

# The Internationalization of the Circumpolar North: Charting a Course for the 21st Century

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## Introduction

Both practitioners and scholars have long viewed the high latitudes of the Northern Hemisphere - roughly the Arctic Ocean and the lands and seas surrounding it down to about 60°N - as constituting an area that does not lend itself to effective international cooperation and for two distinct reasons. Most readers will hardly need to be reminded that the Arctic was split into two opposing camps by the Cold War with the Soviet Union on one side controlling almost half the region, the NATO alliance (including Denmark/Greenland, Iceland and Norway as well as the United States and Canada) on the other side, and Finland and Sweden maintaining a posture of neutrality in between.

In this context, the region figured largely as an arena or theater for the deployment of military forces, including nuclear weapons mounted on bombers and ballistic missiles carried by nuclear-powered submarines, rather than as a bridge to be used in promoting international cooperation [1]. Less well known but equally important is the fact that most Arctic lands and seas have long been treated as peripheries of countries whose cores and

associated policymaking apparatus are located well to the south [2]. Whether the issues center on the exploitation of natural resources or the treatment of indigenous peoples, Moscow has controlled the Russian Arctic, Copenhagen has ruled Greenland, Ottawa has governed the Canadian Arctic, and Washington has made policy decisions for Alaska. Given the resultant pattern of North/South interactions, it is not surprising that there is no tradition of conceptualizing the Circumpolar North as a distinct region, much less as a suitable area for initiating and encouraging the development of productive international relationships. Yet these conditions have changed both rapidly and dramatically during the last ten to fifteen years. The winding down of the Cold War beginning in the late 1980s released a flood of efforts to launch cooperative ventures that cut across the boundaries of national jurisdictions in the Far North. What is more, the devolution of authority from central governments to local/regional governments in such forms as the creation of the North Slope Borough in Alaska (1972), the formation of the Greenland Home Rules (1979), and most recently the establishment of Nunavut in the Canadian Arctic (1999) has served to increase the capacity of northerners to interact with one another along East/West lines rather than being confined to interactions with political and administrative centers to the South [3]. The emergence of the Inuit Circumpolar Conference (ICC) linking the Inuit of Greenland, Canada, Alaska, and the Russian Far East is simply one prominent example of this development.

What can we say about the character of the landscape of international cooperation that has arisen in the Arctic in recent years? Do the individual initiatives of a variety of groups form a coherent whole? Can we now describe the Arctic accurately as a distinct region in international society?

This essay addresses these questions, providing some preliminary answers and laying out a range of issues relating to international cooperation in the Arctic that require more systematic consideration.

## **A Cacophony Of International Initiatives**

It would be wrong to conclude that there is no history of international cooperation in the Circumpolar North. In fact, three striking cases involving efforts to devise effective governance systems to deal with well-defined issues arose in the Arctic during the first seventy-five years of this century [4]. In 1911, Great Britain (on behalf of Canada), Japan, Russia, and the United States signed the North Pacific Sealing Convention establishing a

cooperative management regime designed to restore the health of northern fur seal stocks breeding on islands in the Bering Sea. The resultant regime not only defused an intense international conflict but it was also widely regarded as a successful effort in wildlife conservation before it fell victim to preservationist preferences during the 1980s [5].

During the course of the post-WW I peace negotiations, a group of states signed the 1920 Treaty of Spitsbergen, an agreement creating a regime for the Svalbard Archipelago that remains in operation today. In essence, this regime awards sovereignty over the archipelago to Norway but then proceeds to impose a variety of restrictions designed to accommodate the interests of the other signatories [6]. The demilitarization provisions of this regime are often regarded as one of the sources of similar provisions incorporated into the Antarctic Treaty and the og 1959. Perhaps more surprisingly, five states, including both the Soviet Union and the United States, joined together in 1973 during the midst of the Cold War to sign an Agreement on the Conservation of Polar Bears. This innovative agreement remains in force today having survived not only dramatic political changes but also far-reaching changes dealing with the legal regime applicable to marine areas [7].

