

Project Day Reports

Legal Challenges in the Arctic

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The goal of this session was to bring together various legal experts, representatives of government, NGOs, indigenous peoples, communities, researchers and other interested stakeholders to establish a dialogue on existing legal challenges and the role of law in dealing with Arctic issues. By attempting to consider contemporary Northern transformations through a legal lens of "Arctic law," the session also aimed at bridging the communication gap among different representatives, sharing ideas and experiences from the eight Arctic states generally and developments in international law in particular, and discussing the most vital problems, constraints, challenges and prospects for further cooperation in dealing with legal aspects of Northern development.

The session succeeded in reaching its initial goals. It was well represented by a wide range of participants including: dignitaries (e.g. Dr. Olafur Ragnar Grimsson, President of Iceland); indigenous leaders (e.g. Mrs. Patricia A. Longley Cochran, chair of the Inuit Circumpolar Council and Executive Director of Alaska Native Science Commission); representatives of the research and academic community from different social sciences, governmental and non-governmental institutions; policy-makers; and young scholars. In addition to the scheduled presentations (see session's description), because of tremendous interest to the topic, the session also included brief presentations by Mr. Mead Treadwell, Chair of the US Arctic Research Commission and Senior Fellow of the Institute of the North, Alaska, USA and Dr. Vladimir Masloboev, director of the Institute of the Industrial Ecology on Problems in the North, Vice-President of the Kola Science Centre, the Russian Federation. Presentations and discussions covered topical issues of climate change and environmental law in the Arctic, the significance and limitations of soft-law practices, recent developments in energy law, minority and indigenous peoples' rights, international Human rights law, security, sovereignty, legal disputes, land claims,

access to justice and global challenges that are relevant to the Arctic region.

Productivity of this session derived not just from a great representation of participants who were truly engaged in discussions but also by inspiring presentations, ideas and recommendations which resulted from this gathering. This session revealed that:

- There is an urgent need to continue developing a better dialogue and partnership among various interested stakeholders who are involved in addressing legal matters in the Arctic.
- There are limitations and problems in further development of a universal concept of "Arctic law." However, law plays a substantial role in addressing many areas of policy-making and institutionalization in the Arctic. It is relevant to issues studied by other social sciences and humanities, to the daily practice of Arctic governments, communities, Northern citizens and to other countries with interest in the North. Therefore, more information sharing, revision of legislative practices with inclusion of the most current developments, education and transnational collaboration is required to raise awareness about the role of law and its significance in dealing with human, economic, sustainable development, multi-level governance systems etc. in the Arctic.
- Despite differences in approaches and legislation of the Arctic states, there are substantial similarities which should be taken into account in developing regional, national, international policy-making, legislative practices and research. Thus, learning lessons from positive and negative initiatives and experiences from Northern regions is crucial.

– Because of the time limits of the session and the complexity of the issues which emerge from study of legal challenges in the Arctic, participants pointed to the need for a follow-up workshop on this subject under the auspices of the NRF. The need for further analysis and for filling in gaps that were not included in the Chapter on “Legal Systems” published in the Arctic Human Development Report (2004) was emphasized. Because of the importance of this topic to a wide variety of parties generally, and those who are involved in the International Polar Year initiatives in particular, it

was suggested that such a workshop be organized with focus on specific areas that would have not just an academic but practical significance for actors in the North. This workshop would look at the nexus of the theory and practice by further enhancing a dialogue among scientists and practitioners. It would also help to: further identify future direction and gaps in the existing research agenda; outline innovation and emerging legal matters in the North; encourage discussion with young scholars and would thereby have an educational purpose for interested parties.