

**Arctic Governance:  
Preparing for the Next Phase\***

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## **Executive Summary**

Divided into opposing camps by the cold war during much of the postwar era, the Arctic has become in recent years the scene of numerous initiatives involving international and transnational cooperation. This is welcome news, but it does not obviate the need to evaluate progress in this realm and to identify areas where there is a need to sort out and strengthen the existing complex of arrangements dealing with governance in the Arctic. Building on such an evaluation, this article culminates in a series of recommendations designed to improve the supply of Arctic governance during the foreseeable future.

### **The Landscape of Arctic Cooperation**

What has emerged in the realm of Arctic governance is an institutional complex in the sense of an array of institutional arrangements created by a variety of actors and intended to address a range of distinct issues in contrast to a coherent and integrated institutional system of the sort exemplified by the Antarctic Treaty System (ATS). In some ways, this complex is fragmented, weak, and poorly institutionalized. This situation has facilitated innovative experiments involving such matters as the participation of indigenous peoples organizations in the Arctic Council, the creation of the Northern Forum as a league of subnational units of government, and the emergence of the North Atlantic Marine Mammal Commission as a body including both states and non-state actors among its members. At the same time, this messy situation has given rise to three distinct concerns: (1) the dangers associated with endeavoring to stretch available resources too far, (2) the prospect that individual elements of the Arctic's institutional complex will collide with one another or work at cross purposes, and (3) the possibility that individual elements of this complex will become vehicles used to promote the goals of politically ambitious individuals or groups. Taken together, these concerns make it timely to examine critically the existing balance of supply and demand with regard to Arctic governance.

### **Arctic Governance: The Interplay of Demand and Supply**

Though some observers emphasize the uniqueness of each individual issue, this article suggests that it is appropriate and constructive to think about the demand for governance in the Arctic during the near future in terms of three broad challenges: managing shared natural resources and ecosystems; strengthening and extending the voice of the Arctic beyond the confines of the region, and achieving sustainable development within the Arctic.

Numerous subregional regimes addressing the management of shared natural resources and ecosystems are already in place in the Arctic. For the most part, these regimes function well in the absence of regionwide measures. But their performance could be enhanced through the development of regional mechanisms to handle functions of assessment and monitoring and to supplement material resources emanating from national sources.

As a region made up of peripheries with small human populations and limited resources, the Arctic is often overlooked in efforts to address the consequences of global environmental change and globalization. Yet the region is heavily impacted by these forces. What is needed to raise the voice of the Arctic in global forums is a strong coalition among local, subnational, and national actors committed to speaking with one voice about Arctic concerns in a variety of settings.

The dominant regional concern in the Arctic itself centers on the pursuit of sustainable development. What makes this issue particularly challenging is the need to address tensions between environmental protection and community viability, core and periphery concerns, indigenous peoples and settlers, and traditional and modern lifestyles. A commission (similar to the World Commission on Dams) with a mandate to engage in multi-stakeholder processes, prepare a series of recommendations, and then disband could help to address this challenge.

### **An Arctic Governance Action Plan**

The analysis of this article suggests a five-point action plan for improving the supply of governance in the Arctic.

***Recommendation 1: Reconfigure the International Arctic Science Committee (IASC) to give it both a mandate and the capacity to engage in assessment and monitoring activities pertaining to the shared natural resources and ecosystems of the Arctic.***

***Recommendation 2: Forge a strong alliance among local, subnational, and national constituencies in the region in order to maximize the effectiveness of the voice of the Arctic in global forums.***

***Recommendation 3: Establish an Arctic Environment and Sustainable Development Fund (AESDF) endowed with the material resources needed to supplement national resources available for the operation of regimes dealing with environmental protection and sustainable development in the Arctic.***

***Recommendation 4: Launch the Arctic Human Development Report (AHDR) and provide this project with adequate support both to document current conditions in this area and to track changes in these conditions on a periodic basis.***

***Recommendation 5: Create a Commission on Arctic Sustainable Development (CASD) modeled on the World Commission on Environment and Development, the Independent Commission on the Oceans, and the World Commission on Dams.***

## **Introduction**

Speaking in Murmansk on 1 October 1987, Mikhail Gorbachev, then the leader of the Soviet Union, challenged the Arctic states to form "... a genuine zone of peace and fruitful cooperation" in the far North.<sup>1</sup> Specifically, he called for cooperation among the Arctic states in the fields of resource management, scientific exploration, environmental protection, and the development of infrastructure as well as the negotiation of arms control agreements. This speech, which many commentators treat as marking the transition from the cold war to the start of a new era in the circumpolar north, was followed by a wave of concrete initiatives including the founding of the International Arctic Science Committee (IASC) in August 1990, the establishment of the Arctic Environmental Protection Strategy (AEPS) in June 1991, the launching of the Northern Forum (NF) in November 1991, and the creation of the Barents Euro-Arctic Region (BEAR) in January 1993. Interest in a variety of forms of international and transnational cooperation in the Arctic, bottled up by the division of the region into opposing camps during the cold war, spilled out in a variety of forms throughout the 1990s. As a result, the far North is today one of the world's most vibrant arenas for initiatives involving the creation and implementation of governance systems – or regimes as they are often called - at the regional level.

Overall, this is a welcome development. No one would argue that we were better off in the era preceding the recent wave of cooperative initiatives transcending national boundaries in the circumpolar north. Yet it is entirely reasonable to pause at this point to take stock of what we have accomplished and where we are going in this realm. Are there gaps or overlaps in the governance arrangements currently in place in the Arctic? Are interactions among these arrangements likely to generate unforeseen and unintended consequences that threaten important values? Is there a danger of institutional congestion (or indigestion) in the sense of a proliferation of uncoordinated regimes that work at cross purposes or provide platforms for an unproductive competition among ambitious leaders? Would it make sense to follow the burst of initiatives during the 1990s with a period of consolidation intended to transform the emerging institutional complex into a coordinated and coherent system of institutional arrangements capable of responding effectively to emerging demands for governance in the far North? The purpose of this article is to frame responses to these questions and to produce, in the process, a small number of recommendations worthy of serious consideration on the part of those in a position to exercise leadership in shaping the course of international cooperation in the Arctic during the next decade.

