

Leader

New insights and a better understanding of issues related to the Arctic and the High North

Policies on the Arctic and the High North address a wide range of issues, including the protection of natural resources and livelihood of the many Arctic indigenous peoples having their homelands up in the North. These issues are continuously presented in the international and national media and press. They are also reflected in the contributions we receive for review and publication in the *Arctic Review on Law and Politics*, which in this issue consists of five peer-reviewed articles covering a wide range of topics ranging from the protection of Sámi cultural heritage, through the EU's High North policy to fishing rights and boundaries in the Arctic Ocean. Such contributions enable the journal to maintain our promise to provide new insights and a better understanding of issues of law and politics related to the Arctic and the High North, and thus be a forum for academic discussions on the sustainable development in the North.

Also non-Arctic states now put greater emphasis on developing their own Arctic policy and strategy. The European Union is currently reviewing its interests in the High North and is developing their Arctic policy. To illuminate this development we are publishing an article by Njord Wegge in which the EU Arctic policy expansion is discussed and analysed. Through interviews, document studies and existing scholarly research, the author identifies impacts on several levels, where properties of the EU as an organization, external states, global warming and economic forces are recognized as relevant explanatory factors behind the development of the new European Arctic policy.

Marit Myrvoll, Alma Thuestad, Elin Rose Myrvoll and Inger Marie Holm-Olsen analyse the current level of protection and present possible scenarios for future management of Sámi cultural heritage sites and buildings. Their results demon-

strate that a strong legislation for the protection of Sámi cultural heritage, and thus in favor of Sámi cultural rights, may contribute to severe restrictions being placed on future local planning and development and thus, paradoxically, threaten traditional Sámi land use.

The legal and political debate on the fishing rights in the Arctic Coastal waters north of Norway was the theme for the first issue of the *Arctic Review on Law and Politics* two years ago. This debate is still ongoing, perhaps even to a greater extent than in 2010. The subject of dispute treated here regards the indigenous Sámi's rights to maritime resources and fisheries. The fact that this debate is still going on can be explained by the Norwegian government's rejection of the report of the Coastal Fishing Committee, which found that the Coastal Sámi had acquired historical rights to coastal fisheries. In the final consultations between the Sámi Parliament and the government in June 2011, the former was forced to accept a compromise in which historical rights was set aside for a pragmatic, short-termed policy, accepting an offer of an increased quota of 3,000 tons of cod per year. Hence an opinion of injustice prevails among the coastal population, including the view that the legislature does not follow up the government's commitment to clarify the fishing rights off the coast of Finnmark, which was the basis for taking this issue out of the Finnmark Act consultations in the years of 2004–2005. On March 16, 2012, the Minister of Fisheries and Coastal affairs, Lisbeth Berg-Hansen, launched the «fishing legislation bill», Prop. 70 L (2011–2012), stating that the fishery resources belong to the community as a whole and that there is no room for particular Sámi rights based on historical use.¹ This does not reduce the opinion of injustice – in fact this indicates that different rules apply for the acquisition of the right to natural resources in the coastal waters compared with the mountain ranges. This also means that there is a reason to inquire whether Norway can fulfill its international obligations to the Coastal Sámi with the proposed legislation.

This situation implies that the debate on the right for fishing in the Sámi Arctic waters will continue. In this issue of the *Arctic Review on Law and Politics* Steinar Pedersen discusses the rights to traditional marine livelihood for the Coastal Sámi, with emphasis on two ancient legal foundations for Sámi coastal fishery rights which probably have not received sufficient attention by the Norwegian legislators during the last years' legal debate. Those pieces of law are the Lapp Codicil of 1751 and The Finnmark Land Acquisition Decree of 1775.

Susann Funderud Skogvang analyses the Anglo-Norwegian Fisheries case of 1951 and its present legal impact. The Hague-case of 1951 presented one of the most important judgments in international law concerning the method for meas-

1. NRK Sápmi, March 17, 2012 at: http://www.nrk.no/kanal/nrk_sapmi/1.8039032

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uring the breadth of coastal states' territorial waters. The author asks whether the judgment has importance regarding the right to fisheries in coastal waters outside Northern Norway today, and concludes that 60 years after the case of *Norway v. UK*, it might be of significance in designing the current Norwegian legislation.

We also take a look at another side of the measuring of the coastal states' territorial waters. In their article on Norwegian baselines, maritime boundaries and the UN Convention on the Law of the Sea (UNCLOS), Bjørn Geirr Harsson and George Preiss describe and analyse the geodetical aspect of the drawing up of maritime boundaries. In the same way as geodesy and surveying are of great importance for determining and reconstructing disputed and unclear boundary lines on land, the authors show the importance of such work and knowledge when determining the boundaries at sea. Although the topic is of a purely technological nature, we believe that it will prove interesting to lawyers and political scientists working on maritime borders and the Convention on the Law of the sea.

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