

# The New Age of the Arctic

In 1985, the American political scientist Oran R. Young published a seminal article, “The Age of the Arctic.”<sup>1</sup> Mostly concerned with the security issues that dominated the international debate on the Arctic during the cold war, the article nevertheless pointed to the future of the Arctic and predicted its increased global significance. Two decades later, the effects of climate change and in particular the decrease in sea ice in the central Arctic Ocean on the one hand, and the demand for natural resources in the region on the other, has focused interest on the region, as witnessed by numerous publications in prominent international journals,<sup>2</sup> as well as by a veritable flood of newspaper and magazine articles and TV reports. Young’s prediction of Arctic global significance from 25 years ago has come true.

To address critical issues on the emerging Arctic agenda, in November 2007 the University of California at Berkeley, in co-operation with the Norwegian General Consulate in San Francisco and the University of Tromsø, hosted a conference on The High North: Resource Exploitation and Environmental Challenges in a Changing World.<sup>3</sup> The conference, held at Berkeley, brought together a distinguished group of American and Norwegian scholars, officials, and interested individuals concerned with political developments in the Arctic, as well as the changes in environmental and economic conditions. The papers presented at the conference addressed themes relating to the changes in sea ice and pollution, general pros-

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1. Young, O: The Age of the Arctic, *Foreign Policy*, No 61, 1985, pp. 160–179.
  2. E.g. Brigham, L.: Think Again – The Arctic. *Foreign Policy*, 2010, pp. 70–74; and Young, O: Whither the Arctic? Conflict or cooperation in the circumpolar north, *Polar Record* No 44, 2008, pp. 1–10.
  3. We are grateful to the Royal Norwegian Ministry of Foreign Affairs for funding the conference, to Professor Trond Petersen of University of California at Berkeley and General Consul Are-Jostein Norheim at the Norwegian General Consulate in San Francisco who came up with the idea for the conference and provided the facilities and administrative assistance, and to Geir Gotaas of the Roald Amundsen Centre at the University of Tromsø who took care of the administrative side in Norway.

pects for the region, as well as more specific issues like the environment, fisheries, marine management, security, and petroleum development.

The topic of the papers fits very well with the aim of the *Arctic Review on Law and Politics*, which is to provide new knowledge and understanding of law and social science related to the Arctic and the High North, and through that to become a forum for academic debate on sustainable development in the North. The editors of the journal are grateful for the opportunity to review and publish these papers.

Taken together the papers show that the 'new age of the Arctic' is constituted by a complex mosaic of developments in a number of issue areas. They also demonstrate that there exists a comprehensive set of institutions for addressing the challenges arising in these same areas – contrary to what appears to be a common misconception.<sup>4</sup> Written by leading experts in their fields, they also provide sobering empirical substance to a field rife with speculation and hyperbole.

Oran Young argues that the Arctic has become a highly dynamic socio-ecological system, due to the interacting forces of climate change and factors that we commonly group together under the rubric of 'globalization.' His article, which has been published earlier in the *International Journal of Marine and Coastal Law*<sup>5</sup> and is reprinted here with the kind permission of Brill, addresses the challenges of Arctic governance. Young discusses the calls for an international agreement for the Arctic Ocean and proposals for a comprehensive and legally binding treaty for the Arctic as a whole. The analysis leads Young to reject some popular proposals (e.g. calls for an Arctic Treaty) but also to acknowledge the need for innovative initiatives relating to Arctic governance. His conclusion offers a series of modest but also realistic recommendations aimed at enhancing good governance in this dynamic setting.

Alf Håkon Hoel discusses the introduction of ecosystem-based oceans management in the High North. This has become a critical issue in the Arctic, and Norway has been at the forefront in developing comprehensive oceans management. The idea is that the assessment of the cumulative impacts on ecosystems from various sources and uses is a critical element in the future development of oceans management. An important lesson from the Norwegian case is that ecosystem-based oceans management has to build on existing institutional structures and administrative systems and develop these further. The article also addresses the recent

4. See, for example, Borgerson, S.G.: Arctic Meltdown – The Economic and Security Implications of Global Warming, *Foreign Affairs* March/April 2008. <http://www.foreignaffairs.com/articles/63222/scott-g-borgerson/arctic-meltdown>. Accessed 04.09.10.

5. The Arctic in Play: Governance in a Time of Rapid Change, *The International Journal of Marine and Coastal Law* (24) 2–2009.

efforts at ecosystem-based oceans management in the Arctic Council, through the Best Practices in Ecosystems Based Oceans Management Project which resulted in a set of Observed Best Practices for ecosystem-based oceans management in an Arctic context.