## **The Landscape of Arctic Cooperation**

The patchwork of international and transnational regimes currently operative in the circumpolar north includes a number of different types of arrangements. Some, such as the regime for Svalbard codified in the 1920 Treaty of Spitzbergen, take the form of legally binding agreements that have been in place for decades and that include a sizable number of member states located outside the Arctic. Others, such as the arrangements set

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<sup>1</sup> . Mikhail Gorbachev, "The North: A Zone of Peace," speech delivered in Murmansk, 1 October 1987, English version. Ottawa: Press Office of the USSR Embassy, 1988, 10.

forth in the 1973 agreement on the conservation of polar bears and the 1994 convention on the conservation and management of the pollock stocks of the central Bering Sea, are subregional in scope and include small numbers of members – five in the case of polar bears and six in the case of the Bering Sea fisheries – that have well-defined interests in the issues at stake. Many, such as the Barents Sea fisheries regime, the agreement pertaining to the marine resources lying between Iceland and the Norwegian island of Jan Mayen, the Marine Environmental Conservation Agreement covering the waters of Baffin Bay and the Davis Strait, and the Canada-U.S. agreement on navigation in Arctic waters, are bilateral arrangements covering specific matters of interest to adjacent or opposite states. Still others, such as the Northern Forum, feature activities on the part of subnational units of government (e.g. states, provinces, counties, oblasts) that have similar concerns arising from interactions with their respective national governments. And some arrangements, such as the Barents Euro-Arctic Region, which has both a regional council and an intergovernmental council, and the North Atlantic Marine Mammal Commission (NAMMCO), which includes both states (Iceland and Norway) and subnational entities (the Faroes and Greenland) as members, are unusual hybrids. In addition, a number of cooperative arrangements operating in the circumpolar world, such as the International Arctic Science Committee and the Inuit Circumpolar Conference, are products of the efforts of non-state actors to pursue their interests outside the confines of intergovernmental arrangements. Hovering over all these (sub)regional arrangements are a number of global regimes - including the arrangements dealing with the protection of stratospheric ozone, the consequences of climate change, the control of persistent organic pollutants (POPs), the preservation of biological diversity, the protection of the marine environment, and the conservation of whales - that are highly relevant to the Arctic, even though they are structured as responses to global rather than regional problems.

What has emerged in the far North, under the circumstances, is an unplanned institutional complex or collection of institutional arrangements applicable to the same region but not deliberately structured or integrated to form a coherent governance system in contrast to an institutional system of the sort exemplified by the tightly linked components of the Antarctic Treaty System (ATS) operative in the south polar region or the integrated system set forth in the framework Convention on Long-Range Transboundary Air Pollution (CLRTAP) in Europe together with its growing collection of substantive protocols dealing with individual pollutants. Because the Arctic's institutional complex comprises a number of distinct elements, it is hard to characterize the landscape of international and transnational governance in the circumpolar north in simple terms applicable to the whole complex. Contrasting this complex with the Antarctic Treaty System and the CLRTAP system, however, does make it possible to highlight a number of prominent features of the landscape of governance in the Arctic.

Although the legal status of individual elements of the Arctic complex varies considerably, it is fair to say that the governance arrangements prevailing in the far North are substantially less reliant on legally binding commitments than their counterparts dealing with Antarctica and transboundary air pollution in Europe. Most of the arrangements created during the 1990s, including the Arctic Council, the Northern Forum, the Barents Euro-Arctic Region, and the International Arctic Science Committee,

are founded on ministerial declarations, founding articles, or other informal instruments in contrast to international conventions or treaties subject to ratification on the part of their members. Similarly, the elements of the Arctic complex typically emphasize roles that are best described as generative and representational in contrast to the regulatory and procedural roles that figure prominently in the ATS and CLRTAP and that most observers have in mind in thinking about the operation of governance systems.<sup>2</sup> To be sure, the regime for Svalbard contains regulatory provisions dealing with matters like demilitarization and taxation, and the fisheries agreements covering the Barents Sea and the central Bering Sea establish procedures for setting allowable harvest levels on an annual basis. Yet the emphasis of the Arctic Council and the Northern Forum on highlighting the Arctic as a distinctive region and on strengthening the voice of the Arctic in global processes addressing the anticipated impacts of climate change and POPs are more typical of emerging efforts to meet the demand for governance in the circumpolar world. Under the circumstances, it will come as no surprise that many elements of the institutional complex now prevailing in the Arctic are difficult to classify unambiguously either as institutions in the sense of collections of rules that define social practices and assign roles to participants in such practices or as organizations in the sense of material entities possessing offices, equipment, personnel, budgets, and (often) legal personality.

Given these conditions, the views of those who describe the institutional complex of the Arctic as fragmented, weak, and poorly institutionalized are perfectly understandable. Yet it would be a mistake to overlook the fact that this complex of institutional arrangements also has some strikingly innovative features. Thus, Arctic regimes offer non-state actors, like the Permanent Participants in the Arctic Council, unusual opportunities to wield influence in intergovernmental settings; provide subnational units of government, like the members of the Northern Forum, with mechanisms that allow them to pursue their interests even when they conflict with those of national governments, and facilitate the development of hybrid arrangements, like NAMMCO, in which states share membership with subnational entities or non-state actors. In addition, a number of the cooperative arrangements operative in the far North are struggling in significant ways with the tensions and even conflicts implicit in the relationship between environmental protection and sustainable development as guiding discourses. Without doubt, it is accurate to say that these arrangements have yet to find generally acceptable ways to resolve these tensions. Witness the struggles in the Arctic Council regarding the proper role of the Sustainable Development Working Group (SDWG). Yet compared with the Antarctic Treaty System, which is a classic intergovernmental arrangement that is able for the most part to sidestep the hard issues implicit in the idea of sustainable development, the messy and sometimes frustratingly ineffectual arrangements operative in the Arctic seem remarkably open to significant new currents arising within the mainstream of world affairs.

