

Soknad: Apostolos Tsiouvalas

PhD Title: Sovereignty and Territoriality in the Seascape: From inertia to *kinesis*

Project Abstract: The conceptualization of space in legal thought is inextricably linked to the narratives that shape it and give it a meaning. In a complex normative world, narratives both precede and succeed law, determining our legal understanding of the universe, with law itself being the narrator of this understanding. As a story-teller, international law of the sea and ocean governance (LOSOG) speaks in the legal language of modernity, the fundamental concept of which is 'state sovereignty'. Although gradually evolved, changed meanings, utilization and stakeholders, this sovereign approach has been nurtured as the dominant approach that determines the legal relationship of states to the 'more-than-human ocean space'.¹ Yet, in a time of ecological collapse and unprecedented *kinesis*² in the world's oceans, the traditional spatial application of sovereignty in the sea is often exposed or seems inadequate. Against this background, this project is going to deconstruct the spatial architecture of LOSOG and its ability to regulate *kinesis* in the oceans, and address "*Whether and to what degree theoretical insights distilled from non-sovereign narratives*³ could help LOSOG rethink *kinesis* in a more-than-human ocean space?"

Part I – Theoretical research

In answering this main question, the project will first need to do some groundwork and articulate the development of the mainstream relationship of sovereign states with the oceans. To unfold the spatial development of LOSOG, the project will apply a narratological reading on legal history/geography and will look at "*How different narratives of space have informed the mainstream Western legal understanding of ocean space?*" If we conceive of the LOSOG framework as a multistoried sphere of different narratives of space that eventually shaped international law's territorial thinking, then there is a need to articulate how these dominant stories were historically developed and replaced or complemented each other to finally formulate LOSOG's architecture. Thus, by looking at how ocean space was narrated through history, my project will first focus on how narrative resources were used to guide international law's perception of ocean space. Such narratives will be traced from historical sources, quotes and segments of the work of early jurists, court cases, and other legal developments that proved to be significant for the formulation of the current spatial thinking of law of the sea. After doing this preliminary investigation and articulating how LOSOG's spatial dimension was formulated, the project will aim to address the research question of "*Whether and to what degree does the existing sovereign architecture of LOSOG account for the *kinesis* in more-than-human oceans?*" To address this subsequent question, the project will look at how law of the sea currently determines mobility (*kinesis*) in space and will draw on the extensive amount

¹ In a nutshell, by using the compound "more-than-human ocean space" in my project, I mean both space and beings (with humans and non-humans included) as well as relations among these elements.

² To frame "mobility" in the sea, I employ the term "kinesis" to encapsulate 'mobility' as used in Ancient Greek philosophical thinking. In Ancient Greek thought kinesis denoted a more dynamic conception of motion that acknowledges next to the physical movement of beings, a cultural movement as well. 'Kinesis' is not merely limited to dislocation of masses in space, but is a central part of every being's identity (thus not only humane). It may include change of quality, change of quantity, change of place, and change of being, being an ontological rather than merely geometrical reality as nowadays conceptualized in law.

³ With 'non-sovereign' I mean legal conceptualizations of the world that are not based on sovereignty (e.g. indigenous legal orders).

of published contributions from legal geography and anthropology critically elaborating on more-than-human mobility in the sea.

Part 2 – Empirical research

After problematizing LOSOG's spatial architecture and shedding light on its (in)capability to accommodate the kinetic qualities of the more-than-human ocean space, my project is going to look at "*How may different legal orders non-grounded on sovereignty approach more-than-human ocean kinesis?*" (Subsequent question 3) To address this question the project will delve into a case study and employ ethnographic fieldwork with the Inughuit communities of the Great Water Polynya, *Pikialasorsuaq*. Literature records that these communities conceive of the frozen sea as an entity that extends beyond state-enforced maritime boundaries and have long now been operating cross-border mobility among the Greenlandic and Canadian coasts of the Polynya on the basis of customary utilization of the sea/sea-ice, disregarding the existing (sovereign) maritime zones enforced by the adjacent states. Such conceptualizations of mobility within space (e.g. hunters moving along/and in relation with non-humans) complicate the idea of stability and fixed maritime boundaries as provided by the sovereignty-based framework of LOSOG and expose the way mobility within space is understood in Western legal systems. It would be interesting thus to articulate how these communities narrate space and operate within it during their hunting season, as well as unfold how they describe ocean *kinesis* in their own vocabulary and stories, and address what their own narratives may say to the current LOSOG regime (formally) imposed in the region by the sovereign states of Denmark and Canada.

