

# Arctic Offshore Conference 2014

Aarhus Interdisciplinary Arctic Initiative

27-28 November 2014

at Aarhus University

## Program

The conference is organized by:  
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## Arctic Offshore

As climate change is dramatically affecting the Arctic environment, the region is witnessing substantial new development opportunities in sectors like fossil energy oil, gas and renewable energies (e.g. wind power, hydroelectricity and geothermal power). Complex challenges simultaneously arise in terms of environmental protection, health and social issues in regions where indigenous peoples and civil participation in decision-making on public issues is still evolving.

Arctic societies are as a consequence facing crucial governance questions. Interdisciplinary research is a key answer to provide innovative ideas on how to allow for local and regional opportunities to prosper while a sustainable Arctic and global development is favoured.

### 4 sessions

Session 1 – The interaction between the private actors and the governmental arena in regulatory processes and promoting capacity building

Session 2 – Governance and scientific knowledge regarding environmental, health and social issues

Session 3 – International regulatory framework and domestic law: setting and implementing best practices

Session 4 – Policy-makers and regulatory governance: democracy and legitimacy issues at stake

The discussion at the conference will address existing and emerging knowledge and governance gaps in the developing field of offshore activities in the Arctic. It is the ambition that this conference will facilitate future interdisciplinary cooperation creating pathways to action by strengthening the knowledge base for governance and political decision-making.

## THURSDAY 27

- 9.00-9.30 Registration in the lobby
- 9.30-9.50 **Opening Statements**  
*Per Baltzer Overgaard, Vice Dean for Research, Business and Social Sciences, Aarhus University*  
*Cécile Pelaudeix, Assistant Professor, Department of Culture and Society, Arctic Research Center, Aarhus University*
- 9.50-10.30 **Keynote address**  
*Timo Koivurova, Research Professor, Director for the Northern Institute for Environmental and Minority Law, Arctic Centre / University of Lapland*  
Framing of what is problematic in Arctic offshore oil and gas exploitation
- 10.30 -10.40 Coffee break
- 10.40-12.30 **The interaction between the private actors and the governmental arena in regulatory processes**  
Moderator *Professor Ellen Margrethe Basse, Department of Law, Aarhus University*  
  
*Bent Ole Mortensen, Professor, Department of Law, University of Southern Denmark*  
Impact benefit agreements in Greenland  
  
*Vladimir Pacheco Cueva, Assistant Professor, Department of Culture and Society, Aarhus University*  
Regulation of subcontracting to improve local content and capacity building  
  
*Christopher Debicki, Oceans North Canada*  
Offshore oil regulation in Arctic Canada: the two rig requirement under siege

[Maria Ackrén](#), *Associate Professor of Political Science, Ilisimatusarfik*

Oil explorations in Greenland: past and present developments

12.30-13.30 Lunch break

13.30-16.30 **Governance and scientific knowledge regarding environmental, health and social issues**

Moderator Professor [Rane Willerslev](#), *Department of Culture and Society, Arctic research Center, Aarhus University*

[Pelle Tejsner](#), *Assistant Professor, Department of Culture and Society, Arctic Research Center, Aarhus University*

Assessing local user rights in Greenland: conceptions of property and ownership in historical and contemporary debates

[Magdalena AK Muir](#), *Research Associate, Arctic institute of North America, Calgary*

Inuit rights, traditional knowledge and northern land claims and implications for offshore economic development and air and marine transport in the Canadian Arctic.

[Eva Cecilie Bonefeld-Jørgensen](#), *Professor, Director Centre for Arctic Health, Aarhus University*

Knowledge about effects of exposure to spilled oils on human health?

14.30-15.00 Coffee break

[Jessica Shadian](#), *Research Fellow, AIAS*

Hybrid governance: Arctic offshore oil and gas and coastal communities

[Andreas Massling](#), *Senior Researcher, Department of Environmental Science, AU&*

[Lise Lotte Sørensen](#), *Associate Professor, Department of Bioscience, Arctic Research Centre, AU*

Atmospheric emissions from Arctic offshore activities

[René Franz Henschel](#), *Professor, Department of Law, BSS, AU*

Contracts as governance tools in an Arctic context

16.30-17.30 Wine and snacks in the lobby

## FRIDAY 28

9.30-10.00 Coffee in the lobby

10.00-10.10 Welcome, [Ellen Margrethe Basse](#), Professor, Department of Law, Arctic Research Center, Aarhus University

10.10-12.00 **International regulatory framework and domestic law: setting and implementing best practices**  
Moderator Professor [Mikael Skou Andersen](#), Department of Environmental Science, Aarhus University

[Anders Mosbeck](#), *Head of Research and Advisory, Department of Bioscience, Arctic research Center, Aarhus University*  
The interplay between research, research-based advice and the development of the Greenlandic Governmental environmental legislation and practices in respect to EIA and SEA

[Ellen Margrethe Basse](#), *Professor, Department of Law, Arctic Research Center, Aarhus University*  
The European Union's role in the development of global environmental law on eco-based management and offshore safety – with a focus on the implications for the Arctic regions

[Ingvild Ulrikke Jakobsen](#), *Associate Professor, University of Tromsø*  
The role of environmental considerations in the opening process of new northern sea areas to petroleum exploration: the case of Norway

[Anders Møllmann](#), *Associate Professor in Maritime Law, University of Copenhagen*  
Liability regimes for ship source pollution in Greenland

12.00-13.00 Lunch

13.00-14.50 **Policy-makers and regulatory governance: democracy and legitimacy issues at stake**

Moderator Associate Professor [Maria Ackrén](#), Ilisimatusarfik

[Cécile Pelaudeix](#), *Assistant Professor, Department of Culture and Society, Arctic Research Center, Aarhus University*

Arctic offshore development: a comparative analysis of regulatory governance in Norway, Canada and Greenland/Denmark

[Christoph Humrich](#), *Assistant Professor, International Relations, University of Groningen*

Sustainable development in arctic international governance: discursive and functional change of concept use

[Thierry Rodon](#), *Assistant Professor, Department of Political Science, Université Laval*

Resistance and cooptation: offshore development and Inuit rights in Inuit Nunangat

[Birgit Feldtmann](#), *Associate Professor, Department of Law University of Southern Denmark*

Offshore activity and law enforcement in Arctic waters – who is in charge of what?

