

Japanese Master's Students Contributing to the Arctic Legal Studies through the 15th Polar Law Symposium

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1 Introduction

The Arctic is both physically and conceptually far away from Japan and for Japanese graduate students. Several impetuses are needed for them to engage in the Arctic legal studies. Utilizing the opportunities provided through the Polar Law Symposium and the Arctic Circle Assembly, this paper describes a unique educational and research scheme established in Japan to promote prospective Japanese early-career scholars and practitioners to be interested in the Arctic legal and policy issues.

2 First Impetus: Credited courses at Kobe University

Japanese students entering graduate schools majoring in international law would rarely have original interests in polar law: they are usually interested in "mainstream" topics such as human rights law, economic law, environmental law, etc. The first encounter to the polar law must necessarily

come from professors, and the Graduate School of International Cooperation Studies (GSICS), Kobe University provides such opportunity through the 2-credit courses on "International Polar Law I" in Japanese and "International Polar Law II" in English. GSICS is the only university in Japan that provides polar law courses at the graduate level. In the spring semester of 2021, the Japanese course focused on the Antarctic Treaty System. In the fall semester of 2022, the English course focused on the Arctic international law. Professors Rachael Lorna Johnstone and Antje Nuemann at University of Akureyri, Iceland, were the guest lecturers, each teaching two classes online on human rights protection and environmental protection in the Arctic. The three co-authors of this paper have registered to the latter course in 2022.

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In addition, GSICS provides a 2-credited course on international fieldwork, in which a professor designs a fieldwork of minimum 10-day stay abroad with concrete academic exercise, such as interviewing at international organizations, participating in United Nations treaty negotiations, and attending and making research presentations at academic conferences. In fall semester of 2022, an international fieldwork in Iceland was designed by the co-author of this paper, with the expected exercise to make an academic presentation at the 15th Polar Law Symposium (15 PLS) and to expand academic network through the Arctic Circle Assembly (ACA) participation. A visit to Akureyri was included to conduct interviews at University of Akureyri and Arctic Council Working Group Secretariats, CAFF and PAME. Five first-year master's students, including the three co-authors of this paper, and one second-year student registered to this fieldwork. Four of them decided to try to make academic presentations at the 15 PLS.

In 2015, through the same scheme, three master's students made research presentation at 8th Polar Law Symposium in Alaska. Today, one of them assumed an assistant professorship in international law

from April 2022 at Osaka University of Economics and Law in Japan. Another has become a diplomat in Japanese Ministry of Foreign Affairs. Similarly, a bright future ahead is expected from those attending this year's 15 PLS.

3 Second Impetus: Money, of course! Funding from ArCS II

With increasing international travelling costs due to fewer flights between Asia and Europe caused by COVID-19, the fuel hike caused by the Ukraine crisis, and the weakening of Japanese Yen, how to finance the students' travel to Iceland had become an important issue. In this regard, the co-authors are very appreciative of the financial support provided by the Arctic Challenge for Sustainability II (ArCS II) Overseas Fellowship Program. ArCS II is a Japanese national flagship project for Arctic research, with 11 research programs.¹ International law research program is one of them and led by the co-author of this paper, implemented through the Polar Cooperation Research Centre (PCRC), which has become one of the world's leading polar legal research hubs.² The state-of-the-art Arctic legal research at PCRC is fed into educational opportunities at GSICS with the ArCS II project funding,

¹ Juha Saunavaara and Fujio Ohnichi, "Arctic Challenge for Sustainability II: Japan's New Arctic Flagship Project", *Current Developments in Arctic Law*, Vol.9 (2021), p.40.

² PCRC website: < <https://www.research.kobe-u.ac.jp/gsics-pcrc/index.html> >

to promote capacity building of prospective early-career scholars.

The ArCS II Overseas Fellowship Program provides funding to graduate students, early career researchers belonging to Japanese universities and other research institutions, as well as young practitioners from public and private institutions, to support their participation in international conferences for making presentations and collecting information, as well as their stay at overseas universities and research institutions for conducting research and expanding contacts along with fieldwork trips. Its expectation is that these experiences will stimulate further research and other activities by early career professionals and will help them expand their personal networks at the international level.³ This funding is on a competitive basis based on candidates' applications. Owing to this funding opportunity, the international field work in Iceland was able to be realized for several students, including the three co-authors of this paper.

4 Final Impetus: What a great opportunity at the 15th Polar Law Symposium!

In the morning of the second day of the Symposium, the co-authors of this paper

made two oral presentations: one on "Interim Conservation and Management Measures under CAO Fisheries Agreement", and another on "Potential Legal Means to Regulate Underwater Noise in the Arctic". The first examined the legal structure of the newly entered-into-force treaty, the Agreement to Prevent Unregulated High Seas Fisheries in the Central Arctic Ocean (CAO Fisheries Agreement) and its "step-wise approach". It examined in detail how the potential commercial fishing could start under Article 5 and the importance of the Interim Conservation and Management Measures being agreed to by all 10 Parties under Article 3. Second presentation proposed the introduction of the precautionary approach based on the "Guidelines for the Reduction of Underwater Noise from Commercial Shipping to Address Adverse Impacts on Marine Life" adopted by the International Maritime Organization in 2014 to address the issue of underwater noise in the Arctic.

The research on those topics and the preparation for presentations were intensive and time-consuming. The co-authors have started researching on the subject matters around mid-August, with the guidance of their professor. They made a practice presentation before leaving

³ ArCS II website: <https://www.nipr.ac.jp/arcs2/e/info/essential2-2022/>

Japan, utilizing the international law seminar at GSICS, with several useful comments from two other professors and a dozen students of GSICS' International Law Program. The final revisions to the PowerPoint presentations were done in consultation with the professor during the snow storm in Akureyri, just a few days before the Symposium. All these efforts bore fruit in the presentations, as they attracted several questions from the floor. The co-authors were very grateful to the friendliness of the Polar Law Symposium towards early-career scholars and to the academic encouragements received from its participants.

Throughout the two-day 15 PLS, the co-authors exchanged their thoughts and opinions with other participants regarding the Arctic and Antarctic legal and policy issues. They were very much encouraged by the participation of master's and doctoral students from all over the world, interested in polar legal and policy matters. From interactions with them, the co-authors realized the importance of incorporating knowledge and perspectives from other academic fields such as natural science into the research of legal study, since issues in the Arctic cannot be resolved by international law alone. They also participated in the 2022 Arctic Circle

Assembly (ACA). With 2,000 participants from both Arctic and non-Arctic states, the ACA was one of the best opportunities to build human networks with the Arctic experts. The co-authors were able to observe the sensitive political positions of China, Korea and Japan as regards the CAO Fisheries Agreement through their participation in breakout sessions. It was useful to obtain information from the participants on the implementation of the Agreement such as the inaugural Conference of the Parties at the end of November 2022, as none is yet available publicly. These experiences will be shared with other graduate students at GSICS in order to further enhance interests and academic studies regarding Arctic international law at Kobe University and more generally in Japan.

In conclusion, the participation in the Polar Law Symposium, with the financial assistance of ArCS II Overseas Fellowship Program and the educational assistance from GSICS and PCRC, enabled Japanese master's students to identify and propose solutions to the legal challenges facing the Arctic through their research and oral presentations. This is an important means for Japan, as a non-Arctic state, to contribute to the development of Arctic governance based on the Rule of Law.