The fragmented, weak, and poorly institutionalized character of the complex of governance arrangements that has arisen in the circumpolar north makes it natural to ask

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<sup>2</sup> . For a discussion of the different roles regimes play see Oran R. Young, *Governance in World Affairs*. Ithaca: Cornell University Press, 1999, Ch. 2.

whether there is a need to rationalize or reorder this messy situation in the interests of meeting the demand for international and transnational governance in the far North. Three distinct concerns arise in this connection. There is, to begin with, the issue of opportunity costs and the dangers associated with endeavoring to stretch available resources too far. Would it be better, for example, to reduce the number of separate initiatives launched in this realm and to increase the time, energy, and material resources devoted to a more limited portfolio of institutional arrangements? A second problem centers on the concern that individual elements in the Arctic's institutional complex will collide with one another or, in any case, find themselves working at cross purposes. It is certainly possible to imagine situations, for instance, in which entities, like the Arctic Council's Working Group on the Conservation of Arctic Flora and Fauna (CAFF) whose primary objective is the protection of wildlife, come into conflict with other entities, like NAMMCO, whose primary concern is the welfare of those dependent on consumptive uses of marine mammals. Beyond this, there is the prospect that different elements of the Arctic's institutional complex will become vehicles used to promote the goals of politically ambitious individuals or groups. Familiar in many settings, clashes rooted more in the dynamics of political ambition than in divergent perspectives on social welfare can easily bring efforts to meet the demand for governance in a region like the Arctic to a standstill.

How seriously should we take these concerns in thinking about the next phase of governance in the circumpolar north? And how should we weigh the dangers associated with fragmentation and the lack of legally binding commitments against countervailing benefits arising from opportunities to engage in piecemeal experiments with new institutional forms and the avoidance of bureaucratization or institutional rigidity that often accompanies determined efforts to integrate the elements of institutional complexes into more tightly connected institutional systems? It is impossible to answer these questions in the abstract. What is needed is an analysis of demand and supply with respect to Arctic governance. How should we think about the principal demands for international and transnational governance that can be expected to occupy our attention in the circumpolar north over the next decade or two? And how well-situated are existing arrangements to meet these demands for governance effectively? A discussion of these considerations of demand and supply will reveal the strengths and weaknesses of the prevailing institutional complex and pave the way toward the formulation of recommendations regarding initiatives that will improve the performance of the Arctic's institutional complex during the next phase.

### **Arctic Governance: The Interplay of Demand and Supply**

Regions – like ecosystems – lack well-defined boundaries that those concerned with the supply of governance can identify in an objective manner. In the case of the Arctic, some commentators have questioned the appropriateness of treating the area as a region at all, a point that should alert us to the fact that the decision to approach the Arctic as a region may have significant economic, political, or social consequences. Even so, it is undeniable that those active in a variety of policy circles have adopted the practice in recent years of treating the circumpolar north as a distinct region with an agenda of its own and political dynamics that differ from those that drive efforts to meet the demand

for governance in other regions. In the practice of the Arctic Council - the central forum for efforts to specify the boundaries of the region - the Arctic encompasses Alaska, Canada north of 60<sup>0</sup>N, all of Greenland, Iceland and the Faroes, the northern counties of Fennoscandia, and a large swath of northern Russian together with the Arctic Ocean and its marginal seas. Defined in this way, the Arctic is a vast region – covering some 33.4 million square kilometers. Yet the human population of this region is small and highly dispersed, numbering in the aggregate only about four million people. A particularly striking feature of the Arctic lies in the fact that with the exception of Iceland, the region consists of northern peripheries or dependencies of countries whose economic and political centers of gravity lie well to the South.

How should we characterize the demand for international and transnational governance arising in this region? Needless to say, numerous responses to this question are possible. Some knowledgeable observers, impressed by the contextual differences among specific issues, doubt the usefulness or even the feasibility of endeavoring to group individual Arctic issues into a manageable number of categories. Others are likely to take the opposite tack, arguing that the demand for governance in the region boils down to a single overarching concern, such as the quest for sustainable development. In this article, however, I argue that it is both appropriate and helpful to examine the demand for governance in the Arctic in terms of three broad challenges: (1) handling a range of subregional issues involving shared natural resources and ecosystems, (2) enhancing the voice of the Arctic in a variety of international and global forums, and (3) finding ways to achieve sustainable development under the conditions prevailing in the Arctic itself. What is required to respond to these challenges and, in the process, to supply governance will differ from one type of challenge to another. Accordingly, a brief account of each of the three challenges is in order.

**Managing shared natural resources and ecosystems.** Many international and transnational issues arising in the Arctic are subregional in scope and center on the management of shared natural resources or shared ecosystems. In a sizable number of cases, these issues are bilateral in character and feature the harvesting of living resources (e.g. the shared fish stocks of the Barents Sea, the Porcupine caribou herd located in the Arctic borderlands of Canada and the United States), the development of non-renewable resources (e.g. potential hydrocarbon reserves located between Iceland and Jan Mayen), or the protection of marine and terrestrial environments from pollution (e.g. the marine ecosystems of Baffin Bay including the North Water). In other cases, the issues are of concern to more than two states but still not regionwide in scope. Prominent examples include the efforts of the five range states to protect polar bear stocks in the Arctic basin, the activities of a mixed group of states and non-state actors pertaining to the marine mammals of the North Atlantic, the actions of six key states to address the problem of conserving pollock stocks in the Bering Sea, and a number of initiatives designed to conserve and, in some cases, rebuild stocks of wild salmon in both the North Atlantic and the North Pacific.

Efforts to create international and transnational regimes to address these issues concerning shared natural resources and ecosystems have given rise to a number of

governance systems, many of which are innovative in nature and relatively successful in terms of the pursuit of their stated goals. The Norwegian/Russian regime governing the fisheries of the Barents Sea not only establishes complex procedures dealing with the allocation and exchange of quotas but also serves to reduce tensions in an area – the so-called Grey Zone – subject to jurisdictional disagreements between the two countries. The Jan Mayen regime establishes a joint development zone designed to provide for the unitization of any oil and gas fields that may be discovered and brought into production in the area covered by the agreement. The polar bear agreement contains provisions that encourage efforts to protect vital habitat and to collaborate in the conduct of research, while allowing each of the participating states considerable leeway in framing rules governing the harvesting or killing of bears. It has also provided an umbrella arrangement under which subnational actors (e.g. the North Slope Borough in Alaska and the Inuvialuit Game Council in Canada) can reach agreement on matters concerning particular stocks of polar bears. The North Atlantic Marine Mammal Commission (NAMMCO) features an ambitious effort to bring together a number of states and non-state actors to address issues relating not only to multiple species of whales but also to other marine mammals. In effect, it seeks to introduce an ecosystem approach in bringing together users and managers of marine mammals in the area covered. For its part, the US-Canada Arctic Agreement provides a pragmatic procedure for regulating navigation in the waters of the Canadian Arctic archipelago, despite the fact that the two countries have unresolved differences regarding the jurisdictional status of these waters.