14.50-15.15 Concluding remarks

Ellen M. Basse, Aarhus University and Cécile Pelaudeix, Aarhus University

15.30-17.00 Coffee, drinks and snacks in the lobby





**Title:** Framing of what is problematic in Arctic offshore oil and gas exploitation  
**Timo Koivurova**, *Research Professor, Director for the Northern Institute for Environmental and Minority Law, Arctic Centre/University of Lapland*

**Abstract:**

This keynote will address various ways we can frame what is problematic in offshore oil and gas exploitation in the Arctic. Framing as an activity is highly strategic, intending to portray a complex reality from a certain viewpoint – a frame, which is a simplification of a complex reality. Various stakeholders are presenting what they see as problematic in offshore oil and gas in the Arctic, and thereby they try to influence on what political and legal solutions should be sought to resolve the problem. Four major framings are presented as to why offshore oil and gas are problematic and what kind of political/legal solutions these framings call for. After this thought rehearsal, it is possible to suggest what the current day decision-makers are pressed to see as a problem and what type of legal solutions are called for. Even if we can point to what the current day decision-makers need to be dealing with, other ways of perceiving what is problematic should not be lost from those who want to understand the complex reality of offshore oil and gas exploitation in the Arctic.

**Bio:**

Research professor Timo Koivurova has specialized in various aspects of international and European law, relating e.g. on indigenous peoples' law, law of the sea, international environmental law and how these bodies of law apply in the Arctic. In 2002, Koivurova's doctoral dissertation "Environmental impact assessment in the Arctic: a Study of International Legal Norms" was published by Ashgate. Increasingly, his research work addresses the interplay between different levels of environmental law, legal status of indigenous peoples, law of the sea in the Arctic waters, integrated maritime policy in the EU, the role of law in mitigating/adapting to climate change, the function and role of the Arctic Council in view of its future challenges and the possibilities for an Arctic treaty. He has been involved as an expert in several international processes globally and in the Arctic region and has published on the above-mentioned topics extensively.

**Title:** Oil explorations in Greenland: past and present developments

Maria Ackrén, *Associate Professor of Political Science, Ilisimatusarfik*

**Abstract:**

Oil explorations in Greenland started already back in the 1970s. The first explorations were done west of central Greenland. During the years of 1976-77 five exploratory drillings took place. In 2000 a second wave of offshore exploratory drillings took place once again at the west coast of Greenland. During the recent times in 2010-11 eight exploratory drillings have been taken place. None of these drillings have been resulting in any oil findings of commercial interest so far.

The oil explorations can be seen in the light of the autonomy development in Greenland. Back in the 1970s Greenland was underneath Danish rule and was also forced into the European Economic Community (EEC) in 1973. This later became one of the triggering factors for claiming even more autonomy and later Greenland seceded from the EEC. During the Home Rule from 1979-2009 a joint regulation of natural resources was at hand between Greenland and Denmark. After the introduction of Self-Government in 2009 Greenland is now self-regulating within this area.

There has been activities of exploration and test-drilling, but some of the larger oil companies as Cairn Energy has recently left the scene and much is uncertain whether there are enough assets to actually to get an oil business into operation. The hurdles are many with drifting ice and severe ice conditions, harsh climate and a short season for operating in the waters around Greenland.

**Bio:**

Maria Ackrén has a PhD from Åbo Akademi University in Finland in 2009. She is Head of Department of Social Sciences, at Ilisimatusarfik/University of Greenland, and Associate Professor in Political Science since 2011. Her research covers different forms of autonomy, island studies, comparative methodology and international relations regarding the Arctic with a special focus on Greenland. She teaches courses in political science, international politics and methodology of political science.

**Title:** The European Union's Role in the Development of Global Environmental Law on Eco-based Management and Offshore Safety – with a focus on the Implications for the Arctic Regions

**Ellen Margrethe Basse**, *Professor, Department of Law, Arctic Research Center, Aarhus University*

### **Abstract**

Most of the Arctic marine area is under the sovereignty and maritime jurisdiction of the Arctic states, and there are several weaknesses in the effectiveness of the state-based multilateral negotiations on the needed measures to tackle the negative consequences of offshore extraction activities. The intention with this paper is to explain the role of the European Union (EU) in the emerging of a new eco- and life-cycle-based management approach. In the opinion of the EU, the multi-faced character of maritime management necessitates multi-functional strategies and legal acts based on a holistic approach covering all maritime sectors. The Marine Strategy Framework, the Offshore Security, and the Marine Spatial Planning Directives are examples of the interrelation and the holistic approach used by the EU. The EU legislator has the European Court of Justice's word for its right to act with exclusive external competences to ensure an export of the EU norms also in situations, where the Member States of the EU – and not the EU – are the accepted members of the international organisation that the EU wants to push. The EU is acting as a global actor when exercising its extraterritorial effects by effectively imposing its standards and criteria on all oil and gas offshore operators and operations with jurisdictional relation to the EU. The activism inside as well as outside EU's legal order is one of many ways in which 'global environmental law' can evolve away from 'silo-thinking' and a legal system controlled by nation-state actors defending state sovereignty as a paramount principle.

