

# Introduction

The Arctic is variously defined and yet more variously understood. The three commonest definitions are *latitudinal* (that part of the globe within the Arctic Circle at 66° 32" N); *isothermal* (the line above which the mean daily temperature in summer does not rise above 10° centigrade); and *arboreal* (beyond the tree line). While it is therefore possible to map the Arctic in slightly different ways, the region, as delimited by any of these three parameters, poses some particular challenges for any state laying claim to Arctic territory. Indeed, though it has been home for centuries to indigenous peoples who have mastered its conditions, the Arctic has historically proven to be a difficult region for governments to administer. The extreme temperatures, vast distances, and widely dispersed patterns of settlement that characterize the Arctic have made it impossible for bureaucracies based in far-off capitals to erect and maintain the kind of infrastructure and institutions that they have built in more temperate regions. Moreover, many past efforts to establish a stronger state presence in the region and to govern it in a more active way have been marked by a lack of sensitivity to the richness of indigenous cultures and traditions and to the rights of the Arctic's inhabitants. If the interest in Arctic issues of officials in Ottawa, Washington, Moscow, and the capitals of other Arctic States has traditionally been fleeting, and if their level of engagement with Arctic affairs has been limited, it is hardly surprising that the rest of the international community has generally paid even less attention to the Far North.

The situation has changed very dramatically in recent years, however. Climate change and the disproportionate impact it has been having on the northern polar ice cap have stimulated intense interest in the Arctic within national governments; in international organizations; and among scientists, environmental activists, and other civil society groups. Both officials and the inhabitants of the region themselves

worry about the negative effects that climate change might have on fragile ecosystems and on traditional ways of life, even as they also seek to explore new opportunities for economic development and growth that might arise as the Arctic becomes more accessible. The prospect that new shipping lanes might be opened through waterways previously made impassable by ice has attracted the interest of maritime and trading nations far from the Arctic, and multinational energy and mining companies are eager to investigate the possibility of tapping hydrocarbon and mineral deposits that have heretofore been unreachable. While all of these developments give rise to daunting challenges for the indigenous peoples of the Arctic, another important change is that the rights of these peoples, and the value of their unique perspective on the region, are recognized to a greater extent than ever before.

At this moment of rapid change, this book seeks to explore how the challenges of governance are developing and being met in the North American Arctic, while also drawing upon lessons from the history of governance in the region. In focusing specifically on that part of the Arctic that extends from the US state of Alaska, across Canada's three northern territories, to the autonomous country of Greenland, this book proposes that the North American Arctic shares some particular features that make it worthy of attention and analysis. Perhaps, the most obvious theme that emerges from an examination of the jurisdictions of this region is their place within democratic, federal systems in which responsibility for governance is divided between national and sub-national administrations. The nature of these arrangements vary considerably within the North American Arctic, with Alaska ranking as a full member of the US federal system; with Yukon, the Northwest Territories, and Nunavut constituted as territories, with less standing than provinces in the Canadian confederation; and with Greenland recognized as a self-governing component of the Kingdom of Denmark, alongside metropolitan Denmark and the Faroe Islands. Taken together, the shared experience with federalism, the variations between those experiences, and the fact that federal arrangements have been evolving rapidly in recent years (with Nunavut having been created only in 1999, and with Greenland on a path that might ultimately lead to independence) play a large part in defining the North American Arctic.

Another important aspect of the North American Arctic is the prominence within the region of issues relating to the rights of indigenous peoples to representation, economic opportunity, and access to resources. These issues are also important, of course, in the Nordic countries and Russia, where the Saami and the so-called small peoples of the

Russian North are recognized as having particular rights and interests, but the fact that – in contrast to northern Norway or Russia – indigenous peoples make up a substantial majority of the population of Greenland and Nunavut, and a smaller majority of the population of the Northwest Territories, results in a different dynamic in North America. Indigenous peoples also predominate in the northernmost regions of Alaska and the Yukon Territory, and the success of Alaska natives in reaching a settlement of their land claims with the US government in 1971 provided inspiration to indigenous peoples across the region. Indeed, it is noteworthy that the Inuit culture stretches across the entirety of the North American high Arctic, providing transnational linkages between indigenous peoples of the region, from Greenland to Alaska (and even beyond, to the adjacent Chukotka region of the Russian Far East, home to a small number of Siberian Yupik, who are closely related to the Yupik of Alaska).

Contributors to this book are concerned with North American perspectives upon the changing problems of governing the Arctic. They are not directly concerned (not, at least, in this book) with the science of anthropogenic increases in greenhouse gases, or of soot deposition, methane release, reduction of sea ice, thawing of permafrost, or melting of the Greenland ice sheet. Were these physical developments not taking place, however, states, peoples, and companies would be less consumed with the political and economic implications of ecological, physical, and geographical change. Accordingly, contributors and editors are concerned with the broad implications of these changes for governance, commerce, human welfare, and security. Furthermore, they are aware both that the rate of physical change in the Arctic is accelerating and that the scientific evidence shows that the rate of warming in the Arctic is approximately twice the magnitude of the rate worldwide. The question is now not whether the Arctic Ocean will be ice-free in the summer but how soon it will reach that condition. It is already the case that shipping is plying the Northern Sea Route and the Northwest Passage with a frequency that was not – and probably could not – as have been anticipated as recently as the mid-1990s.