Although many of these regimes have proven generally effective, they are not without their limitations. The Barents Sea fisheries regime has not been able to prevent significant fluctuations in the major fish stocks of this area. The six-nation agreement covering the pollock stocks of the Bering Sea has not succeeded in increasing pollock stocks in the central Bering Sea to a size that would justify the resumption of a commercial harvest. The polar bear agreement has no capacity to protect stocks of these animals from the impacts of climate change and variability or even from the effects of persistent organic pollutants (POPs) that originate in the mid-latitudes and find their way to the Arctic via waterborne or airborne transport mechanisms. In other cases, the subregional regimes for shared natural resources and ecosystems have not yet been put to any severe tests. The Porcupine caribou herd, the focus of a bilateral regime between Canada and the United States, has remained generally healthy during the life of the arrangement. No serious interest has emerged to date in exploiting hydrocarbons in the Jan Mayen area.

For the most part, however, these regimes function well in the absence of involvement on the part of regionwide governance systems, such as the Arctic Council or the Northern Forum. The question arises, then, whether there is any need to address the demand for governance with regard to shared natural resources and ecosystems in the Arctic at the regional level. There is no sense of crisis or urgency in this realm. Even so, it is worth thinking carefully about the possibility that certain regionwide initiatives could add value to these regimes without fundamentally altering their subregional character. The area in which the best prospects lie involves the provision of services that

become important during the implementation stage and, more specifically, the operation of assessment and monitoring arrangements and the creation of funding mechanisms.

The regimes under consideration here are not without resources in the realm of assessment and monitoring. The International Council for the Exploration of the Sea (ICES), a well-established and respected body, provides stock assessments and other forms of scientific advice to those responsible for operating regimes in the North Atlantic, including NAMMCO and the North Atlantic Salmon Conservation Organization as well as managers of the Barents Sea fisheries regime. Although it is less well-established, the Pacific Marine Science Organization (PICES) is striving to acquire a similar role with regard to regimes dealing with living marine resources in the North Pacific including the Bering Sea. The Polar Bear Specialist Group, operating under the auspices of the World Conservation Union (IUCN), performs a similar function for the five-nation agreement on the conservation of polar bears. And some individual regimes, such as the Canadian/American arrangement dealing with Pacific halibut, have significant assessment and monitoring capabilities of their own. For the most part, these mechanisms have considerably greater capacity to assess biophysical conditions and trends in relevant ecosystems than to monitor the behavior of those who are subject to the rules and regulations of specific regimes. But this is a feature they share with corresponding mechanisms associated with most international regimes dealing with natural resources and the environment.

Is there a case for creating regionwide assessment systems and monitoring mechanisms to supplement rather than to supplant the arrangements associated with individual regimes dealing with shared natural resources and ecosystems? The case for some such initiative is two-fold. Regionwide arrangements would be well-positioned to engage in comparisons across a number of large marine and terrestrial ecosystems in the Arctic, enhancing understanding of individual arrangements by exploring both similarities and differences among these systems. Additionally, regionwide arrangements could direct attention to linkages between the Arctic as a region and the overall Earth system, helping in the process to factor information about larger processes (e.g. outside forces affecting highly migratory species, the sources of climate change) into analyses focused on the behavior of Arctic ecosystems. Any initiatives of this sort would need to be planned and executed with care. It is probable, for instance, that bodies like the Arctic Monitoring and Assessment Programme (AMAP) and the Working Group on the Conservation of Arctic Flora and Fauna (CAFF) of the Arctic Council are too closely associated with the interests of both government agencies and non-state actors to be acceptable in this role. The International Arctic Science Committee (IASC) might become a vehicle for regionwide analyses. IASC's current role in the conduct of the Arctic Climate Impact Assessment (ACIA) is indicative of this potential. But unlike the Scientific Committee on Antarctic Research (SCAR), which is assigned specific assessment and monitoring tasks in the Antarctic Treaty System and which has organized itself to perform these services, IASC is not configured or properly supported to play this role in any systematic fashion. At a minimum, therefore, adjustments to the current complex of regionwide arrangements would be needed to develop services capable of

supplementing the activities of subregional regimes in the realm of assessment and monitoring.

Funding for the operation of subregional regimes dealing with the Arctic's shared natural resources and ecosystems comes largely from national sources. For the most part, this means agencies of central or federal governments (e.g. the the Canadian Wildlife Service or the U.S. fish and Wildlife Service in the case of polar bears). In some cases, however, subnational units of government and even non-state actors play a role in providing the resources needed to allow these arrangements to function effectively. The State of Alaska, the Greenland Home Rule, and the Territory of Nunavut, for instance, all play roles in assessing the status of migratory species and eliciting compliance from those who are subject to the rules of these regimes. The World Wildlife Fund (WWF) has played an active role in the growing effort to understand the dynamics of the Bering Sea ecosystem and, in the process, to devise policies to address the dramatic biophysical fluctuations now occurring in the region. Even local governments can play a role in funding activities needed to make these regimes effective. The North Slope Borough, for example, is a major source of support for the Alaska Eskimo Whaling Commission, which works with the U.S. National Marine Fisheries Service to manage the harvest of bowhead whales in the waters of the Bering, Beaufort, and Chukchi Seas and to ensure that the harvest conforms to the regulations covering aboriginal subsistence whaling adopted by the International Whaling Commission. In exceptional cases, individual countries may provide resources to assist in addressing ecological problems centered in other countries. The arrangement under which Norway and the United States have contributed to efforts to combat radioactive contamination originating in the Russian Federation is a case in point.