### **Bio**

Professor in environmental law; Dr.jur. (habilitation) in environmental law; awarded Jur.dr. (H.C.) at Uppsala University; 2008-2010 the Chairman of AU's Climate Panel and Head of the Climate Secretariat; 1992-2001 the Director of the interdisciplinary social science research centre (CeSaM). Since 1996 Member of The Royal Danish Academy of Sciences and Letters; In 2004 Awarded the Order of Dannebrog Knight by HM The Queen; in 1998 special Advisor for the EU Commissioner for the Environment; She has been member of several research bodies, evaluation panels and think tanks, e.g. the Danish-Greenlandic Research Cooperation (KVUG). She has published many books and articles on international, EU and national environmental, energy and climate law; public law; and legal theory, see [www.Basse.dk](http://www.Basse.dk). Her focus is now on the emerging of new legal thinking in environmental law (including Arctic law).

**Title:** Knowledge about effects of exposure to spilled oils on human health?

**Eva Cecilie Bonefeld-Jørgensen**, *Professor, Director Centre for Arctic Health, Aarhus University*

### **Abstract**

Harmful effects of oil spills on diverse flora and fauna species have been extensively studied. Nevertheless, only a few studies have been conducted dealing with consequences of oil exposure on human health; most of them have focused on acute effects and psychological symptoms. The spills and cleanup are associated with human exposure to oil fumes, volatile organic compounds (VOC), polycyclic aromatic hydrocarbons (PAHs) and heavy metals. Some experience on the possible consequences of this complex exposure in different aspects on human health has been obtained in relation to the disasters of the Exxon Valdez, Braer, Sea Empress, Nakhodka, Erika, Prestige and Tasman Spirit oil tankers, and the explosion of the Deepwater Horizon offshore drilling rig in the Gulf of Mexico 2010. The majority of the studies were cross-sectional epidemiological studies; often missing control groups. A toxicological study reported 57 chemicals in the ingredients including chemicals associated with cancer, skin and eye and potential respiratory and kidney toxins.

The exposed groups include volunteers that take part in the cleanup work and general local coastal inhabitants. People can be exposed by inhalation, swallowing, contact and transport over the skin. In addition, intake of contaminated food can be an exposure source. Acute symptoms reported are toxicological effects, mainly respiration, neurological, eye (ocular), skin and mucous irritation and psychological effects such as post-traumatic stress disorders (PTSD). Long-term medical and psychological effects are ongoing.

The talk will include experiences on the effects of oil exposure on human health as a result of accidents involving supertankers and deep-water oil spill with respect to acute toxic and psychological effects. In addition, some *in vitro* works concerning potential genotoxic and endocrine effects.

### **Bio**

Eva Cecilie Bonefeld-Jørgensen has experiences in Arctic Research for more than 18 years. Currently the coordinator on three Arctic related projects: 1. The ACCEPT project; establishment of a mother-child cohort in Greenland, 2. Breast cancer risk in the Arctic, and 3. FETOTOX, an international study on effects of lifestyle and environmental exposures during pregnancy and fetal development including birth cohorts from Denmark, Norway, China and Greenland.

ECB-J's background is cross disciplinary being master and PhD in Molecular Biology from the Faculty of Natural Sciences, Aarhus University (AU), she has since 1992

worked in the human toxicology research at the Faculty of Health, AU, as Post. Doc. (1992-1996), as Assistant professor (1996-99) and as Associated professor (1999-2010); in the last period building up and heading the Unit of Cellular & Molecular Toxicology (CMT). From 2008 ECB-J has in addition been the director of Centre for Arctic Health, AU, and in 2010 ECB-J was nominated as professor in human environmental toxicology at the faculty of Health AU. 2013 she was assessed and obtained the title as European Registered Toxicologist.

ECB-J has an array of competences & experiences and a member of an array Professional Boards e.g. currently she is

- member of the management board for the cross faculty Arctic Research Centre (ARC) and coordinator for the ARC-Health section at AU;
- the President of the Danish Society of Pharmacology, Toxicology and Medicinal Chemistry;
- board member of the EUROTOX Executive committee;
- designated Contributing Expert for the Human Health working group, Arctic Monitoring Assessment Programme (AMAP), appointed by the Danish Environmental Protection Agency;
- member of the Danish National Board of Health, Advisory Scientific Committee on Environment Health

She has more than 150 publications of which 110 in peer-reviewed international journals; for the last five years 40 international peer reviewed publications; Four international peer reviewed scientific chapters in the international AMAP Reports being online at [www.amap.no](http://www.amap.no); Four peer reviewed book chapters: Six scientific publications in Danish journals; Seven scientific reports in Danish; Currently five manuscript are submitted and six in preparation for publication in international journals.

For the full publication list see [http://pure.au.dk/portal/da/persons/eva-cecilie-bonefeldjoergensen\(2e9445d9-efa7-4668-b6cd-41982d42e0b0\)/cv.html?id=44562131](http://pure.au.dk/portal/da/persons/eva-cecilie-bonefeldjoergensen(2e9445d9-efa7-4668-b6cd-41982d42e0b0)/cv.html?id=44562131).