Significant as they are, however, these cases of international cooperation in the Arctic seem few and far between when compared with the number and variety of new initiatives launched over the last ten to fifteen years. As Table 1 indicates, the Arctic has become in recent years an extremely active arena for the development of international initiatives falling into a variety of categories. Some of these initiatives feature the formation of regimes or institutions in the sense of sets of rules of the game that give rise to social practices; others center on the establishment of organizations in the sense of material entities possessing offices, personnel, and budgets [8]. The fisheries regimes for the Bering and Barents Seas and the joint development zone for the area lying between Iceland and Jan Mayen, for instance, are all institutional arrangements or what are generally know to students of international affairs as regimes. The Northern Forum and the Inuit Circumpolar Conference, by contrast, are organizations that figure as actors seeking to advance the causes of their constituents in a variety of policy arenas.

Although some recent Arctic initiatives are region wide in scope, it is interesting to note that the Circumpolar North has become an active zone for sub regional initiatives involving only two states in some cases but emerging as multilateral initiatives in other instances. No doubt, the premier example of region wide cooperation in recent

years has been the Arctic Environmental Protection Strategy (AEPS) launched in 1991 and now subsumed as a component of the overarching Arctic Council (AC) established in 1996 [9]. This largely programmatic arrangement has clearly played a role of some significance in raising consciousness about the Arctic as a distinct region as well as in determining the magnitude of a variety of environmental concerns in the Arctic region [10]. Yet the emergence of other arrangements, such as the Barents Euro-Arctic Region (BEAR) whose core members are Norway, Sweden, Finland and the Russian Federation [11] and the North Atlantic Marine Mammals Commission (NAMMCO) whose principal members are Iceland, Norway, Greenland, and the Faroe Islands [12] makes it clear that there is considerable interest in creating multilateral arrangements that are sub regional in scope to deal with a range of Arctic issues.

A particularly striking feature of the recent surge in international initiatives in the Arctic is the prominent role accorded to sub national units of government and nonstate actors in many of the resultant arrangements. The ICC and the International Arctic Science Committee (IASC) are nongovernmental organizations that not only pursue their own agendas but that have also emerged as significant players in various arenas featuring interstate cooperation. The Northern Forum is an association of states, counties, provinces, territories, oblasts, and other entities representing the interests of sub national units of government within a number of northern countries. Much of the work of the BEAR is carried out by a regional council composed of representatives of counties and oblasts in contrast to the Barents Council in which representatives of national governments meet from time to time. One of the most interesting developments in this realm involves the establishment of the category of Permanent Participants in the Arctic Council. Although the organizations belonging to this category - currently the ICC, the Sami Council, the Russian Association of Indigenous Peoples of the North (RAIPON), and the Aleut International Association - are not listed as formal members of the Arctic Council, they are accorded virtually all the rights and privileges enjoyed by member states.

Beyond this, it is worth noting the important links between efforts to promote international cooperation in the Arctic and a number of broader, often global initiatives. Sometimes this is a matter of nesting Arctic provisions into overarching agreements as in the case of Article 234 of the 1982 United Nations Convention on the Law of the Sea (UNCLOS) which deals explicitly with the management of ice-covered areas [13]. In other cases, it is a matter of finding ways to bring global regimes (e.g. the biodiversity regime) to bear on

specific issues arising in the high northern latitudes. Perhaps even more important are those cases in which actions taken in other parts of the world are producing particularly severe impacts in the high latitudes. Cases in point include the effects of climate change on Arctic systems, the thinning of stratospheric ozone over the poles, and especially the migration of persistent organic pollutants (POPs) to high northern latitudes along with the subsequent bioaccumulation and biomagnification of these contaminants at higher levels of the food chain. Increasingly, therefore, the links between global processes and Arctic systems demand attention in efforts to come to grips with environmental problems in international society.

