Cooperation in the Barents Euro-Arctic Region in the Light of International Law

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1. Introduction

Cooperation in the Barents Euro-Arctic Region (BEAR) (hereinafter the Cooperation) formally began in 1993 with the establishment of separate two platforms: the Barents Euro-Arctic Council (BEAC) and the Barents Regional Council (BRC). However, neither the BEAC nor the BRC was formed as the result of an international treaty. In the case of the BEAC, the five Nordic states (Denmark, Finland, Iceland, Norway and Sweden) and the Russian Federation, along with the Commission of the European Communities, agreed on a platform aiming to promote sustainable economic and social development in the Barents Region,¹ which had been an area of military confrontation during the Cold War. In the case of the BRC, the regional governments (e.g., provincial, county, and oblast’ governments) of the region, together with the indigenous peoples, created another platform. From the beginning of the Cooperation, both platforms have been working together closely. In the

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course of time, the Cooperation has become more important with respect to addressing the challenges faced by the inhabitants of the region.

The idea of two-fold cooperation has created a unique international situation that seems suitable for fulfilling the needs of the inhabitants of the Barents Region. An important characteristic of the Cooperation is that it does not generate any legally binding obligations under international law, nor does it follow the formalities applicable to a formal international organisation as articulated in international law. The Cooperation has developed on the basis of the political will to safeguard the wellbeing of the region. It has established close relationships between universities, research institutes, administrative and other relevant bodies in the region. Yet, despite certain institutional weaknesses (e.g., lack of legally binding obligations), the Cooperation functions through various working groups and other programs since the political commitments of the members generate some sort of obligations which are non-binding under international law, though they are binding in other ways.

The Cooperation has acquired a mature organisational shape these days. The structure chosen for the Cooperation has attracted interest among scholars of international law and international relations, who would like to see how informal forums carry out their work dealing with common concerns at the international level. The existing literature and scholarly works dealing with the region cover several different aspects. However, the legal issues

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