**Title:** Offshore Oil Regulation in Arctic Canada: the two rig requirement under siege  
[Christopher Debicki](#), Project Director for Nunavut and Greenland with Oceans North Canada.

### **Abstract**

In the context of offshore petroleum drilling operations in the Arctic, the requirement for operators to maintain the capacity to drill a relief well within the same drilling season has been both an international best practice and, in Canada, the United States and Greenland, a minimum requirement. This is the case because, at present, there is no technological equivalency to ensure containment of a worst-case scenario well blowout. Major oil producers continue to make attempts to reverse both Greenland's "two-rig policy" and the US and Canadian "same season relief well" requirement. These attempts preceded the 2012 Macondo blowout and, after a period of inactivity, continue to this day. The Macondo experience prompted major reviews of Arctic drilling regimes.

In Canada the National Energy Board's review of the same season relief well policy led both parties advocating for a continuation of the policy and parties (major oil companies) advocating for its abandonment in favour of alternative technologies to declare victory. Most recently, Imperial Oil has applied to the NEB for an early ruling regarding the use of such alternative technologies in the context of an exploration license it has been awarded in the Beaufort Sea. This license would authorize the deepest drilling that has ever occurred in the Arctic; Imperial argues that, given the climate, ice conditions and target depths, the same season relief well is a technical impossibility and that alternative technology can and should be considered. What can we expect from regulators, and what would be the domestic and international implications of a departure from the same season relief well requirement?

### **Bio**

Christopher Debicki is a lawyer and environmental advocate working as Project Director for Nunavut and Greenland with Oceans North Canada, a community and science-based conservation campaign led by the Pew Charitable Trusts and Ducks Unlimited. He is actively involved in projects across the Canadian Arctic and Greenland. Chris spent ten years living in Iqaluit, Nunavut, including five years as executive director of Baffin Island's legal aid clinic. He has participated and led a number of science-focused Arctic expeditions, including a successful transit of the Northwest Passage.

**Title:** Offshore activity and law enforcement in Arctic waters – who is in charge of what?

**Birgit Feldtmann**, *Associate Professor, Department of Law University of Southern Denmark*

### **Abstract**

In autumn 2013 the question of offshore activity and law enforcement in Arctic waters came into the public spotlight, when Russian forces boarded the Greenpeace vessel Arctic Sunrise, sailing under Dutch flag, in connection with Greenpeace's campaign against off-shore activities in Arctic waters.

The Arctic Sunrise-case raises a number of legal questions in connection with governance at sea in general and more to the point concerning the law enforcement regime in connection with offshore activity. The central question at stake is the range of law enforcement powers of the Coastal State in connection with the protection of offshore installations in the Exclusive Economic Zone (EEZ). The paper reflects on the general question of law enforcement powers in the EEZ and specifically concerning the protection of off-shore installations. It also raises the question whether it can be argued that there are certain specific circumstances/conditions (e.g. climate, geographic scope) in the Arctic region which could lead to the conclusion that the general law enforcement regime under UNCLOS is challenged and therefore should be further considered. One aspect in the context is the question of the possible role of private actors beyond the role provided by UNCLOS's regime. Another aspect is the question of an extensive understanding and subsequent use of law enforcement powers in the EEZ by some Coastal States.

The paper focusses on the issue of the law enforcement regime in connection with the protection of offshore installations in Arctic region, however, experiences from other contexts are also taken into account as those might provide insights into the developments which can be expected in the Arctic region. The paper concludes with considerations on the future of the law enforcement regime in Arctic waters.

### **Bio**

Birgit Feldtmann is an associate professor at the Department of Law, University of Southern Denmark. She has a background in criminal law and works with questions concerning maritime security and law enforcement at sea. She has an interest in the Arctic region and has, for example, together with Sten Rynning been working with the project "Exploring the Foundations for Arctic Order: Collective Security, Collective Defense, or Something New?". She has been Subject Matter Expert (SME) in connection with the Multinational Experiment 7 (MNE7) on Global Commons, the maritime domain, where she was a member of a Norwegian-Danish subproject drafting a background study for MNE7 on the Arctic region. She is head of the research group Maritime Activity & Regulation (MAR) at the Department of Law.



**Title:** Impact Benefit Agreements in Greenland by  
**Bent Ole Gram Mortensen**, *Professor, Department of Law, University of Southern Denmark*

### **Abstract**

This paper will analyse and discuss the legal content of impact benefit agreements (IBAs). First an attempt will be made to define an IBA as to its legal nature. Secondly the mining legislation in Greenland covering also offshore oil and gas will be discussed regarding regulation of the use of IBA. Thirdly the draft IBA model and the finalised IBAs will be analysed and the main content presented. Finally the paper concludes that the IBAs so far used in Greenland contain mainly weak obligations, which are hard to enforce and that the definition of locals represents a special problem.

### **Bio**

Bent Ole Gram Mortensen holds a chair in commercial law, with a particular focus on environmental and energy law, at the University of Southern Denmark. For the past 20 years, Professor Gram Mortensen has been engaged in the legal aspects of the energy industry, including both upstream and downstream. He has written and contributed to a large number of articles and books in English, Danish and German. He has published several articles and given a number of presentations regarding legal problems in connection with exploitation of minerals (including oil and natural gas) in Greenland.

Professor Gram Mortensen has previously worked for the Ministry of Justice, as a lawyer in private law firms and as a legal manager for Maersk Drilling. At present, he is a member of the Danish Energy Board of Appeal and chairman of the Valuation Authorities in Southern Denmark in compliance with the Danish Renewable Energy Act.