*Olav Schram Stokke* examines the efforts to address illegal fishing in the Northeast Atlantic area of the Arctic. There is a significant fishery in the European part of the Arctic Ocean, especially in waters under Norwegian and Russian jurisdiction, and states in the region have recently made important advances in combating illegal, unreported, and unregulated (IUU) fishing. During the 2000s, illegal harvesting of Northeast Arctic cod reached levels that jeopardized the sustainability of fish stocks, and coastal-state quota restraint shifted wealth from legal fishers to cheaters, and promoted corrupt practices in production and distribution chains. The lesson drawn here is that a strengthening of various port-state measures appears promising for combating illegal, unreported and unregulated fishing in the region.

*Arild Moe's* theme is the implications of Norway and Russia moving their petroleum activities into the Barents Sea. The Norwegian activities in this area have been characterized by an industry eager for discoveries, but prepared to abandon development in adverse situations; and regulatory authorities that support these activities but who also impose strict regulatory rules. Russia still does not have a coherent policy for offshore development. There the prioritization of state goals is unresolved, and the division of functions between state organs and state companies unclear. The relationship between Russia and Norway in the energy sphere has in any case been peaceful and co-operative, despite the jurisdictional dispute in the Barents Sea. The preliminary delimitation agreement of April 2010 further improves the atmosphere, and means that a promising area could be opened for petroleum activities, and possibly joint exploration of deposits crossing the new boundary line between the two countries in the Barents Sea.

*Tore Henriksen* addresses the legal framework for the protection of the Arctic environment. The status of the marine Arctic as the last wilderness may be challenged in future by increased economic activities facilitated by the melting of the sea ice. The fragile ecosystems and habitats may come under threat of different activities. International law on conservation and sustainable use of marine biodiversity is explored, particularly the implementation of the ecosystem approach. Although the Arctic is still largely a wilderness, state practice indicates that it will not be easy to implement ecosystem-based oceans management in the Arctic, and that it will not be a laboratory for new legal regimes. It is more likely sectoral regulatory regimes will be extended or developed as different threats material-

ize. One challenge will be to ensure coordination between sectors in applying the ecosystem approach.

*Kristian Aatland's* article is concerned with the security aspects of recent developments in the High North. In recent years, and particularly after Russia's spectacular flag planting on the ocean floor at the North Pole in August 2007, there has been much talk about "polar imperialism" and the danger of a "great game" in the Arctic. This article sheds light on the topic of interstate relations and the long-term conflict potential in the northernmost part of the globe. While recognizing the continued relevance of military power in the Arctic and the presence of a number of unresolved legal disputes, the article argues that Russia and its northern neighbors have a common interest in maintaining regional stability and avoiding a remilitarization of the region. The 1982 Law of the Sea Convention and regional co-operation arrangements such as the Arctic and Barents Councils are important advances towards this aim.

These papers also demonstrate the need for continued research on these issues, as a basis for action to remedy the challenges related to the natural environment on the one hand, and the capacity of society to address them on the other. A particular challenge is how to link the research in the natural sciences with that of the social and legal sciences. By bringing together scholars from various disciplines, the conference provided for a fruitful exchange of views and an important impetus for further collaboration across those disciplines. Another challenge addressed by the conference was how to enhance collaboration between Norwegian and North American research institutions. Enhanced funding and programs for bilateral co-operation in research were seen as an important mechanism to bring this about.

This issue of *Arctic Review on Law and Politics* also contains an article by *Helgi Gretursson*, which is not one of the papers from the Berkeley conference, but which does provide a significant contribution to academic knowledge on the High North. Gretursson gives an account of the development of the quota system for Icelandic fisheries. Many believe that the Icelandic fishery has been based exclusively on individual transferable quotas (ITQ), and that licenses for commercial fishing were issued based on fishing activity in a certain period between 1982 and 1983, and in particular with quota shares in the demersal fisheries allocated according to the catch history of vessels between 1980 and 1983. The article aims to show that the Icelandic fishery management system has not been a 100% ITQ system, and that allocation of fishing licenses and quotas has been more complicated than commonly understood.

We are also introducing in this issue a new column called "News on Arctic Law and Politics." This column features notes and short articles on news related

to actual research on law and politics, including political events that highlight such research.

And last but not least, we have the pleasure to present highlights of the lecture by Norwegian Foreign Minister *Jonas Gahr Støre*, given at the Northern (Arctic) Federal University in Arkhangelsk, 17<sup>th</sup> September 2010, after he opened the new Norwegian Honorary Consulate in the city. In his lecture, Gahr Støre pronounced that the High North is the strategic priority of Norwegian foreign policy. Of the three main dimensions in the Norwegian High North Policy, he singled out Russia as key. He also focused on research, calling sciences “the raw material for foreign policy.” The minister also drew attention to research as the core of the Norwegian High North strategy, emphasizing the need for research in social sciences and law to promote better understanding between the two neighboring countries. The Minister also called attention to the delimitation agreement between Norway and Russia as an example for other Arctic countries to follow.

Taken as a whole, the contents in this issue of the *Arctic Review on Law and Politics* provide an important contribution to the academic discourse on issues of major significance in the Arctic; the environment, fisheries, marine management, security, and petroleum development.

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