The governance question is one to which delegates to the conference from which this book sprang repeatedly returned in their formal contributions and in their informal discussions. Accordingly, it is at the center of the book's concern. Three dimensions of governance are of particular interest. First, there is the question of claims by certain states over particular parts of the Arctic Ocean: while the United States and most EU states regard the Arctic Ocean as international waters, Canada,

Russia, Denmark, and Norway regard parts of it as internal waters. Second are the positions, status, and history of indigenous peoples in the Arctic whose participation in the future of the Arctic has belatedly come to be widely accepted. Third, the Arctic Council (to which the eight Arctic states of Canada, United States of America, Finland, Iceland, Russian Federation, Norway, Denmark, and Sweden belong) provides a forum for discussion of some matters of common concern. Established in 1996, the Ottawa Declaration formally established the Council as a high-level intergovernmental forum to 'promote cooperation, coordination and interaction among the Arctic States, with the involvement of the Arctic indigenous communities and other Arctic inhabitants on common Arctic issues' between its members and to involve indigenous peoples on matters of common concern including those of sustainable development and environmental protection in the Arctic.<sup>1</sup> The Council's Chairmanship rotates every two years between the eight member states. Five of those eight states have coastlines on the Arctic Ocean; Iceland, Sweden, and Finland do not. Other states and international organizations have observer status at the Council, while a unique aspect of the Council is the formal inclusion of organizations of indigenous peoples as 'permanent participants', with a seat at the table for discussions of the key issues facing the region. The permanent participants are the Arctic Athabaskan Council, the Aleut International Association, the Gwich'in Council International, the Inuit Circumpolar Council, the Russian Association of Indigenous Peoples of the North, and the Saami Council.

An introduction to the book by Bill Graham and a concluding chapter by William Iggiagruk Hensley frame this edited collection of chapters which the editors have organized in four parts entitled 'Sovereignty', 'Security', 'Institutions', and 'Official Perspectives'. Addressing himself to the broad topic of the 'Arctic, North America, and the World', Graham, a distinguished former foreign minister and defense minister of Canada, emphasizes the powerfully formative nature of the basic geopolitical realities within which North American states formulate their foreign policies. A bipolar world brought continent-wide benefits to Canada, but with the end of bipolarity, he argues that the Arctic dimension of Canada's relationship with the United States now appears 'in a more complex light'. That light falls in part upon the Arctic Council, to which Graham found that the United States gave little attention when he was Canada's foreign minister. The United States' involvement with and commitment to the Council have since grown sharply. The Council's salience has also risen as the political, trading, and economic

significance of the Arctic Ocean's transformation to a less uniformly solid state continues.

## **Sovereignty**

Shelagh D. Grant, James Kraska, and Adam Lajeunesse and P. Whitney Lackenbauer set questions of governance in contrasting spatial and historical contexts, exploring the historical basis for the claims of contemporary nation-states to sovereignty over the Arctic, differences that have arisen between Arctic States over an assertion of sovereignty (and regulatory jurisdiction) over Northern waters and the potential concerns over sovereignty raised by the growing interest of external economic actors in the region. In considering the persisting problem of sovereignty in the North American Arctic, Grant shows Arctic politics to be powerfully path-dependent. They are so in the difficulty they present of adjusting non-Arctic technologies to Arctic conditions, in the formerly habitual discounting of indigenous people's resolve to protect their cultures, languages, and environment, and in the difficulty that states have had in retaining control over sea routes and adjacent waters; she finds clues in the past about the difficulties of the present. In a theme that occurs elsewhere in the book, Grant urges the need for cooperation not just within and among the eight Arctic countries but within the international community of nations.

In his contribution on 'Canadian Arctic Shipping Regulations and the Law of the Sea' (Chapter 2), James Kraska considers the powerful and consequential nature of Canada's policies governing the regulation of Arctic shipping in waters that it claims as its own, and enforces through its Northern Canada Vessel Traffic Services Zone Regulations (NORDREG), the justification for which successive Canadian governments have claimed to find in Article 234 of United Nations Convention on the Law of the Sea (UNCLOS). The case is of compelling interest and importance for four distinct reasons: for the governance of shipping in those Arctic seas over which Canada has asserted territorial claims; for the importance of the case in the precedent that it sets for such claims advanced by other nation-states (not least in Antarctica); and for its serving as an illustration of power that Canada has been able successfully to wield over the United States in this case. While resistance to Canada's claims is in principle possible, the capacity of other states (including the United States) either successfully to resist Canada's capacity to enforce its claims or to alter the position of successive Canadian governments is limited.