**Title:** Contracts as Governance Tools in an Arctic Context

René Franz Henschel, *Professor at the Department of Law, BSS, AU*

**Abstract**

There is an increasing focus on Contracts as Governance Tools in an international as well as in an arctic Context. This presentation seek to establish an interdisciplinary research agenda on how regulators as well as companies are seeking to establish governance through proactive contracts and contract management and how this might affect regulatory goals on health, safety and environmental issues.

**Bio**

René Franz Henschel is professor at the Department of Law, BSS, AU. His research areas are contract law, contract management and proactive law. He is member of INTRALaw (International and Transnational Tendencies in Law), and the Academic Advisory Board, the International Association of Contract and Commercial Management (IACCM).



**Title:** Sustainable Development in Arctic International Governance: Discursive and Functional Change of Concept Use

**Christoph Humrich**, *Assistant Professor, International Relations, University of Groningen*

### **Abstract**

Concepts like Sustainable Development (SD) have a functional and a discursive dimension: On the one hand, they may be used to serve international cooperation. On the other hand, once they are “out there”, their cognitive and normative content might evolve in non-determinate ways. As is well known, SD was developed to help integrate economic development and environmental protection, which in turn was thought functional to overcome the impasse between North and South in this regard. The first part of the paper provides a brief historical sketch how SD entered Arctic environmental cooperation in the wake of SD’s global establishment. In the Arctic as on the global level the subsequent evolution of SD as “liberal environmental compromise” lead to compromising its environmental core. In the main analytical part I first show how SD served the function of a generative idea helping issues on the Arctic agenda not covered by the initial environmental focus of cooperation, and how introducing SD in that particular function influenced its conceptual development in a direction where it became rather detached from environmental concerns. I secondly argue, that SD now not only is incapable of helping the effective implementation of the recommendations the Arctic Council has come up with, but that it paradoxically helps the opening up of the Arctic to economic development with rather questionable sustainability prospects. Therefore, my conclusion argues, to realize SD’s initial idea in the Arctic, it might be necessary to advocate the abandonment and replacement of the concept.

### **Bio**

Dr Christoph Humrich is Assistant Professor for International Relations and Security at the Department of International Relations and International Organization (IRIO), University of Groningen, The Netherlands. Before joining IRIO in 2012 he was research fellow at the Peace Research Institute Frankfurt, Germany, and acting professor for Political Theory at the Institute of Intercultural and International Studies at the University of Bremen, Germany, where he also received his PhD. He has published on Critical Theory in International Relations, the relation between international law and politics in global governance, and Arctic governance and security. He has been Marie-Curie fellow at the Department of International Politics at the University of Wales at Aberystwyth/Great Britain, guest researcher at the Stefansson Arctic Institute in Akureyri/Iceland, and guest fellow at the Institute for Advanced Sustainability Studies in Potsdam/Germany.

**Title:** The role of environmental considerations in the opening process of new northern sea areas to petroleum exploration: the case of Norway

Ingvild Ulrikke Jakobsen, *Associate Professor, University of Tromsø*

### Abstract

Large areas in the Norwegian Sea and in the Barents Sea are not opened for petroleum activities. Parts of these northern sea areas, for instance the areas off the Lofoten Islands and the waters around Svalbard, are managed as sensitive and valuable sea areas according to the Integrated Management Plans for the areas. In the last years there has however, been a political debate in Norway about opening these northern sea areas for petroleum activities. The article addresses the legal significance of environmental considerations when determining whether a new area shall be opened with a view of granting production licenses and whether production licenses are granted on the basis of the Act pertaining to petroleum activities. The Nature Diversity Act from 2009 includes general provisions on sustainable use such as management objectives of habitats and ecosystems as well as environmental principles such as the precautionary principle and the ecosystem approach. A particular question which is discussed in the article is therefore whether the Nature Diversity Act implies a strengthening of environmental considerations when decisions are made on the basis of the petroleum act. A finding in this article is that the petroleum act provides the superior authorities with a wide political discretion. Although the Nature Diversity Act set out provisions and environmental principles that are of relevance and significance for the evaluations made on the basis of the petroleum act, the environmental considerations do not generally carry more weight than other considerations such as economic and social interests. The political will of the authorities will therefore to a large extent determine to what extent environmental considerations are emphasized in the decisions.

### Bio

Ingvild Ulrikke Jakobsen is an associate professor at the KG Jebsen Center for the Law of the Sea, faculty of Law, University of Tromsø The University of Arctic. Her doctoral thesis is entitled "Marine Protected Areas in International Law: A Norwegian Perspective."

Jakobsen's research interests are within the law of the sea and international and national environmental law.

**Title:** The interplay between research, research-based advice and the development of the Greenlandic Governmental environmental legislation and practices in respect to EIA and SEIA

*Anders Mosbech, Head of Research and Advisory, Department of Bioscience, Arctic research Center, Aarhus University*

## **Abstract**

Strategic Environmental Impact Assessments (SEIA) sets the scene for environmental considerations before a political decision to open offshore areas for oil exploration in Greenland. The SEIA describes the potential impacts as well as the uncertainties and knowledge gaps. If the Greenland Government decides to grant licensees for oil exploration the operators have to develop specific EIAs for all major activities. The activities shall be based on BEP (Best Environmental Practice) and BAT (Best Environmental Technology) principles, and operators shall conduct supplementary environmental studies as needed, before each activity can be approved. The EIA is the key tool for environmental protection in the approval process. However, the authorities have in some cases to deal with large uncertainties due to lack of basic knowledge. Focusing on two case studies, (seismic surveys in Baffin Bay 2012 and discharges of drilling waste), it will be illustrated in this presentation how research and monitoring facilitates a regulation, which deals with uncertainty in an adaptive manner.