## Current Issues

In most respects, the striking growth of international cooperation in the Arctic during the recent past is good news. No one would advocate turning the clock back to an era dominated by Cold War divisions and core/periphery relations in the Circumpolar North. Yet the fact that ventures in international cooperation are bursting out all over in the Arctic does raise a variety of issues that will demand careful consideration as we seek to flesh out our vision of the Arctic as a distinct region at the opening of the new millennium. This section seeks to frame and to provide an initial commentary on eight of the most significant of these issues.

## Current Issues

**Is there a need for a comprehensive and integrated Arctic regime similar to the Antarctic Treaty System (ATS) that has developed to govern the Circumpolar South?**

While economists who employ the idea of the unseen hand in thinking about the growth of markets and sociologists concerned with the evolution of social practices are often quite content with the notion of institutional arrangements developing on their own, many lawyers and some political scientists believe that there is a need to craft some comprehensive regime or, in other words, a constitutional contract, for the Arctic treated as a distinct region in international society. No doubt, the generally positive experience with the creation and development of the ATS in the south polar region lends credibility to the views of those who espouse the formation of an Arctic Treaty System [14]. But is there a compelling need to move in this direction? And even if the answer to this question is affirmative, is this the right time to make such a move? In general terms, the case for a comprehensive regime rests on the desire to avoid gaps and overlaps in Arctic governance. The argument against such a move not only raises questions about the seriousness of these problems but it also emphasizes the

transaction costs involved in creating a comprehensive regime for the Arctic. The idea of creating such a regime has sufficient appeal to ensure that it will not disappear from the Arctic agenda during the foreseeable future [15]. But the probability of significant progress toward this goal occurring during the next decade is low.

## Current Issues

**How can existing Arctic governance systems be structured to minimize problems arising from gaps and overlaps?**

If the creation of a comprehensive Arctic regime does not occur during the foreseeable future, it may still be worth investing some time and energy to minimize problems of institutional interplay occurring in this realm. There is nothing unique about this issue; it arises in one form or another with respect to many human endeavours [16]. A number of strategies are available to deal with such matters. One centers on the concept of subsidiarity. It should be easy enough for the Arctic Council, for instance, to leave matters pertaining to whales in the North Atlantic to NAMMCO. Another involves establishing procedures to render authoritative interpretations when the activities of two or more distinct regimes interfere with one another. It is imaginable that the Arctic Council could assume this role, although there may well be opposition to such an essentially statist development among sub national and nonstate actors that are important stakeholders in the Arctic. Yet another strategy involves functional mergers that do not amount to efforts to create a comprehensive regime for the Arctic. The effort now underway on the part of the Arctic Council to devise an integrated approach to environmental protection and sustainable development in the Circumpolar North constitutes an interesting experiment along these lines. Undoubtedly, there will be false starts and even outright failures in efforts to deploy these strategies. Yet it is apparent that there is much work to be done in avoiding gaps and overlaps short of negotiating a constitutional contract for the Arctic.

## Current Issues

**Would there be added value resulting from the creation of legally binding international arrangements for the Arctic?**

Most of the recent initiatives involving international cooperation in the Circumpolar North have taken the form of soft law in contrast to hard law. Even in the case of the Arctic Council, a region wide arrangement featuring interstate relations, cooperation rests on a ministerial declaration that does not require ratification on the part of the member states. Is this a defect to be remedied as quickly and effectively as possible? [17] Advocates of a move to legally binding commitments point to the fact that member states are likely to feel less committed to nonbinding agreements and that they may find it



more difficult to secure resources to implement the terms of nonbinding agreements in the competition for material resources unfolding in domestic policy arenas. On the other hand, soft law agreements are not without merits of their own. It is easier to induce actors to enter into substantively significant agreements that are not legally binding. Soft law regimes allow more flexibility in introducing innovative arrangements such as the provisions dealing with Permanent Participants in the case of the Arctic Council. And these relatively informal regimes are easier to adjust in a timely manner to changing circumstances giving rise to a need for institutional adjustments in a dynamic region like the Arctic. Once again, therefore, we are faced with a balancing act. It is not that making international commitments legally binding offers no value added in a variety of settings. But the fact is that the current practice of advancing the cause of international cooperation in the Arctic through nonbinding agreements has a number of advantages that most of the players rightly regard as attractive.

