



**PROGRAM ON GOVERNANCE FOR SUSTAINABLE
DEVELOPMENT**

**Bren School of Environmental Science & Management
University of California at Santa Barbara**

<http://www.gsdprogram.org>

**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



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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



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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)



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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



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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



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