## **Bio**

Anders Mosbech has a master in environmental biology from Copenhagen University and a PhD from Roskilde University. He has worked with research and advisory in ecology and environmental issues in Greenland and the Arctic for more than 25 years and produced more than 150 publications. He is the leader of a research group at AU Bioscience focusing on potential pollution and disturbance from industrial activities in the Arctic. He is Appointed member of scientific working group in ICES and the Arctic Council Expert Group on Ecosystem Based Management. He served as member of the scientific steering group for the Arctic Council, AMAP assessment of oil and gas activities in the Arctic, and member of the Committee for Greenlandic Mineral Resources to the Benefit of Society (Minik Rosing udvalget). He is currently co-chair of the Arctic Council regional Baffin Bay – Davis Strait AACA project (Adaptation Actions for a Changing Arctic) and co-PI for the interdisciplinary research project NOW (Living resources and Human societies around the North Water in the Thule Area).

**Title:** Inuit Rights, Traditional Knowledge and Northern Land Claims and Implications for Offshore Economic Development and Air and Marine Transport in the Canadian Arctic

**Magdalena A K Muir**, *Research Associate, Arctic Institute of North America, Calgary*

### **Abstract**

The presentation examines Inuvialuit rights for the Inuvialuit Settlement Region in the Beaufort Sea, and Inuit rights for marine areas of the Nunavut Settlement Area in the Canadian Arctic Ocean. The presentation considers offshore hydrocarbon activities, predominantly in the Beaufort Sea; coastal mining projects and related marine transport including The Baffinland Iron Ore Mine in the Mary River area of Baffin Island; and ship based community re-supply, transport and tourism throughout the Arctic Ocean. Traditional knowledge and Inuvialuit and Inuit rights, particularly for marine mammal harvesting and compensation, are considered, in addition to Inuvialuit and Inuit participation in co-management regimes applicable to these marine areas.

For the Beaufort Sea, the Inuvialuit Final Agreement and the intent and implementation of three marine protected areas to protect seasonal migrations of beluga whales will also be considered, as well as Inuvialuit response to the proposed changes to a requested variation to the relief well policy for the Beaufort Sea. The US Beaufort Sea and Inupiat rights in the offshore and marine mammals and their habitat are considered but only to contrast to the regime for the Beaufort Sea and Nunavut Settlement Area in the Canadian Arctic Ocean. Aviation is included due to concerns and restrictions on low flying aircraft for the protection of marine mammals, and also due to significant Inuit and First Nation investment in northern airlines and marine transport.

### **Bio**

Magdalena A.K. Muir, B.A., J.D., LL.M, is a Research Associate with Arctic Institute of North America at the University of Calgary. Her research is implemented in collaboration with academic institutions, governments, industry and communities. In 2014, she developed course readings and teaching modules on economic development, environmental and socio-cultural issues in the northern and circumpolar region for the Aboriginal Relations Leadership Certificate Program managed by the university's Career Services in consultation with the Native Centre.

For 2013/2014, Dr Muir implemented a Fulbright Scholarship as Adjunct Associate Researcher with the Columbia Climate Center in the Earth Institute at Columbia University in New York City; and as a Visiting Scholar with the Center for Carbon-free Power Integration and Mangone Center for Marine Policy in the College of Earth, Ocean, and Environment at the University of Delaware.

Since 2004, Dr. Muir is Advisory Board Member, Climate with the Coastal and Ma-



rine Union (EUCC), leading engagement on climate adaptation and mitigation and sustainable energy development for Europe's coastal and marine areas, with a strategic focus on the Arctic and Mediterranean regions. She is active in EUCC's QualityCoast global programme, developing sustainable tourism destination criteria and indicators, and providing energy services to the Small Islands- Green Destinations program. Dr. Muir is a member of the Global Sustainable Tourism Council (GSTC), participating in the GSTC Communications Committee and acting as liaison to the Destinations Working Group. She also works on sustainable development with the Global Oceans Forum and World Ocean Council. Finally, Dr. Muir is a practicing barrister and solicitor with International Energy, Environment and Legal Services Ltd..



**Title:** Liability regimes for ship source pollution in Greenland

Anders Møllmann, *Associate Professor in Maritime Law, University of Copenhagen*

### **Abstract**

The extraction of oil in the Arctic entails a necessity for transport of the crude oil extracted. Such transport will almost inevitably be performed by very large tank vessels. With the transport of crude oil by sea comes a risk that a major oil spill will occur which could have particularly catastrophic consequences due to the sensitive nature of the environment in the Arctic combined with the difficulties in responding quickly to an accident. The presentation will examine the liability regimes applicable to an oil spill from a tanker vessel in Greenland as well as analyse various clauses in the model license used in Greenland purporting to extend liability onto the licensee.

### **Bio**

Dr Anders Møllmann is an associate professor in maritime law at the University of Copenhagen, Faculty of Law, Centre for Enterprise Liability (CEVIA). He has a broad interest in maritime law covering both private and public law aspects and has published nationally and internationally, particularly on carriage of goods and chartering of ships. Previous to his employment with the University, Anders has worked as a practising lawyer and as a special advisor at the Danish Maritime Authority.



