Governance in a rapidly changing Arctic

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Hamburg – 27 September 2008
Four clusters of issues and a theme

- Policy paradigms or discourses
  - Geopolitics vs. ecosystem-based management?
- Stakeholders
  - Beyond the Arctic 8?
- The Arctic Ocean
  - Separate treatment?
- An Arctic Treaty or Charter
  - Formal vs. informal agreements?
- Crosscutting theme: the role of the Arctic Council
Paradigms or Discourses

• How should we frame issues relating to Arctic governance?

• Two approaches
  – Geopolitics/political realism: focus on jurisdiction, control, competition for resources, conflict
  – Ecosystem-based management (EBM) – focus on stewardship of large, dynamic, socio-ecological systems

• The influence of the Arctic Council
  – Security issues specifically off limits
  – Focus on scientific assessments
Stakeholders

• Who are the legitimate stakeholders regarding issues of Arctic governance?

• Shifting ground among states
  – The Arctic 8
  – Other configurations of Arctic states
  – Non-Arctic states (e.g. EU, China, Japan)
  – Ilulissat – May and September 2008

• Non-state actors
  – Role of the Permanent Participants in the Arctic Council
  – What about others (e.g. business, ENGOs, scientists, subnational governments)
The Arctic Ocean

• Would a separate regime for the Arctic Ocean be desirable?
  – Already covered by UNCLOS in constitutive terms
    • Nesting issue-specific arrangements within this framework (e.g. a Polar Code, RFMOs)
  – The land/ocean boundary is artificial in the Arctic
    • Riverine discharges, human activities
  – Crosscuts of spatially and functionally specific issues are major concerns
    • Whales, migratory birds, ozone, climate
  – Major challenges are driven by external forces
    • POPs, ODSs, GHGs
  – The experience of the Arctic Council as a voice of the Arctic in the outside world
An Arctic Treaty or Charter?

• Even if it were feasible, would we want a formal legally binding treaty for the Arctic?

• Although we tend to think first of formal arrangements (e.g. the ATS), informal agreements have a number of advantages in addressing Arctic issues
  – Quicker agreement
  – More substance
  – Greater adaptability
  – Ease of folding in non-state actors

• This is particularly true when we are thinking about non-regulatory functions
  – Typical focus on rules and compliance
  – But there are other things at stake in the Arctic as the experience of the Arctic Council makes clear