

## INTERNATIONAL ARCTIC CHANGE AND THE LAW AND POLITICS OF THE ARCTIC OCEAN SEABED

Expanding our observational basis.

Improving our strategy and policy-making.

Minimizing the negative impacts and maximizing the positive outcomes of “the on-going transformation of the Arctic.”<sup>1</sup>

### INTRODUCTION

The conference on International Arctic Change was convened in December 2008 in Quebec City to hear how researchers and policymakers interested in the Arctic are pursuing these three interrelated goals.<sup>2</sup> Although the natural sciences predominated, the range of disciplines represented by the more than 700 conference attendees, from biology to sociology, from geophysics to public health, reflects an important difference between the Arctic and the Antarctic: *people* live in the circumpolar North. While scientists have made their way to Antarctica in very recent history to work in semi-permanent research communities, the Inuit have populated the Arctic for millennia, their northern domicile and heritage stretching over generations.<sup>3</sup> Non-indigenous populations have displaced or coexisted with the Inuit only in relatively recent history, introducing different systems of governance and laws.

Where people live, rules and boundaries develop. Ideally, those laws and borders adapt to reflect the changing conditions that affect the people and resources subject to them. The fact that the adaptation of rules and boundaries to new circumstances does not come without good scientific information and diplomatic effort is illuminated by the following papers, as is the potential for both conflict and new forms of cooperation that arise

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1. Conference Programme, ArcticNet et al., Arctic Change 2008, (Dec. 9–12, 2008), available at <http://www.arctic-change2008.com/pdf/ac-short-programme.pdf>.

With climate change and Arctic issues moving to the forefront of national and international agendas, circumpolar nations face an increased urgency to expand the observational basis needed to formulate strategies and policies that will minimize the negative impacts and maximize the positive outcomes of the on-going transformation of the Arctic. . . . ArcticNet is supported by the Government of Canada through the Networks of Centres of Excellence (NCE) programs.

*Id.*

2. *Id.*

3. See, e.g., *The Coast Guard in Canada's Arctic, Interim Report: Fourth Report*, Senate of Canada, Standing Committee on Fisheries and Oceans, at ii (June 2008), available at <http://www.parl.gc.ca/39/2/parlbus/commbus/senate/com-e/fish-e/rep-e/rep04jun08-e.pdf>. Approximately 150,000 Inuit live in Alaska, Canada, Greenland, and Russia. *Id.* at 7 n.18.

from changes in the Arctic. The common backdrop of these four pieces, first presented in Quebec City,<sup>4</sup> is the increasing access to the Arctic,<sup>5</sup> the mapping of the Arctic Ocean continental shelf for purposes of extending national jurisdiction,<sup>6</sup> and their combined implications for relations and resource use as between Canada and its arctic neighbors.

John Kennair, a foreign relations historian from Grant MacEwan University in Edmonton sets the stage with a study of how Canada has characterized and used the idea of the Arctic in its foreign policy and the development of international law. Clive Schofield, a political geographer specializing in maritime boundary delimitation at the Australian National Centre for Ocean Resources & Security, University of Wollongong, New South Wales, discusses emerging governance challenges for Canada and its arctic neighbors using biodiversity, resources, and increasing maritime activities as his lens. Betsy Baker, Associate Professor at Vermont Law School, begins to lay out Canadian and U.S. regulatory foundations for the possible science-based joint-management of a disputed area in the shared Beaufort Sea. Ron Macnab, a marine geophysicist now retired from the Geological Survey of Canada, looks to how international issues involved in continental shelf delimitation affect Canadian domestic politics and to the potential for shared or overlapping jurisdiction on the Arctic shelf once it has been delimited.

*Expanding our observational basis* has a direct bearing on *improving our strategy and policy-making*. Good scientific observation, coordinated between countries, is one basis for improved strategy and policy making in the circumpolar Arctic. Good laws require effectively translating and communicating the results of those observations to lawmakers. Cross-disciplinary initiatives such as the International Polar Year,<sup>7</sup> the Arctic Change conferences, and the thematically connected set of articles that follow, all contribute to building our knowledge base so as to respond to and anticipate changes in the circumpolar North.

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4. The four authors appeared together as panelists for the Arctic Change 2008 session “The Law and Politics of Canadian Jurisdiction on the Arctic Ocean Seabed.” The pieces in this volume reflect a Canadian focus, but also the fact that many matters of law and politics in the Arctic will necessarily be resolved only by neighboring circumpolar States engaging with each other.

5. See, e.g., ARCTIC COUNCIL, ARCTIC MARINE SHIPPING ASSESSMENT 2009 REPORT (2009).

6. See, e.g., LEGAL AND SCIENTIFIC ASPECTS OF CONTINENTAL SHELF LIMITS (Myron Nordquist et al. eds, 2004).

7. The Fourth International Polar Year, 2007–2009, whose apex coincided with Arctic Change 2008, spurred initiatives for global and regional observation networks and spawned new research into the causes and effects of global change in both polar regions. For a history of the International Polar Years (First IPY 1882–1883, Second IPY1932–1933, Third IPY (renamed the International Geophysical Year IGY) 1957–1958), visit <http://www.ipy.org>. For a representative sampling of IPY projects, visit The International Polar Year Publications Database (IPYPD), available at <http://www.nisc.com/ipy>.