**Title:** Regulation of subcontracting to improve local content and capacity building  
*Vladimir Pacheco, Assistant Professor, Department of Culture and Society, Aarhus University*

### **Abstract**

Extractive industries such as mining, oil and gas make repeated claims about improving the employment prospects of people living in close proximity to where their projects are located. However, for various reasons the industry record in this regard is uneven and very disappointing when compared with employment figures from other industries. Current regulation both in Canada and the USA seem to favor industry requirements for flexible work arrangements and global supply chains at the expense of locally sourced employment and services.

The growing oil and gas industry pressure to exploit mineral resources from the Arctic in general and the Beaufort Sea in particular makes it imperative to look at global regulatory trends in subcontracting to be able to improve permit mechanisms such as the Environmental and Social Impacts Assessments (ESIAs) and economic mechanisms such as Benefit Sharing Agreements (BSAs).

This paper will look at subcontracting arrangements that have, in their own jurisdictions, been able to increase the content and capacity building of locally sourced labour and services and suggest avenues for implementation in future Beaufort Sea ESIAs or BSAs.

### **Bio**

Vladimir Pacheco is currently Assistant Professor at the Department of Culture and Society, Aarhus University in Denmark. In Australia he held senior roles with the Foundation for Development Cooperation, the Centre for Social Responsibility in Mining and consulting firm WorleyParsons. Vladimir has also worked in Fiji where he lectured in Development Studies at the University of the South Pacific. His research interest includes measuring the socio-economic impacts of mining, examining the process of mining closure and analyzing financial exclusion in developing economies. His Phd examined the process of de-regulation of the Costa Rican banking system. Vladimir has published in international journals and his latest publication will appear as a chapter in a book titled: *Globalization and Transnational Capitalism in Asia and Oceania* (Routledge, 2015).

**Title:** Arctic Offshore Development: a comparative analysis of regulatory governance in Norway, Canada and Greenland/Denmark

**Cécile Pelaudeix**, *Assistant Professor, Department of Culture and Society, Arctic Research Center, Aarhus University*

### **Abstract**

In recent years there has been an increase in exploration and exploitation activities of extractive industries in the Arctic, in particular in the offshore sector. The global demand for energy, combined with the pressure for economic development in the North and the challenges of offshore activities in the fragile and harsh Arctic environment have led some countries to adapt their legislation and regulatory framework.

This contribution proposes a comparative analysis of regulatory processes in Norway, Canada and Greenland/ Denmark, three countries where the central governments have established different devolution processes with territorial governments, and agreements with the Indigenous population who benefit various degrees of control over resources development.

This contribution analyzes the governance processes and the network of actors, public and private, involved in the design of the regulatory framework and discusses to what extent these governance processes inform us on the evolution of participative democracy and on the varying developments of the regulatory role of the central - and territorial governments - in the region.

### **Bio**

Assistant Professor Cécile Pelaudeix holds a PhD from Université Laval and a PhD from Université de Grenoble. At Aarhus University she is in charge of the development of Arctic governance research and of interdisciplinary research in the Arctic Research Center. Her researches focus on the European Union Arctic policy, Energy and Natural resources governance, and on China's foreign policy in the Arctic. She participates in the Asian Nordic+ Arctic research project. She has taught courses on public policies and international relations in the Arctic in Sciences Po. She is a member of the Scientific Committee of the "Chantier Arctique", CNRS (National Center for Scientific Research), Paris, a member of the Center for Canadian Studies in Grenoble, and a member of the editorial board of Etudes Inuit Studies. She has published many articles and chapters on governance. See more at <http://www.pacte-grenoble.fr/blog/membres/cecile-pelaudeix/>

**Title:** Resistance and Cooptation: Offshore Development and Inuit Rights in Inuit Nunangat

*Thierry Rodon, Assistant Professor, Department of Political Science, Université Laval*

### **Abstract**

Offshore developments have been common in the Canadian Arctic since the early seventies. At that time Aboriginal rights and title were not recognized nor considered. With climate change and a steady demands for oil and gas products, exploration is increasing in the Canadian arctic but the institutional landscape has greatly changed: All the Inuit regions of Canada have signed a land claims settlement and in the case of Nunavut and Nunatsiavut a self-government agreement. In this paper, we will assess the capacity of the Inuit of three regions: Nunatsiavut, Nunavut and the Inuvialuit Region, to control the offshore development in their settlement areas. In the Inuvialuit region, the Inuit organizations have entered in partnership with oil companies, while in Nunavut they have legally challenged seismic testing conducted for offshore development. In Nunatsiavut, the only land claim with the recognition of offshore rights, the local government tries to control the offshore development in the Labrador Sea but with limited success. These three case studies will allow us to map the legal challenges and power dynamics created by Aboriginal land claims settlement and offshore developments.

### **Bio**

Thierry Rodon

Directeur du Centre interuniversitaire d'études et de recherches autochtones et de la revue *Études Inuit Studies*

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**Title:** Hybrid Governance: Arctic Offshore Oil and gas and coastal communities  
*Jessica Shadian, Research Fellow, AIAS*

### **Abstract**

A growing number of actors from multinational companies and insurance providers to international environmental NGOs and non-Arctic states are interested in what the resources and waters of Inuit inhabited areas may mean for the global economy. Recognising that there are a plethora of so called 'risks' of operating in a partly frozen and partly melting and often dark environment the attention has turned to creating risk assessment frameworks, marine management regimes and various types of policies and governance arrangements to try to mitigate or manage these risks.

This presentation will focus on the intersection of how to govern Arctic resource development and indigenous collaboration to try and discern how to sufficiently bridge local realities of the Arctic's coastal communities to the Arctic Council's efforts to move from a policy shaping institution into a policy making regime.

