

## Editor's Note

### **A Bottom-up Approach to Arctic Governance: Making local voices heard in higher-level policy decisions**

The impacts of climate change, both negative and positive, dominate any discussion on the Arctic today. Clearly, the region faces an environmental upheaval, with climate change the main driver of this transformation. Among the challenges confronting the Arctic are a disproportionate rise in temperature compared to the rest of the globe; faster melting of sea ice, facilitating the transit of ships through the Arctic Ocean; a surge in on- and off-shore resource extraction; an increase in maritime transportation and intercontinental trade and investment; and a proliferation of infrastructural projects undertaken in partnership with rising economic powers. These developments hasten climate change and bring negative environmental consequences for the region and its population. To be sure, some of the consequences cited – increased trade, investment and infrastructure development – contribute to economic prosperity and the region-building process. Yet they also entail risks, for they bring external powers into Arctic

affairs, contributing to geopolitical tensions among actors within and beyond the region. Governance of the Arctic is often viewed in terms of the state actors' interests, which have been criticized as unbalanced, disproportionate and unsustainable. More significantly, the processes of governance in place overlook the Arctic subjects, who are directly affected by the ongoing transformation of the region.

The physical space of the Arctic is composed of the circumpolar territories of the eight sovereign states surrounding the Arctic Ocean. Five of the states have coastlines and sovereign rights up to certain limits in the ocean. The central Arctic Ocean lies beyond national jurisdiction. Human settlements within the Arctic include local diverse, traditional and Indigenous communities, making the region unique. However, the states administering the Arctic territories are often guided by national priorities, and tend to disregard unique regional interests. States also fail to acknowledge the differences between their Arctic and non-Arctic territories; all Arctic territories are administered from capitals well to the south of the Arctic Circle.

The prevailing Arctic governance framework is built on a set of national and international regulatory tools and accompanied by interstate institutional co-operation frameworks, one example being the Arctic Council. As it stands, this structure embodies a primarily top-down approach to governance, one disregarding the norms and values rooted within and among the Arctic societies and the people living in the region. Consequently, governance suffers from a lack of adequate knowledge on distinctive socio-cultural, economic and environmental consequences; everyday needs and challenges; and the interrelationship between people, nature and the region's pristine environment. Unless a bottom-up approach is integrated within the Arctic governance framework, policy choices in governing the region will prove to be ill-informed and arbitrary.

In general terms, governance refers to co-ordinated social functions to direct or guide the actions of groups of people at all levels – from local communities to international society – towards a common outcome. In such a process, actors having the power of decision-making interact with other players and processes in formal and informal roles

to influence the decisions made. This approach then ensures the actors' endorsement of norms, policies, procedures and practices, thereby making them accountable. A meaningful and effective governance framework requires tools to identify specific challenges, adopt strategies and actions through negotiations, and contribute to norm-building for regulatory frameworks. The notion of governance calls attention to "the capacity for making deliberate choices, revising and employing knowledge for making those choices, and for organizing collectively to navigate challenges and opportunities."<sup>1</sup> In other words, it is a process in which people, communities and groups can participate, and one which these actors also have an opportunity to change and shape. At the end of the day, governance entails more than just the official institutionalization of legal processes; it is also about inclusion of the voices of those directly affected and seeing to it that those voices are reflected in policy decisions.

The institutional structure of Arctic governance, one institution being the Arctic Council, recognizes Indigenous peoples' participation, which is indeed a step forward. Yet, over three million

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<sup>1</sup> Arctic Resilience Report 2016, the Stockholm Environment Institute and the Stockholm Resilience Centre, pp. 129-130.

people, a full 90 per cent of the region's population, remain largely voiceless in institutional settings. In 2019, local leaders from thirteen Arctic cities formally inaugurated the Arctic Mayors' Forum (AMF), an institutional structure to provide local citizens a voice in Arctic development. This marked a significant advance in bottom-up governance. As a transregional structure, the AMF promotes bottom-up inclusion of voices to democratize the structure of governance in the Arctic. The task ahead is to create a better policy for coordinating efforts toward inclusive Arctic governance.

The present volume of *Current Developments in Arctic Law (CDAL)* comprises twelve papers, academic and non-academic alike, touching upon a range of issues and providing insightful information on Arctic law and policy today. The contributions deal with the following: the proposed Arctic Ocean railroad; security concerns relating to the transarctic submarine cable; challenges posed by and prospects for autonomous marine shipping in the Arctic; issues related to multilevel governance and inter-regional cooperation in the region; geopolitical perspectives on US-China cooperation and the European Union's role in the Arctic; the link between

trade law and the Arctic marine environment; sustainable development and the Arctic investment protocol; Indigenous peoples' rights from the viewpoint of traditional cultural expression as embodied in Russian legislation; environmental concerns in the Canadian polar bear regime; and gender equality among caregivers in the Nordic Arctic.

The contributions compiled in the volume are not peer-reviewed, and opinions expressed in the papers are those of the individual authors. This qualification notwithstanding, I hope that the articles will engage scholars as well as members of the general public and foster an interest in learning about Arctic law and policy. I am grateful to all the contributors for their insightful thoughts and deliberations. I sincerely thank Ms. Punam Noor for her technical support in putting the papers together and formatting them for the volume.

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