It is by no means obvious, therefore, that there is any need for a regionwide funding mechanism to mobilize resources in support of subregional regimes dealing with shared natural resources and ecosystems in the Arctic. Perhaps the most persuasive reason for moving in this direction arises from the growing awareness of the desirability of adopting a whole ecosystems perspective in dealing with these resources and of taking into account forces originating outside the Arctic (e.g. the impacts of persistent organic pollutants) that can produce major impacts on these subregional systems. Systematic efforts to deal with these broader and larger forces often exceed the capacity of specific regimes focusing on shared fish stocks, marine mammals, or subregional pollution problems. The need to increase awareness and improve understanding of these forces can be met, in part, by turning to organizations like ICES, IUCN, WWF, and GRID-Arendal (an element of, the UN Environment Programme concerned with circumpolar issues). But such organizations are not in a position to launch significant programmatic initiatives that may be needed to control the impacts of these larger forces on the Arctic's shared natural resources and ecosystems. To the extent that such initiatives become important, it may well be worth considering the creation of a dedicated Arctic Environment Fund to provide the resources needed to broaden the activities of existing regimes dealing with shared natural resources and ecosystems in the Arctic.

**Raising the voice of the Arctic.** If existing subregional regimes are performing relatively well in meeting the demand for governance relating to shared natural resources and ecosystems in the Arctic, the challenge of strengthening the voice of the Arctic regarding the regional impacts of global processes is an altogether different story. The problem, in this connection, is easy to describe but difficult to solve. The Arctic is vulnerable to the impact of largescale international and global processes. Most analysts anticipate that the impact of these processes will be magnified under the biophysical and socioeconomic conditions prevailing in the far North. Yet the ability of the region to get its concerns heard, much less its interests accommodated, in global settings is modest. This is a consequence, in part, of the fact that the region has a small human population whose political resources (e.g. votes and money) are severely limited. Partly, it is product of the fact that the region consists largely of peripheries of countries whose centers of economic and political gravity lie elsewhere and whose willingness to pursue Arctic concerns is limited, except when it suits their purposes for instrumental reasons.

Two distinct sets of global processes have far-reaching consequences for the Arctic: global environmental changes and globalization. The most important environmental changes in this context include stratospheric ozone depletion, climate change and variability, and the impacts of pollutants such as POPs, acid precipitation, heavy metals, and radioactive contaminants that migrate over long distances. Although its effects are not as pronounced as they are in the south polar region, seasonal ozone depletion is a reality in the Arctic and will continue for some time despite reductions in emissions of ozone-depleting chemicals resulting from the operation of the ozone regime. Climate change and variability are already facts of life in the Arctic, and the general expectation is that climate change will be substantially more pronounced in the high northern latitudes than it is in the mid-latitudes. This has given rise to worldwide interest in Arctic processes on the part of observers who regard current developments in the far North as a harbinger of things to come in other parts of the world. What is more, POPs, acid precipitation, and radioactive contaminants make their way to the Arctic via waterborne and airborne processes where they show up in unusually high concentrations in species at the top of the food chain, including polar bears and humans. As a result, the Arctic is showing the effects of heavy concentrations of a number of destructive pollutants, despite the fact that few of these substances originate in the Arctic itself.

The impacts of globalization on the Arctic are just as significant, though the mechanisms underlying them are of a different nature. Arctic economies depend heavily on the extraction of raw materials (e.g. oil, gas, lead, zinc, diamonds) whose production is controlled by multinational corporations and whose value is subject to fluctuations in world market prices that Arctic actors have little capacity to influence. Policymakers who have little direct knowledge of the likely impacts of such projects on local lands and lifestyles often make decisions about the construction of roads, railroads, and pipelines needed to move these raw materials to southern markets. In addition, political processes occurring in the outside world have far-reaching consequences for the well-being of northern communities, often in the form of unintended byproducts of actions initiated for other reasons. Bans on the import of seal products into the European Union, enacted during the 1980s as a result of pressure from advocates of the rights of animals,

devastated the economies of small Canadian and Greenlandic communities dependent on the sale of sealskins. Recurrent actions on the part of the International Whaling Commission threaten the livelihood of small communities located in the Russian Far East, northern Alaska, and Greenland.<sup>3</sup> The efforts of national and international environmental groups to persuade governments to set aside large sections of the Arctic as protected areas - and especially as wilderness areas - are often insensitive to the needs of local people who use these areas in connection with herding or hunting and gathering practices. It would be incorrect to suggest that Arctic communities do not reap benefits from globalization in such forms as the payment of royalties on raw materials, the creation of jobs, or the development of new industries (e.g. ecotourism). The problem lies in the fact that the Arctic has little voice in the decisions of distant governments, corporations, and nongovernmental organizations regarding such matters.

The demand for governance in this realm differs fundamentally from the demand for governance relating to the Arctic's shared natural resources and ecosystems. Whereas the latter is a matter of devising rules to regulate the behavior of groups of users or appropriators located within the region, the problem of voice is a matter of finding ways to raise the profile of Arctic concerns in decisionmaking processes that occur outside the region and that are dominated by non-Arctic actors and their interests. Sometimes the objective is to find ways to incorporate the concerns of the Arctic into international agreements dealing with cultural, economic, and environmental issues, such as the global convention on the control of persistent organic pollutants signed in Stockholm during May 2001 or the proposed UN declaration on the rights of indigenous peoples. In other cases, the goal is to ensure that Arctic concerns show up in documents that play a role in influencing the terms of the international discourse in important areas, such as the 1987 report of the World Commission of Environment and Development (the Brundtland Commission), Agenda 21 produced in conjunction with the 1992 UN Conference on Environment and Development (UNCED), and the documents developed as part of the preparation for the August/September 2002 World Summit on Sustainable Development (WSSD).