### **Bio**

Dr. Jessica Shadian is an associate professor and AIAS-Marie Curie COFUND Fellow at the Aarhus Institute of Advanced Studies, Aarhus University. Dr. Shadian's academic and private sector work focuses on the legal implications and governance challenges for coastal Arctic indigenous communities in regards to offshore oil and gas development and maritime safety.

Her academic and policy related publications focus on resource governance and law, Inuit governance, the role of the EU in Arctic affairs and the politics of Arctic science (with a focus on TK). Shadian's most recent book is entitled: *The Politics of Arctic Sovereignty: Oil, Ice, and Inuit Governance* (Routledge). It is the first academic account of the Inuit Circumpolar Council (ICC) and offers a history of Inuit sovereignty reaching back to pre-European discovery.

Shadian holds a PhD in Global Governance from the University of Delaware. From 2004-2005 Shadian was a visiting researcher at the Scott Polar Research Institute (SPRI) in Cambridge, UK on a National Science Foundation (NSF) award where she wrote her dissertation under the supervision of Dr. Michael Bravo before receiving a postdoctoral fellowship at the Barents Institute in Kirkenes, Norway and then moving to Bodø, Norway as a Senior Researcher at the High North Center for Business and Governance, University of Nordland.

Shadian was the co-creator and organiser of the Arctic Dialogue series (2007-2011) which brought together major players concerned with Arctic extractive industries including state and local political leaders, oil and gas and other industry leaders, local communities, and academia to create and increase information sharing about Arctic resource development.

She was also a co-founder and coordinator of the Pan-Arctic Ph.D. Program in Arctic Extractive Industries. Shadian is also an Associated Researcher at the Arctic Centre, University of Lapland and holds a visiting scholar position at the University of Tromsø.



**Title:** Assessing local user rights in Greenland: conceptions of property and ownership in historical and contemporary debates  
**Pelle Tejsner**, *Assistant Professor, Department of Culture and Society, Arctic Research Center, Aarhus University*

### **Abstract**

In light of the current increase in licensing applications for on- and offshore oil and mineral operations in Greenland it is perhaps prudent to revisit and appraise the at once historical, but moreover, enduring relationships as these continue to grow from, and thus inform, local Inuit community conceptions of land, coastal and sea tenure. Anthropologists, whose work is often located at the uneasy junction between the interests of local indigenous communities, oil and mining operators and the national authorities, often call for close attention to the contingencies of given sites while reclaiming specific social and historical contexts as these have related to previous conflicts between local communities and nearby resource exploitation activities. Based on the lessons observed in the historical evidence and in-situ fieldwork research on aspects of Inuit individual autonomy, and locally rooted collective appropriations of the environment, this paper discusses some of the fundamental cultural differences at work in the post-colonial encounter between local Inuit stakeholders, multinational oil and mineral operations and the national authorities in Greenland today.

### **Bio**

Pelle Tejsner currently holds a post-doc with the Arctic Research Center (ARC) and is also employed as assistant professor with the department of anthropology at Moesgaard (AU). His Ph.D thesis and subsequent publications are based on a one-year fieldwork period in Disko Bay and addresses local receptions of climate change as part of his interests in local subsistence strategies and renewable coastal resource usage among small scale Inuit hunters and fishers. His postdoctoral research examines local receptions of plans for on and offshore resource exploration from 2015-2017 through a consideration as to the status concerning indigenous peoples (Inuit) rights, traditional notions of tenure and custodianship vis-à-vis the interest of the state and multinational resource exploration companies.

## Moderators

Professor [Mikael Skou Andersen](#) of Aarhus University is a Danish academic in the field of comparative environmental politics and economics, with a track record of research on environmental taxation in particular.

Mikael Skou Andersen has over the past 20 years conducted a wide range of research projects addressing environmentally related topics within all the relevant subsectors, including biodiversity, pesticides, waste management, heavy metals, air pollution, nitrate leaching, drinking water supply and waste water management. He currently is closing research within the EU RTD FP7 project EPIWATER on experiences with economic policy instruments across Europe and on environmental-economic analysis within an environmental accounting framework.

From 2010-2013 Mikael Skou Andersen joined the European Environment Agency in Copenhagen as a staff member, being on leave from his chair at Aarhus University. He further developed the Agency's work on accounting for environmental externalities and also contributed to activities on Environmental Tax Reform.

He is co-editor of 'Handbook of research on environmental taxation' (Edward Elgar, 2012).

He has been a member of the Danish government's advisory committee on CO<sub>2</sub> taxation, and has been an advisor on environmental taxation issues more generally to OECD Directorates on public management, agriculture and environment respectively, and he has also contributed to the China Council for International Cooperation and Development, CCICED, task-force on economic instruments for energy efficiency.

[Rane Willerslev](#) is a Professor of Anthropology at Aarhus University. He is leading the Faculty of Art's Arctic Research initiative and is the coordinator of ARC's interdisciplinary research. He has his PhD from the University of Cambridge (2003) and has worked among Siberia's indigenous peoples. His publications include the books *Soul Hunters: Hunting, Animism, and Personhood among the Siberian Yukaghirs* (University of California Press, 2007) and *On the Run in Siberia* (University of Minnesota Press, 2012). He is the editor of *Taming Time, Timing Death: Social Technologies and Ritual* (with Drouth Refslund Christensen, Ashgate Publishing, 2013) and of *Value as Theory* (with Ton Otto, HAU: Journal of Ethnographic Theory special issue, 2013), and of *Transcultural Montage* (with Christian Suhr, Berghahn, 2013).

