

CHAPTER 1: ARCTIC LAW: AN INTRODUCTION

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The Arctic – A Geographic Space with Human Settlement

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The Arctic is the geographic space surrounding the North Pole. The Arctic is also a human space, an area that has been populated for thousands of years. Today, the region comprises dynamic and innovative urban centers, as well as hamlets where traditional lifestyles are preserved and observed. The vast area known as the Arctic includes the Arctic Ocean and large land areas of eight countries: Canada, Denmark (via Greenland, and the Faroes under certain definitions), Finland, Iceland, Sweden, Norway, Russia and the United States. Covering six percent of the Earth's surface, the Arctic encompasses areas within, and beyond, nations' jurisdictional boundaries. The parts of the Arctic Ocean considered the high seas, spanning close to three million square kilometers, lie outside of the national boundaries of its coastal states. For comparison, this is an area is larger than the Mediterranean Sea.

There is no single legal definition of the Arctic, yet a range of definitions have been put forward that help conceptualize the region. The most common ones refer to the Arctic Circle, the tree line, and temperatures. These are all geophysical parameters setting a geographic boundary.

The **Arctic Circle definition** is based on the circle of latitude at 66.33 degrees north. The area above the Arctic Circle is that in which there is at least one day during summer when the Sun does not set, and at least one day during winter when the Sun does not rise.

The **treeline definition** refers to the point, north of which trees will not grow. This area, characterized by stunted trees and tundra and including the Arctic Ocean, would then be defined as the Arctic.



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The **temperature definition** is based on the average monthly temperature during the summer months. This definition draws a boundary at which the Arctic is the northern area where the average summer temperature does not exceed +10 degrees Celsius (+50 degrees Fahrenheit).

The Arctic can also be defined as the region which its original population, the **Arctic Indigenous peoples**, have inhabited for thousands of years. The peoples have unique cultural practices sustaining livelihoods intimately linked to the region's distinctive characteristics. For example, the prevalence of ice and snow, as well as ice-dependent activities such as using offshore ice sheets as hunting grounds, helps to understand the uniqueness of the **ethnoculturally defined Arctic**. The ethnographic definition of the Arctic depicts it as a region where over forty distinct groups of Indigenous communities engage in traditional activities such as hunting, fishing, trapping, gathering, and reindeer and caribou herding. For many communities, reindeer came to symbolize creativity, resourcefulness and knowledge, while also representing safe and reliable travel. The idea that reindeer will bring people

home safely over harsh winter terrain is emblematic of the Arctic as a unique space on the planet.

The **politically based definitions** of the Arctic can be found in the legal and policy documents created within the framework or under the auspices of the Arctic Council, a high-level intergovernmental forum of the eight Arctic states. Examples include the Conservation of Arctic Fauna and Flora (CAFF), a working group of the Arctic Council; and the Arctic Search and Rescue Agreement, a legally binding international law instrument adopted by the eight Arctic states. The Council and the Agreement each put forward their unique definitions of the Arctic for the purpose of carrying out their specific purposes.

Under any of these definitions, the number of countries that share the Arctic remains unchanged. The Arctic is a dynamic human space, characterized physically by a sparse population, vast distances, yet it hosts a number of urban and industrial centers. Regardless of the definition used of those described above, the Arctic is home to at least some four million people, of whom approximately ten percent are Indigenous population. Dense urban population centers in the Arctic are few and often far apart, with the concentration being higher in the European Arctic and the Kola peninsula in Russia. The Indigenous population is also sparse, with long distances between settlements. Infrastructure, including transport and services, is in general limited. Whereas the Arctic may have been a peripheral region in the past, the area is becoming more and more relevant to core power centers. Major urban pockets in the Arctic are as integrated into the global economy as any major urban center elsewhere worldwide, and a number of major industrial players in global sectors of the economy, such as energy or food production, are either based in the Arctic or heavily dependent on Arctic raw materials and products. Today, the Arctic is gradually becoming home to large industries in traditional sectors, such as hydrocarbons, shipping or fisheries, as well as innovative ones, examples being renewable energy, applied biosciences, sustainable food systems, space or different niche areas.

The Arctic is well known for astonishing natural phenomena such as the northern lights, the polar night, or the midnight sun. Where it once featured pristine natural ecosystems with magnificent and unique flora and fauna

adaptive to cold climatic conditions, long winters and snow- or ice-covered ground, the Arctic today exhibits drastic impacts of climate change. The UN Intergovernmental Panel on Climate Change (IPCC) consistently reports that temperatures are increasing in the Arctic faster – at least three-four times faster – than in other regions of the world. This being the case, climate change may need to be considered in the future when defining the region in terms of temperature or the tree line.

For more on this, read...

Ostenso N A, 'Arctic' (*Encyclopedia Britannica*, 8 August 2023)
www.britannica.com/place/Arctic

