic

CERL is running a special commentary series on [The Rule of Law Post](#) addressing issues at the intersection of climate change and Arctic policy and featuring authors who participated in our October conference. The first piece in the series, "Climate change, Arctic security and why the U.S. should join the U.N. Convention on the Law of the Sea," was published on the eve of the conference and helped set the scene for conference discussions that followed. The remainder of the series is being published throughout November and December 2020.

At present, the anticipated posts in the series are as follows:

- Mark Nevitt, "[Climate change, Arctic security and why the U.S. should join the U.N. Convention on the Law of the Sea](#)" (October 2020)
- Jane Wang, Henry Scherck, Souvik Chatterjee, "[The overlooked danger: Climate change's biohazards](#)" (November 2020)
- Lawson Brigham, "Arctic Marine Operations and Shipping: A Source of Cooperation Rather than Conflict?" (anticipated publication in November 2020)
- James Landis, "Seafaring Interests and the Military in an Increasingly Ice-Free Arctic Ocean" (anticipated publication in December 2020)
- Sherri Goodman & Vanessa Pinney, "Improving Communications Structures Can Help Balance Great Powers in the Arctic," (anticipated publication in December 2020)

Briefing Paper: “The Need for an Intersectional Approach to Climate Security Policy”

In addition to the commentary series, this fall CERL will release a briefing paper by its Senior Fellow, [Alexandra A.K. Meise](#), on the need for an intersectional approach to U.S. climate security policy. The design of CERL’s climate change conference reflected an intersectional mindset, and this paper underscores why such an approach is essential to the future success of United States’ climate security policy.