## Current Issues

**What is the proper relationship between international institutions and organizations in the Arctic?**

A striking feature of the recent proliferation of efforts to enhance international cooperation in the high northern latitudes is the seemingly haphazard mix of institutions and organizations that has emerged in the region. There are organizations (e.g. the Northern Forum) that have sprung up as freestanding bodies without any discernible link to institutional arrangements. By contrast, there are institutions (e.g. the polar bear regime) that have functioned in the region for some time with virtually no associated organizations to handle administrative functions. Even more important, there are major initiatives such as the Arctic Council in which there is a considerable ambiguity or even outright confusion regarding the proper balance between institutions and organizations. There is no simple formula to follow in this realm. Organizations can spawn regimes, just as the creation of regimes can give rise to a growing need for organizations to administer them. Nonetheless, the current situation in the Arctic regarding this matter is problematic; it is on its way toward becoming a source of significant misunderstanding among those concerned with international cooperation in the region. Although the occurrence of this situation is perfectly understandable as a result of the rapid growth of interest in international cooperation in the Circumpolar North, a concerted effort to review and sort out the proper roles of institutions and organizations is in order during the near future.

## Current Issues.

How should we handle the interplay between global but functionally specific arrangements and regional but functionally broad arrangements in the Arctic?

Like other regions, the Arctic is linked to events unfolding in other parts of the world through a variety of increasingly complex relations. Some of the links are biophysical, as in cases like birds and animals that migrate to the mid-latitudes for a portion of the year or airborne and waterborne pollutants that flow toward the Arctic from their places of origin in the mid-latitudes. Other links are more socio-economic and political in nature, as in cases like southern actions that disrupt markets for northern products such as sealskins or furs harvested through the use of leghold traps [18]. A particularly significant set of institutional links are those arising when global arrangements aimed at specific problems like the conservation of whales or the protection of the stratospheric ozone layer interact with regional/subregional arrangements addressing a wide range of concerns like the Arctic Council or the BEAR. Handled properly the resultant institutional interplay can prove mutually beneficial; representatives of regional arrangements can be granted a voice in global forums, and regional arrangements can play useful roles in implementing the rules and decisions of global regimes. At the same time, it is apparent that there is considerable scope for the occurrence of disconnects and even outright conflicts in this realm. The rapid growth of regional arrangements in the high latitudes has brought this issue into focus with regard to the Circumpolar North. Dealing with it constructively should be a priority for the next decade.

## Current Issues

Specifically, are there opportunities to nest Arctic arrangements into global regimes?

One strategy that can prove helpful in addressing some of these issues of institutional interplay features the nesting of regional arrangements into more encompassing global regimes. Efforts along these lines are already underway with regard to Arctic issues. I have mentioned already the ice-covered areas provision nested into the law of the sea as codified in UNCLOS. Presently, the Arctic Council's Working Group on the Conservation of Arctic Flora and Fauna (CAFF) is endeavouring to nest its programs into the larger framework provided by the global regime set forth in the Convention on Biological Diversity (CBD) [19]. The current negotiations aimed at creating a global regime to deal with persistent organic pollutants (POPs) are attuned to the concerns of Arctic residents regarding problems associated with these contaminants, and there is reason for optimism about opportunities



to nest Arctic-specific provisions into this emerging global regime [20]. Developing nested arrangements is often easier said than done. Although UNCLOS was adopted in 1982 and seven of the eight Arctic states have signed (but not necessarily ratified) the convention, we still lack an explicit and generally accepted set of rules designed to flesh out the general formula of Article 234 and to govern a range of human activities in ice-covered areas of the Arctic. Still, there is much to be said for continuing to pursue the strategy of nesting as one effective means for handling the interplay between global and regional arrangements designed to manage international cooperation.

