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6. Governance challenges in the Arctic

Mathilde Jacquot and Emmanuelle Quillérou

The Arctic is a place of transit and of settlement. Economic activity there is intense, marked by wide disparities in an environment renowned for being ‘difficult’ or even ‘hostile’. Shrinking of the ice cap due to climate change is opening up access to Arctic shipping routes, living (fish) and non-living resources (hydrocarbons, minerals), as well as places of tourist interest, thereby offering new opportunities for economic development (Fig. 1). Competition is becoming more acute for access to resources from the seabed up to the surface. All the conditions are in place for a ‘cold rush’ to arise, along with its adverse economic, social, environmental, and diplomatic consequences.

The Arctic faces two major governance challenges. The first is reconciling the interests of very diverse stakeholders for harmonious economic development. The second is expanding institutional capacity fast enough to establish the

necessary environmental, social, legal, and diplomatic safeguards.

Expansion of human activities in the Arctic is inevitable. Effective governance is complex since the Arctic has many definitions. The ‘race to the cold’ has already started, with strategies switching between building pressure and cooperation. Maritime boundaries still need to be formally agreed upon by all parties involved (Fig. 2). The Commission on the Limits of the Continental Shelf needs to rule on a few applications for extension of continental shelves rich in hydrocarbons and minerals. There is no consensus on the legal status of the Northern Sea Route and Northwest Passage. Iceland has taken advantage of the lack of a regional fisheries management organisation in the Arctic to unilaterally increase its mackerel quotas. Choices for development, coordination and cooperation will have a major impact over the Arctic in the coming years.

Arctic fora for cooperation

The Arctic is a place where cooperation and dialogue are cultivated. The main intergovernmental forum is the Arctic Council. This forum was established in 1996 to promote cooperation, coordination and interaction among Arctic states. Its members – Canada, Denmark, the United States, Finland, Iceland, Norway, Sweden and Russia – can discuss common management issues, often related to sustainable development and environmental protection. Indigenous and local communities have specific representation within the Council, and their views are taken into account. Permanent observers – currently 12 non-Arctic states – take part in the discussions. In addition to fostering dialogue, the Arctic Council has promoted the production of scientific assessments in partnership with the International Arctic Science Committee (IASC).

At the instigation of the Arctic Council, the Arctic Economic Council, consisting of 36 business representatives, was established in 2014. Its objectives are to foster business development in the Arctic, deepen circumpolar cooperation and provide a business perspective to Arctic Council projects.



Fig. 1 – Climate change is opening the way for the development of the Arctic, but the environmental and social impact is not neutral. © tpsdave / Pixabay. ■

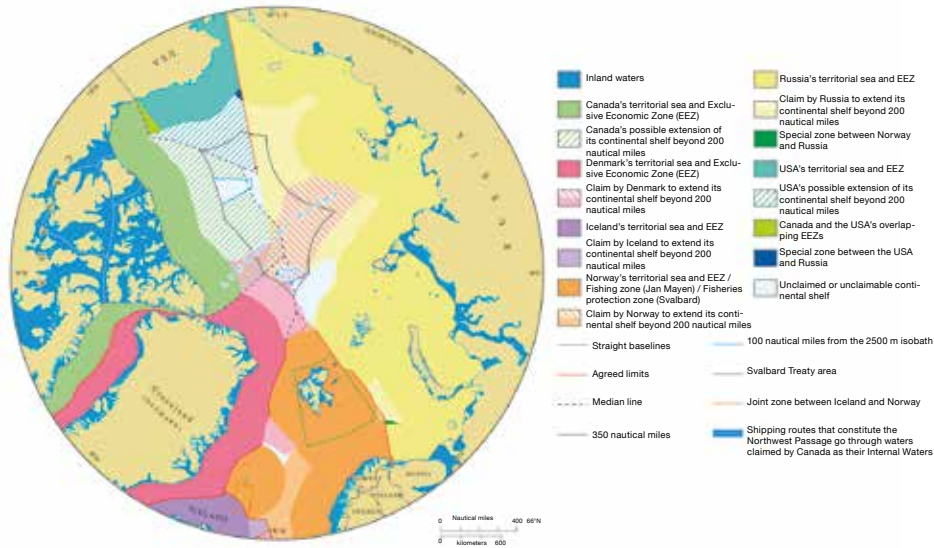


Fig. 2 – Jurisdictional conflicts around the Arctic Ocean. © IBRU, Durham University, UK. ■

Legal framework

A few but important binding international agreements apply to the Arctic. The United Nations Convention on the Law of the Sea (UNCLOS) provides the main framework. UNCLOS allows for regulation of marine areas by providing clear delimitation of maritime boundaries and a clear framework for access to resources, maritime navigation, protection of the marine environment, and scientific research. Other major international conventions apply in the Arctic, particularly for environmental protection and the fight against climate change. The ‘Polar Code’, the international code for ships operating in polar areas, adopted under the International Maritime Organization came into force on January 1st, 2017. It is a binding legal instrument for navigation in polar waters, with strong regional implications for the Arctic. Its normative prescriptions supplement the International Convention for the Safety of Life at Sea (SOLAS), and International Convention for the Prevention of Pollution from Ships (MARPOL).

At the regional level, the Convention for the Protection of the North-East Atlantic (OSPAR) sets a framework for international cooperation to protect the marine environment which extends to a portion of the Arctic Ocean. Under the Arctic Council, two binding agreements have been signed between Arctic states: the first on the organisation of search and rescue after an accident (2011) and the second on the preparedness for and fight against marine pollution by hydrocarbons in the Arctic (2013). As a way around the lack of a specific regional fisheries management organisation, the five Arctic states adopted in 2015 a declaration concerning the prevention of unregulated high seas fishing in the central Arctic Ocean.

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- International Maritime Organization – www.imo.org.

Scientific research

Several international organisations carry out scientific research, monitoring, scientific initiatives and projects in the Arctic: International Arctic Science Committee, Polar Council, French Arctic Initiative... Non-Arctic states are active providers of scientific expertise and research funding. These scientific collaborations can support the establishment of common and recognised international scientific foundations, thereby helping to build trust and enhance cooperation in the Arctic. At a time when the European Union and other non-Arctic states are developing their own Arctic strategies, widening diplomatic and scientific cooperation beyond Arctic states could help foster more harmonious development of the region.