As experience with these processes makes clear, finding ways to make the voice of the Arctic heard in larger international and global settings is easier said than done. A particularly tricky issue arises when outsiders take an interest in the Arctic but largely for instrumental reasons that do not involve a deeper commitment to human welfare or sustainable development in the far North. It has become popular in some quarters, for instance, to look upon the Arctic as an indicator region - the functional equivalent of the canary in the mine - when it comes to thinking about the consequences of climate change and variability. This may prove helpful from an Arctic perspective to the extent that it provides opportunities for representatives of Arctic communities to present themselves and their concerns in larger forums. But it would be a mistake to assume that interest in the Arctic canary reflects any profound concern for the welfare of Arctic communities as such. Similar observations are in order with regard to preparations for the WSSD. Arctic

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<sup>3</sup> . At its May 2002 meeting, for instance, the Commission refused to approve a new quota for aboriginal subsistence harvesting of whales in northern Alaska and Chukotka.

bodies, such as the Arctic Council and the Northern Forum, have worked hard to inject Arctic issues into the Johannesburg process. But the results to date make it clear that this is an uphill struggle.<sup>4</sup>

Any successful effort to enhance the voice of the Arctic regarding the regional consequences of global environmental change and globalization will require concerted action on the part of local, (sub)national, and international actors. There are a number of ways to address this challenge. But a particularly attractive option would feature an explicit alliance among indigenous peoples organizations representing local concerns, the Northern Forum representing the concerns of Arctic counties, oblasts, states, and territories, and the Arctic Council representing the interests of the eight Arctic states in the far North. Forging an effective coalition of this sort will not be easy. The interests of the three constituent groups are by no means congruent with regard to a variety of issues. The reluctance of the United States to make common cause with other Arctic players on a number of issues (e.g. the harvesting and management of marine mammals) can and sometimes does become a sticking point. Nonetheless, some such initiative will be essential in meeting the demand for governance involving the enhancement of the voice of the Arctic in larger international and global settings. So long as the voice of the Arctic itself does not come through loud and clear, the obstacles to registering Arctic concerns in these larger settings will prove insurmountable.

**Achieving sustainable development.** Perhaps the most pressing demand for governance in the Arctic as a region (in contrast to addressing subregional concerns or projecting the voice of the Arctic beyond the confines of the region) centers on the problem of devising strategies for achieving sustainable development under the conditions prevailing in the far North today. It is not that the Arctic is a single system when it comes to the pursuit of sustainable development. It is perfectly possible that some parts of the region will achieve better – or, in any case, different - results than others in this realm. Yet several factors make the pursuit of sustainable development in the Arctic a regionwide concern. The tensions embedded in the concept itself are similar throughout the region. The biophysical and socioeconomic circumstances affecting the pursuit of sustainable development are broadly comparable across the region, a fact that makes experience arising from experiments with sustainable development anywhere in the Arctic interesting to those struggling with analogous concerns throughout the region. The problem of developing effective strategies for the achievement of sustainable development has emerged as a fixture on the agendas of regional organizations, such as the Northern Forum and the Arctic Council. As a result, there is much to be said for the proposition that the pursuit of sustainable development will become the dominant regionwide issue regarding Arctic governance during the foreseeable future.

Making progress toward the achievement of sustainable development in a region like the Arctic requires a search for ways to come to terms with a number of persistent tensions. Among those most relevant to the far North are tensions between (1)

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<sup>4</sup> . The chairman's draft of the WSSD Programme of Action toward sustainable development dated 9 May 2002, for instance, contains only a single reference to the Arctic (Paragraph 33e), and this reference is framed rather inadequately in terms of the region's role in climate change.

environmental protection and community viability, (2) core and periphery concerns, (3) indigenous peoples and settlers or newcomers, and (4) traditional and modern lifestyles. There is no reason to conclude that these divergent perspectives and the interests that go with them are destined to lead to irreconcilable confrontations. But they do give rise to powerful discourses that structure agendas with regard to the pursuit of sustainable development and, in the process, privilege the concerns of some stakeholders over those of others.

While any conception of sustainable development must be sensitive to the protection of marine and terrestrial ecosystems, those who approach Arctic issues from the perspective of environmental protection frequently espouse initiatives that are at odds with the needs of northern communities struggling to adapt to rapid economic and social changes. Nowhere is this more apparent than in the establishment of protected natural areas encompassing ecosystems that are important to local peoples who use the living resources of these areas for subsistence purposes and in prohibitions on harvesting certain animals (e.g. marine mammals that are not endangered) or using certain methods of harvesting these animals (e.g. leg-hold traps) in response to pressures arising from the efforts of animal preservationists or advocates of animal rights.

The essence of the core/periphery tension is captured in the phrase “northern frontier/northern homeland,” a phrase coined during the 1970s in conjunction with the Mackenzie Valley Pipeline Inquiry in Canada but equally relevant throughout the Arctic in recent times.<sup>5</sup> Whereas permanent residents of the Arctic typically focus on renewable resources and seek to develop human-environment relationships that can endure over long stretches of time, outsiders are apt to look upon the Arctic as a storehouse of raw materials (e.g. oil, gas, non-fuel minerals) that can be extracted to fuel the engines of industrial societies. It would be a mistake to draw this distinction too sharply. The Iñupiat of northern Alaska, for instance, have supported the opening of areas like the coastal plain of the Arctic National Wildlife Refuge (ANWR) for oil exploration and development both because such activities are likely to generate employment opportunities for local people and because the local government (the North Slope Borough) is heavily dependent on the oil industry as a source of revenue. Nonetheless, the tension reflected in the phrase “northern frontier/northern homeland” is real throughout the Arctic.

Although they constitute the bulk of the population in specific areas (e.g. Greenland, Nunavut in Canada), indigenous peoples now constitute a minority – a relatively small minority in some areas – of the human population resident in the Arctic. Yet indigenous peoples have worked hard to advance aboriginal rights and associated claims to land, marine and terrestrial resources, and self-government, and the national governments of the Arctic states have acknowledged these rights and claims with increasing sensitivity over the last two-three decades. In some cases, this has led to transfers of land and natural resources to indigenous owners and to active discussions regarding demands of indigenous groups for self-determination, self-government, and even sovereignty. On the other hand, the needs and demands of the newcomers or settlers

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<sup>5</sup> . Thomas R. Berger, *Northern Frontier Northern Homeland: The Report of the Mackenzie Valley Pipeline Inquiry*, rev. ed. Vancouver: Douglas and McIntyre, 1988.

cannot be ignored in this setting. Not only do they constitute a majority of northern residents in many areas, but they also possess expertise needed to operate technical systems and maintain basic infrastructure in the far North. Related to these concerns is the tension between traditional and modern ways of life in the Arctic. It would be a mistake to assume that this tension correlates perfectly with the indigenous/newcomer tension. Many – perhaps most – indigenous persons are happy to take advantage of an array of modern technologies both in hunting and herding practices and in areas like public health, education, and entertainment. Some newcomers are attracted to the North as a setting in which to practice a simpler and more traditional way of life than what is available in mainstream societies. How can we address these tensions constructively? The idea of neo-traditionalism, which Russian writers on northern societies have advanced in recent years and which suggests the possibility of finding a middle ground between tradition and modernity, has obvious appeal in this context.<sup>6</sup> Yet it is far from clear how we can operationalize the concept of neo-traditionalism and apply it to specific situations arising in the Arctic.