## Current Issues

**Are there features of the biotic and abiotic systems of the Arctic that require special treatment in the development of environmental and resource regimes?**

Every region has its own distinct features, a fact that means nesting must be handled in a manner that is sensitive to the circumstances prevailing in each region of the world. In the Arctic, these features involve things like high concentrations of birds and animals that make whole populations vulnerable to catastrophic events; slow rates of regeneration for depleted stocks and degraded ecosystems; long residency periods for many types of pollutants, and bioaccumulation and biomagnification that concentrate contaminants such as POPs and heavy metals at the top of the food chain [21]. Clearly, there is a need to bear these features of the region's biophysical systems in mind in devising international regimes dealing with Arctic issues. Stocks of some species of whales depleted a hundred and more years ago by commercial whalers have yet to recover in a number of parts of the Arctic. Stocks of other species (e.g. caribou and sea lions) are subject to fluctuations whose speed and magnitude are great but whose causes are poorly understood. Ecological "cascades" are common under Arctic conditions, so that there can be no assurance that ecosystems will return to their preexisting state following more or less severe disturbances. The implications of these circumstances are clear. Although there is a legitimate role for global regimes, there can be no substitute for a detailed understanding of the dynamics of regional systems in devising effective arrangements to manage human/environment relations in an area like the Arctic. What is more, there is a critical need to make use of all available knowledge, including traditional ecological knowledge (TEK) as well as western, scientific knowledge, in devising and administering specific environmental and resource regimes [22].

## Current Issues

### How should the Arctic Council proceed in developing its Sustainable Development Programme?

Under the terms of the 1996 Ottawa Declaration on the Establishment of the Arctic Council, this new region wide body has taken over the environmental initiatives of the AEPS and grouped them into an Environmental Protection Programme. At the same time, the declaration calls upon the council to initiate a new, parallel set of activities in the form of a Sustainable Development Programme. This has proven to be a difficult challenge. What exactly does the phrase "sustainable development" encompass, and what should be the relationship between environmental protection and sustainable development in this setting? Understandably, some of those who have worked hard on the environmental protection activities established under the auspices of the AEPS fear that their efforts will be deflected or even undermined in the name of sustainable development in the deliberations of the Arctic Council. Others, equally understandably, worry that the idea of sustainable development is so encompassing that the Arctic Council will lose direction and stumble over a variety of sensitive issues in its pursuit of sustainability. The resultant situation constitutes both a problem and an opportunity for the council. The cause of international cooperation at the regional level could well founder over disagreements about this issue. Should the council find a way to deal constructively and creatively with the links between environmental protection and sustainable development, on the other hand, it would immediately become a model of interest to those struggling with similar issues in other parts of the world. Clearly, there is no simple formula to be used in addressing this issue. At a minimum, however, success in this realm will require a strategic perspective that offers a solid foundation on which to build these programs rather than a scattershot approach that produces a hodgepodge of loosely related and sometimes conflicting initiatives [24].

## Conclusion

The goal of this brief account has been to frame a set of issues rather than to offer any simple answers. The outpouring of interest in international cooperation in the Circumpolar North during the last ten to fifteen years is a remarkable occurrence. It has gone far toward putting the high latitudes of the Northern Hemisphere - split until recently by Cold War rivalries and segmented by core/periphery relations - onto the map as a distinct region in international society. This is good news, especially for the residents of the Arctic whose interests are often poorly served by the actions

of policymakers located in southern capitals. But it has also created a sizable agenda of relatively specific issues relating to the form and content of international cooperation in this region. None of these issues will be simple or easy to solve. Yet none of them appears to be insoluble, especially in a setting in which there is a growing reservoir of good will and a sense of momentum regarding the course of regional affairs. As a result, the Arctic enters the next millennium as an area of great interest for practitioners and scholars interested in international cooperation. The next decade promises to be a period of both continued growth and consolidation with regard to the international relations of the Circumpolar North.

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