

TABLE OF CONTENTS

	<i>page</i>
<i>Abbreviations</i>	XI
<i>Foreword</i>	1
Alessandra Pietrobon , University of Padua	

SECTION I NEW POLITICAL PERSPECTIVES

GOVERNING THE ARCTIC: KEY CHALLENGES AND STRATEGIC RESPONSE FROM THE EUROPEAN UNION

Marie-Anne Coninx, Former EU Ambassador at large for the Arctic

1. Introduction	7
2. The changing Arctic: What is happening there? What are the consequences?	7
3. Why is the Arctic of strategic importance for the European Union?	9

TEN THESES ON THE ARCTIC

Giorgio Novello, Ambassador of Italy to the Netherlands

<i>Foreword</i>	19
1. The Arctic is unique but not homogeneous	23
2. The Arctic is changing dramatically	24
3. The Arctic does not change	25
4. The Arctic is (also) a laboratory for international co-operation	25
5. The Arctic is a catalyst for international law	28
6. Today's Arctic legal framework has ancient roots	32
7. The Arctic is multiple: maritime and terrestrial, accessible and inaccessible	34
8. The Arctic economy is based on a paradox	36
9. The outlook for the Arctic is good, at least in many areas; but let us not be carried away by optimism	38

	<i>page</i>
10. Arctic and Mediterranean	38
<i>Conclusions</i>	39

BARENTS SEA: AT THE CENTER OF THE NEW ARCTIC

Marzio G. Mian, Journalist, Expert

1. Introduction	41
2. Hot borders	42
3. What is at stake	43
4. The White Dragon	44
5. Connecting a New World	45
6. Biden's response	46
7. NATO's enlarged role	47
8. The end of Arctic exceptionalism	48
9. A sea of challenges	49
10. Following the fish	50

FUELS EXTRACTION IN THE ARCTIC AND CLIMATE CHANGE

Arturo Lorenzoni, University of Padua

1. Fossil fuels and Earth warming	53
2. Temperature trend in the Arctic Region	56
3. Energy reserves in the Arctic	57
4. Oil and the environment	59
5. Oil demand: peak oil sooner or later	60
6. The role of Arctic resources in the oil market	61
7. The only answer: unburnable carbon	62

SECTION II NEW LEGAL PERSPECTIVES

RUSSIAN POLICY, STRATEGY, LEGISLATION AND DOCTRINE ON THE LEGAL REGIME OF THE ARCTIC OCEAN

Aslan Abashidze, Peoples' Friendship University of Russia

1. Introduction	65
2. The Arctic and the Russian Arctic Zone: what does Russia mean by the 'Arctic'?	66

	<i>page</i>
3. The main national interests of the Russian Federation in the Arctic	69
4. The Russian strategy in the Arctic	70
5. The Northern Sea Route	71
6. “Arctic: Territory of Dialogue”	73
7. Russian lawyers’ position on delimiting the seabed of the Arctic Ocean	75
8. Conclusions	76

THE LEGAL STATUS OF RUSSIAN INDIGENOUS PEOPLES IN THE ARCTIC AREA

Yugina Mishota, University of Padua

1. Introduction	79
2. The notion of indigenous peoples in the Russian domestic legal order	80
3. Identifying “indigenouness” and the <i>Common Inventory of Indigenous Small-Numbered Peoples</i>	84
4. The development of indigenous legislation in early post-Soviet times	88
5. The status of indigenous peoples under the Russian Constitution of 1993	91
6. International obligations of the Russian Federation regarding indigenous peoples’ rights	92
7. The reasons behind the lack of effectiveness of indigenous legislation	98
8. The setback in domestic legislation concerning indigenous rights to land and natural resources	101
9. The abolition of specific safeguards and of indigenous peoples’ rights of participation in the public decision-making process	104
10. The 2020 Amendments to the Russian Federation Constitution of 1993	106
11. Conclusions	107

SHIPPING IN CANADIAN ARCTIC WATERS AND THE LAW OF THE SEA

Enrico Zamuner, University of Padua

1. Introduction	109
2. The controversial legal status of the Northwest Passage	111
3. Canada’s baselines in the Arctic Archipelago	113
4. The characterization of the Northwest Passage as an international strait	114
5. The relevance of art. 8 (2) UNCLOS	115
6. The balance between environmental protection and freedom of navigation: the Arctic exception	116
7. The Canadian Ship Reporting System	118
8. Concluding remarks	121

EXPLOITATION OF MINERAL RESOURCES
IN INUIT LANDS AND INTERNATIONAL LAW

Alessandra Pietrobon, University of Padua

1.	Introduction	123
2.	The treaties among Nations in Canada and the Inuit people of Labrador	125
3.	The <i>Voisey's Bay</i> case and the Honour of the Crown	128
4.	The <i>Act on Greenland Self-Government</i>	130
5.	International law at the forefront of indigenous peoples' protection: the UN <i>Declaration on the Rights of Indigenous Peoples</i> and the alleged customary nature of some of its principles	134
6.	The ILO <i>Indigenous and Tribal People Convention</i> : duty to consult and duty to obtain the consent of indigenous peoples	137
7.	The fundamental obligation to provide for the survival of indigenous peoples, their culture and values	140
8.	Greenland, Denmark and the implementation of the ILO Convention: back to the definition of indigenous people?	142
9.	Conclusions	145

THE EUROPEAN UNION'S CONTRIBUTION TO
SUSTAINABLE MANAGEMENT OF MARINE LIVING
RESOURCES IN THE ARCTIC: LATEST DEVELOPMENTS
AND FUTURE PROSPECTS

Cristiana Fioravanti, University of Ferrara

1.	Introduction	147
2.	The exclusive competence of the EU for the conservation and sustainable exploitation of marine living resources in external relations with regard to fishing: an overview	150
3.	Recent developments in EU external action in matters of fishing in Northern waters	153
4.	The new partnership agreement between the EU, the Government of Denmark and the Home Rule of Greenland	157
5.	The EU impetus to the conclusion of the Agreement for the Central Arctic Ocean	161
6.	Management of fisheries and protection of the Arctic ecosystem. The creation of marine protected areas between the jurisdiction of the EU and that of Member States	163
7.	Unresolved issues: access to resources in Svalbard and actual protection of the rights of indigenous Arctic peoples	167

page

THE CONTRIBUTION OF SPACE LAW AND APPLICATIONS TO ARCTIC SUSTAINABILITY POLICIES

Sergio Marchisio, University of Rome La Sapienza

1. Overview of the main issues and comparison between Arctic and outer space	171
2. The 2030 Agenda goals and the SDGs relevant to the Arctic	175
3. The legal framework on space activities and the new challenges	176
4. Regional cooperation for sustainability in the Arctic	180
5. The law of outer space activities and sustainable development	181
6. Space technologies as means to promote the Arctic sustainable development	182
7. The status of polar orbits: a protective legal regime?	183
8. Space programs relevant to the Arctic region	184
9. Conclusions	186

CONCLUSIONS

Maria Laura Picchio Forlati, University of Padua

1. New political perspectives	189
2. New legal perspectives	191
3. New <i>v.</i> old patterns of action	193
4. What's next?	194

APPENDIX

1. Bibliography	199
2. Acts and documents	213
3. Judicial and quasi-judicial practice	223
4. Media	225
5. Authors	226