What will it take to respond appropriately and effectively to these tensions embedded in the idea of sustainable development? The first step is to collect baseline information on a variety of issues relating to human development in the Arctic and to put in place a mechanism for tracking changes in a suite of relevant indicators of the human condition over time. The essential challenge here is to develop indicators of human development that are Arctic-specific in the sense that they are sensitive to conditions prevailing in the far North and that they are framed in such a way as to make them usable throughout the circumpolar north to capture and track trends relating to sustainable development in the Arctic. This is precisely what is on offer in the proposal to launch an Arctic Human Development Report (AHDR) under the auspices of the Sustainable Development Working Group of the Arctic Council. Developed and promoted as a product of the efforts of the Standing Committee of Parliamentarians of the Arctic Region (SCPAR), the AHDR would provide a basis for taking stock of the circumstances of all Arctic residents, contrasting the circumstances of Arctic residents with those of residents of southern metropolises, and tracking changes relating to such matters over time.

There is as well a need to establish a funding mechanism capable of mobilizing the material resources needed to carry out activities deemed important to the supply of governance in the circumpolar north. Because arrangements like the Arctic Council and the Northern Forum emphasize the conduct of programmatic activities (e.g. the production of the AMAP, CAFF, and ACIA reports) in contrast to the promulgation of regulations or the making of collective choices, the importance of establishing a suitable funding mechanism is particularly important to the supply of governance in this region. The participants in these arrangements are unwilling at this juncture to accept the discipline involved in making annual financial contributions based on a negotiated schedule of fees. This is clearly an important constraint. But there are other approaches to funding that are worthy of consideration in this context. A regional counterpart to the Global Environment Facility would be too cumbersome and subject to the vagaries of

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<sup>6</sup> . Aleksandr Pika ed., *Neotraditionalism in the Russian North: Indigenous Peoples and the Legacy of Perestroika*. Seattle: University of Washington Press, 1999.

political manipulation to make sense in this context. A more appealing option might be to create a trust arrangement of the sort exemplified by the World Heritage Fund associated with the Convention Concerning the Protection of World Cultural and Natural Heritage and by the trust funds associated with various UNEP-sponsored conventions and protocols.<sup>7</sup>

Beyond this, there is much to be said for establishing an independent Commission on Sustainable Development in the Arctic. The idea here is to create a multi-stakeholder forum analogous to the World Commission on Environment and Development, set up as an independent body in 1983 by the UN; the Independent World Commission on the Oceans, launched in 1995 as a freestanding body, or the World Commission on Dams, established in 1997 with the blessing but not the control of IUCN and the World Bank.<sup>8</sup> Such an entity, in contrast to ongoing organizations like the UN Commission on Sustainable Development, would have a limited life and a well-defined mandate. The essential idea is to set up a forum in which representatives of a variety of constituencies can engage in a vigorous, independent debate intended both to clarify the needs of different segments of society and to identify ways to alleviate – not to eliminate – the tensions among the needs of diverse groups. As the World Commission on Dams states at the beginning of its report: “Representatives of diverse groups came together to discuss the highly controversial issues associated with large dams. To the surprise of participants, deep-seated differences on the development benefits of large dams did not prevent a consensus emerging.”<sup>9</sup> What is needed to address the pursuit of sustainable development in the Arctic is a similar integrative process in contrast to the polarizing processes that dominate most political settings.

### **An Arctic Governance Action Plan**

There is little likelihood that we can transform the Arctic’s existing institutional complex into an integrated governance system based on hard law instruments of the sort exemplified by the Antarctic Treaty System during the foreseeable future. Fortunately, there is no need to create such a system in order to make progress in meeting the demand for governance in the Arctic. Existing arrangements are doing a creditable job of addressing some elements of the demand for governance in the far North. There are opportunities to respond to other elements of the demand for governance without creating a counterpart to the Antarctic Treaty System. But this does not mean that the status quo is acceptable and that there is no need to work toward improving arrangements that play a role in supplying governance in the circumpolar north. Drawing on the ideas developed in the preceding sections of this article and recasting the suggestions introduced there in the form of concrete recommendations, we can formulate a five-point action plan for

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<sup>7</sup> . Peter H. Sand, “Trusts for the Earth,” in Winfried Lang ed., *Sustainable Development and International Law*. London: Kluwer Law International, 1995, 167-184.

<sup>8</sup> . *Our Common Future: The World Commission on Environment and Development*. Oxford: Oxford University Press, 1987; *The Ocean Our Future: The Report of the Independent World Commission on the Oceans*. Cambridge: Cambridge University Press, 1998, and *Dams and Development A New Framework for Decisionmaking: The Report of the World Commission on Dams*. London: Earthscan Publications, 2000.

<sup>9</sup> . *Dams and Development*, *op. cit.*, vii.

improving the supply of governance in the Arctic treated as a distinct region for policy purposes.

**Recommendation 1: *Reconfigure the International Arctic Science Committee (IASC) to give it both a mandate and the capacity to engage in assessment and monitoring activities pertaining to the shared natural resources and ecosystems of the Arctic.*** IASC is currently in need of revitalization. The subregional arrangements dealing with shared natural resources and ecosystems in the Arctic are in need of a systemic approach to assessment and monitoring that is sensitive to the links between these systems and larger regional and even global processes. IASC's current role in conducting the Arctic Climate Impact Assessment (ACIA) is an encouraging development in this context. The work of the Polar Bear Specialists Group, lodged since its inception during the 1960s within the framework of IUCN for lack of a better alternative, could well become an IASC activity. More generally, IASC could draw on the experience of the Scientific Committee on Antarctic Research (SCAR) with the creation and operation of mechanisms (e.g. the Group of Specialists on Environmental Affairs and Conservation) designed to respond to the needs of the ATS in developing assessment and monitoring capabilities relevant to Arctic issues. There is no reason for activities of this sort to reduce or sidetrack IASC's ongoing efforts to stimulate traditional scientific endeavors. In fact, an initiative along these lines could increase overall support for the activities of IASC by clarifying and strengthening the links between science and policy in conjunction with efforts to address issues of governance in the Arctic.