Description of the exchange research stay in accordance with the work plan of my thesis (purpose of the travel)

One of the research project's main goals is to look at how many different legal orders non-grounded on sovereignty approach *kinesis* in the world's oceans, and, subsequently, how these orders could inform international law of the sea. To address this question the project will include a two-month-long research stay in Greenland comprising a six-week-long visit at the University of Greenland Ilisimatusarfik and two weeks of ethnographic fieldwork in North Greenland around the community of Qaanaaq. The issue of 'mobility' in the region of Qaanaaq where the Inughuit people live has always been an area of interest in legal thought / and policy making, due to the different conceptualization of space between state instruments and the local communities. During my research visit at Ilisimatusarfik, I will aim to prepare myself prior to reaching the field and enriching my knowledge on Inuit law and philosophy. In turn, the fieldwork will aim to employ legal anthropological research tools and acquire data that could strengthen and disseminate knowledge aligned with critical legal thinking within law of the sea scholarship and, through an interdisciplinary approach (community-based along with conventional legal research), seek to theorize a novel reading of 'mobility' in law of the sea.

Timeline

Accordingly, the proposed research stay in Greenland is developed into two parts:

- 1. Visiting research stay at Ilisimatusarfik:** The mobility will start with a 4-week long visit at Ilisimatusarfik, the University of Greenland aiming to enrich my knowledge on indigenous legal orders, as well as provide me with access to the library and an academic environment with strong competence in indigenous issues that can be instrumental to complete my PhD dissertation in accordance with the current plan. Guest lecturing at Ilisimatusarfik will be also included as requested by the host institution.
- 2. Community-based research in Qaanaaq:** After a month of research at Ilisimatusarfik and collaboration with their research groups, community-based research will follow in Qaanaaq, North Greenland. The plan is to engage with community-research during their hunting period (about two weeks), explore their own legal conception of 'mobility' and see how their legal orders can inform international law.
- 3. Return to Ilisimatusarfik:** After the community-based research is complete, I am planning to return to Ilisimatusarfik for two more weeks, where I could transcribe the collected data, discuss with the faculty, and start my data analysis which will continue in Tromsø in the months to come.

Estimated budget

Return flight from Tromsø to Nuuk	≈ 17000 NOK
Domestic transportation	≈ 20000 NOK
Travel insurance	≈ 1000 NOK
Community-based research (cultural mediator, translator)	≈ 20000 NOK
Subsistence expenses (meals)	≈ 1000 NOK x 60 days
Accommodation for 1 person for two months (40 m2 apartment)	≈ 35000 NOK
Family expenses	My partner is willing to travel with me to Nuuk, but that will only be finalized after determining the exact dates
SUM - Activity	≈ NOK 153000

Comments:

Community-based research:

My ongoing communication with the community is still preliminary but my aim is to manage to stay in the Qaanaaq region for about two weeks following the hunting season and researching on human and non-human 'mobility' in the sea in accordance with the attached project proposal. As of February 4, the exact dates and community-based research costs have not yet set, but the faculty will be informed as long as I have clarified the detailed duration/logistics of the proposed community-based research.

Other funding available:

In addition to the support provided by the Faculty, I will most probably receive additional funding up to 50000 NOK from the ATTR Mobility Grants.

Should the existing funding prove not to be sufficient, I also intend to use my annum

Other comments:

N.B. Please note that the estimate costs are only approximately determined. It is possible that my field work in Qaanaaq (including flights, accommodation, and mediator/translator costs) will be collectively booked as a "travel package" via a travel agent. Any travel disruptions due to the current global health crisis may necessitate the revisiting of all travel expenses

To Whom It May Concern,

This is to express our pleasure in supporting Apostolos Tsiouvalas' funding application for a research stay at Ilisimatusarfik, the University of Greenland, combined with ethnographic work in North Greenland for the purpose of his PhD dissertation.

Apostolos shared with us his desire to visit Ilisimatusarfik and North Greenland for a two month long research stay in 2022; and after examining this potential we agreed that the proposed stay will be an asset for his project.

A visit at Ilisimatusarfik will help Apostolos enrich his knowledge on indigenous legal orders, as well as give him access to the library and an academic environment with strong competence in indigenous issues, and is instrumental to complete his PhD dissertation in accordance with the current plan and research aims and will help him acquire desired data in further pursuing his doctoral research.

Sincerely,

Vito De Lucia
UiT The Arctic University of Norway
vito.delucia@uit.no

Margherita Pieraccini
University of Bristol Law School
M.Pieraccini@bristol.ac.uk





Ilisimatusarfik *Grønlands Universitet* **University of Greenland**

Letter of support for visiting scholar

Ilisimatusarfik – The University of Greenland – welcomes:

PhD Research Fellow Apostolos Tsiouvalas

As a visiting scholar to Ilisimatusarfik

For a two-month stay in 2022

Ilisimatusarfik is happy to welcome international researchers in Ilisimatusarfiks fields of research.

There is an expectation that visiting scholars at Ilisimatusarfik disseminate their knowledge and research to the benefit of either the students and researchers of Ilisimatusarfik or Greenlandic society as a whole.

Ilisimatusarfik however cannot offer or guarantee office space for visiting scholars.

Clement Scavenius Sonne-Schmidt
Research coordinator
Ilisimatusarfik / University of Greenland