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Key Actors in Arctic Governance

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The Arctic is a region encompassing territories within and beyond states' national jurisdictions. Its governance operates through a combination of hard-law and soft-law frameworks. Sources of hard law are available in international, regional, and national legal frameworks, in which states play the primary role. Soft law originates in actions taken by a set of state- and non-state actors within the region's existing institutional infrastructure. Following is an overview of the relevant actors in Arctic law:

Arctic states: States are the primary actors in shaping what is called Arctic law. Eight states, all of which have territories in the Arctic, comprise the "Arctic states": Canada, Denmark (via Greenland), Finland, Iceland, Norway, Russia, Sweden, and the United States. Of the eight, five – Canada, Denmark (via Greenland), Norway, Russia and the United States – have coastlines on the Arctic Ocean. The five enjoy legal rights and incur responsibilities within designated maritime zones in the Arctic Ocean as set out in the United Nations Convention on the Law of the Sea (UNCLOS). Like any other states, the eight Arctic states participate in international law-making processes and are legally bound by international treaties or agreements to which they are parties. In addition, the Arctic states, under the auspices of the Arctic Council (AC), negotiate legally binding Arctic-specific international treaties. There are currently three such treaties that merit mention: the 2011 Agreement on Cooperation on Aeronautical and Maritime Search and Rescue in the Arctic, the 2013 Agreement on Cooperation on Marine Oil Pollution Preparedness and Response in the Arctic, and the 2017 Agreement on Enhancing International Arctic Scientific Cooperation.

As the eight Arctic states enjoy sovereignty over the Arctic territories within their national jurisdiction, each regulates its part of the Arctic through domestic laws. These laws may cover interests such as environmental protection, resource exploitation, Indigenous rights, shipping, and navigation. In addition, Arctic states enact national legislation to implement international agreements and ensure sustainable development in the Arctic. Overall, states are essential actors in Arctic law, shaping the legal frameworks, implementing

national legislation, participating in international negotiations, asserting their regional rights and honoring their responsibilities.

Indigenous peoples: Indigenous peoples play a crucial role in Arctic governance through their representative organizations. Within the AC framework, six Indigenous organizations enjoy the unique status of "Permanent Participant." This ensures that their voices and perspectives are included in the region's decision-making processes. The Permanent Participants sit with state actors and offer firsthand knowledge on environmental and ecological processes that they have experienced and sustainably practiced for thousands of years. The inclusion of Indigenous peoples as Permanent Participants is rooted in the principles of self-determination, Indigenous rights, and meaningful consultation. The AC acknowledges that the Indigenous peoples of the region have unique cultural, social, economic, and environmental perspectives that must be considered in discussions and decisions that directly affect them and the Arctic as a whole. Recognizing Indigenous peoples as Permanent Participants is an important step towards fostering genuine partnerships that can contribute to more inclusive and equitable decision-making processes. Other regional institutional setups, such as the Arctic Economic Council, Barents Euro-Arctic Council (BEAC), also embrace inclusion of Indigenous peoples in Arctic governance.

Institutions as actors: The Arctic as a region is highly institutionalized. While global international organizations such as the International Maritime Organization (IMO) play an essential role in Arctic-related developments, an extensive set of institutions offers substantial contributions to Arctic governance through research and assessment, policy-making, environmental protection, promotion of Indigenous rights, and economic development.

The **Arctic Council (AC)**, an intergovernmental forum, is an inclusive institution that brings together Arctic states and Indigenous peoples as principal actors, and non-Arctic states, inter-governmental, and non-governmental organizations as observers. The Council addresses issues of sustainable development and environmental protection in the Arctic. Other significant actors include the following:

The **Arctic Economic Council (AEC)**, which consists of representatives from various industries, including energy, tourism, shipping, and fisheries, is a business forum that promotes economic cooperation and development in the Arctic. The AEC aims to foster responsible economic activities while respecting the region's environment and communities.

The *International Arctic Science Committee (IASC)* is a non-governmental organization that promotes and facilitates Arctic research and international cooperation. It also provides a platform enabling scientists from various countries to collaborate and exchange knowledge on Arctic science and its impacts.

The **University of the Arctic (UArctic)** is a cooperative network of universities, colleges, and research institutions spanning the Arctic. It facilitates collaboration in education, research, and knowledge exchange among its member institutions. The UArctic forms an epistemic community across the region that helps decision-makers to define Arctic-specific problems, identify various policy solutions, and assess policy outcomes.

The **Barents Euro-Arctic Council (BEAC)** is an inter-governmental cooperation forum comprising the northernmost parts of Norway, Sweden, Finland, and Russia, including the Sápmi region, the territories inhabited by the Indigenous Sámi people. The BEAC provides a platform for dialogue and cooperation among the constituent countries and regions to enhance regional stability, sustainable development, cross-border collaboration, economic growth, and cultural exchange. It addresses topics of common interest, such as environmental protection, energy cooperation, infrastructure development, tourism, education, and Indigenous rights.

The **Northern Forum**, which has representatives from Arctic and sub-Arctic subnational or regional governments, Indigenous peoples' organizations, and other regional stakeholders, focuses on cooperation and sustainable development among northern regions, their inhabitants and Indigenous communities. The Forum addresses issues of environmental protection, climate change, education and healthcare, Indigenous rights, and economic disparities.

Although the institutions described above do not have legal personality, they offer substantial input in developing Arctic law. They help produce knowledge on the Arctic with local stakeholders onboard, including the region's Indigenous peoples. The institutions are platforms for promoting research and assessments, as well as policy recommendations – recognized as soft law – for Arctic governance.

For more on this, read...

Shibata A and Others (Eds), *Emerging Legal Orders in the Arctic: The Role of Non-Arctic Actors* (1st edn, Routledge 2019) <https://doi.org/10.4324/9780429461170>