**Recommendation 2: *Forge a strong alliance among local, subnational, and national constituencies in the region in order to maximize the effectiveness of the voice of the Arctic in global forums.*** Getting outsiders to pay attention to the welfare of the human and biophysical systems of the Arctic is an uphill struggle under the best of circumstances. There is little prospect of making progress in this realm in the absence of a mechanism that is able to coordinate and amplify the voice of the Arctic in specific settings. The difficulties encountered in efforts to inject Arctic concerns into the preparatory work leading up to the World Summit on Sustainable Development (WSSD) constitute a striking case in point. What is needed in this connection is a pragmatic system for unifying the voice of the Arctic and projecting it forcefully beyond the boundaries of the region. One way to address this challenge would be to assign responsibility for enhancing the voice of the Arctic to the Indigenous Peoples Secretariat, the Executive Committee of the Northern Forum, and the Senior Arctic Officials of the Arctic Council and to request that these partners establish a joint working group on the voice of the Arctic. This working group would need strong leadership to identify key global forums, determine how best to represent the Arctic in these settings, and ensure that Arctic concerns are presented in a clear and coordinated fashion.

**Recommendation 3: *Establish an Arctic Environment and Sustainable Development Fund (AESDF) endowed with the material resources needed to supplement national resources available for the operation of regimes dealing with environmental protection and sustainable development in the Arctic.*** Many of the existing regimes for shared natural resources and ecosystems in the Arctic operate

effectively with limited material support supplied by their member states. But there are at least three areas in which an AESDF, funded and managed as a separate entity by the Arctic states, would be helpful. Resources to support capacity building are needed in cases, such as the effort to clean up radioactive contaminants in Russia, where pollution of transboundary significance originates in a state that lacks the expertise and the resources to address the problem on its own. It would be helpful as well to be able to provide the relatively modest funding needed to allow those responsible for managing regimes dealing with shared natural resources and ecosystems in various parts of the region to meet together from time to time on a face-to-face basis to exchange ideas based on their experience with individual arrangements. Beyond this, there is a need for an established mechanism capable of providing the resources needed to carry out projects of general interest like the ACIA and the AHDR. The present system in which initiatives of this kind are funded by passing the hat and begging for in-kind contributions with no assurance that adequate resources will be forthcoming is seriously flawed. This is not a matter of creating an agency that would be in a position to escape the control of Arctic governments and to act as a free agent. As experience with funding mechanisms like the Global Environment Facility make clear, a well-crafted management arrangement would be essential. But an active AESDF could make a major contribution toward alleviating the problem of insufficient funds that constitutes a major shortcoming of existing governance arrangements in the Arctic.

**Recommendation 4: *Launch the Arctic Human Development Report (AHDR) and provide this project with adequate support both to document current conditions in this area and to track changes in these conditions on a periodic basis.*** By itself, information cannot tell us what to do in order to promote sustainable development in the Arctic. Nonetheless, there is no substitute for obtaining a clear picture of current conditions and developing a capacity to track changes in these conditions over time if we are to make progress with regard to the achievement of sustainable development in the Arctic. Just as AMAP's state of the Arctic environment report is widely and properly regarded as a landmark in efforts to document the location and impacts of pollutants ranging from POPs to acidification,<sup>10</sup> the AHDR can become a critical tool in identifying problems relating to human development and measuring progress toward addressing these problems. It appears at this writing that the Arctic Council will act to launch the AHDR in its 2002 ministerial declaration and that Iceland will accord priority to the project as the next chair of the council. But there is no assurance at this juncture that the project will receive adequate financial support. It would be a costly mistake to initiate this project in the absence of reasonable expectations about the availability of funds to support it. Such a project would be an excellent candidate for funding through an Arctic Environment and Sustainable Development Fund. But since the AESDF does not yet exist, there is no alternative to seeking the funds needed to develop the AHDR from national governments and international funders.

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<sup>10</sup> . Arctic Monitoring and Assessment Programme, *Arctic Pollution Issues: A State of the Arctic Environment Report*. Oslo: AMAP, 1997.

**Recommendation 5: *Create a Commission on Arctic Sustainable Development (CASD) modeled on the World Commission on Environment and Development, the Independent Commission on the Oceans, and the World Commission on Dams.*** Such a commission would be a high-level forum with a mandate to operate independently, to listen to all stakeholders concerned with sustainable development in the Arctic, to produce a report with a set of recommendations, and to disband after its work is done. There is no need to create more ongoing bodies concerned with matters of governance in the Arctic; the proliferation of such bodies in recent years is one of the reasons why we need to reassess governance arrangements in the region at this time. But there is a role for a group of distinguished individuals who are prepared to listen attentively to the concerns of a wide range of Arctic stakeholders and who have the ability to engage in fresh and constructive thinking about responses to the tensions embedded in the pursuit of sustainable development in the Arctic. The CASD would not be a judicial body with the power to adjudicate the conflicting claims of a variety of stakeholders. Nor would it be an administrative body with responsibility for implementing and managing arrangements created to supply governance on a day-to-day basis. Rather, the role of the commission would be to give stakeholders a sense that they are being listened to and to develop a way of thinking about sustainable development uniquely suited to the conditions prevailing in the Arctic.

### **Concluding Remarks**

We have made significant progress toward meeting the demand for international and transboundary governance in the Arctic in recent years. The development of arrangements to deal with shared natural resources and ecosystems is particularly striking. Yet there is more to be done in refining and strengthening the institutional complex that has emerged in this dynamic region. Transforming the existing institutional complex into an integrated and coherent system based on legally binding commitments of the sort exemplified by the Antarctic Treaty System is not a realistic goal for Arctic governance during the foreseeable future. Even so, there are many specific steps we can and should take to strengthen the existing governance arrangements in this region. Dividing the demand for governance into the challenges of managing shared natural resources and ecosystems, raising the voice of the Arctic in global forums, and achieving sustainable development at the regional level, this article sets forth a five-point action plan designed to increase and improve the supply of governance in the Arctic.