Lajeunesse and Lackenbauer's chapter on Chinese mining interests in the North American Arctic (Chapter 3) speaks to themes of the mistrust among Inuit of outsiders' motives, not just in the twenty-first century but over the very long run. The outsiders in this instance are Chinese enterprises, all of them wholly or partly state-owned. The authors show that investment and security decisions cannot in practice be separated; that the Inuit have been and retain the potential to shape policy outcomes. That is apparent in Greenland, for example, through the agency of the state's capacity to set royalties and to block or limit mining projects promoted by Chinese (and, by extension, by other) interests by regulation. Small as its quasi-state capacity may be, Greenland has displayed no small resolve to pursue and secure its interests against nominally more powerful external actors, but both there and in the other jurisdictions of the North American Arctic, the increasing volume of shipping traffic and the expanding activity of foreign and domestic mining, energy, and other corporations will continue to test the claims of nation-states and their sub-national units to sovereignty over the region.

## **Security**

In three contributions on security issues in the North American Arctic, Dawn Berry, Mihaela David, and Rob Huebert and P. Whitney Lackenbauer also take diverse approaches, highlighting the relevance of historical precedents for the understanding of today's shifting security landscape (Berry, Chapter 4), assessing the resource and conceptual limitations that threaten to undermine the current US strategy in the region (David, Chapter 5), and examining the key international security relationship in the region (Huebert and Lackenbauer, Chapter 6). Addressing herself to questions of how the Arctic is to be understood in wider continental contexts, Dawn Berry shows how, during the early days of World War II, in the context of technological changes, scientific advances, and geopolitical challenges, US officials came to understand the Arctic as central to North American continental security and, hence, to the security of the United States. In an assertion of hegemonic power no less consequential for having long been ignored, the United States redefined Greenland as part of North America and, hence, as subject to the provisions of the Monroe Doctrine. Greenland retains that North American identity in this book, too, albeit as one of its three identities (North American, Inuit, and European through being an autonomous country within the Kingdom of Denmark). Berry shows how and why the United States' exercise of continental and hemispheric power is best

understood as another instance of a major state's use of the Arctic space in a larger game of its national security and of the Arctic's importance as a site of competition between nation-states.

In her contribution, Mihaela David examines the current US National Strategy for the Arctic Region and, more particularly, the substantial gap that she detects between the United States' aspiration to a strategy and its incomplete implementation. Arctic affairs have been the subject of two US policy statements since 2009, but the second was published only after (and to some extent because) pressure was exerted in 2012 by the two US senators from Alaska. She shows that a difficulty in formulating a coherent strategy is one familiar to students of US government – that of coordinating the work of multiple departments and agencies. (In the case of the US Arctic strategy, the number of such departments and agencies was 20.) Such bureaucratic fragmentation and the consequent competition between agencies is further complicated by a separation of powers that grants overarching authorizing and appropriating authorities to committees in a bicameral Congress, a situation that has not assisted the production of a coherent US Arctic strategy – even in the face of the risks of inaction to which David points. But as she shows, while the most recent iteration of US Arctic strategy identifies guiding principles for the maintenance of peace and stability in the region, for the use of robust scientific evidence in formulating policy, for pursuing an array of partnerships with societal and public bodies, and for coordinating policy with Alaska native peoples, the policy lacks objectives that are 'specific, measurable, attainable, relevant and time-bound'. Those weaknesses are, as David shows, apparent across sub-fields of Arctic policy. Yet, as she also argues, they are vividly apparent in the lack of available icebreakers: the United States has just one medium and one heavy icebreaker. Infrastructural investment is, she writes, inadequate to the task of underpinning US security and trade strategies in a region rich in natural resources that are rapidly becoming available to American and international companies. There are, to take one example, no deep ports along the Beaufort or Chukchi shores despite the presence of 23 billion barrels of oil in adjacent seas.

Rob Huebert and P. Whitney Lackenbauer consider the relationship between Canada and the United States in the context of the North American Arctic. Public rhetoric has it, represents a significant source of tension between the two allies. That rhetoric has an asymmetric character in that, save for Alaskans themselves, American voters show little knowledge of or concern with Arctic questions. Canadian voters regard Arctic questions as altogether more important: when asked, they express

the wish that Ottawa should defend vigorously Canada's sovereignty. The authors show that while what they characterize as Canadian 'hyper-nationalism', on the one hand, and the US's global geopolitical interests often obscure the character of the partnership between the two nation-states, the relationship between them is both strong and enduring. Their view is broadly consistent with Alan Kessel's view expressed elsewhere in this book that Canada's differences in the Arctic with the United States and with Denmark are entirely tractable and capable of settlement under existing law.

The major source of difficulty in US–Canadian relations with respect to the North American Arctic is that of the legal position of the Northwest Passage where Canada regards, in the authors' words, 'its archipelagic waters as internal [whereas] the US insists that they constitute an international strait with an accompanying right to transit passage'. The dispute could escalate, but is unlikely to do so for the reason that Huebert and Lackenbauer explore. Canada and the United States have similar interests and objectives about almost all that is important in the coordination of their hemispheric, continental, and Arctic defense strategies and practices. The authors show the power of those common interests to be definitively greater than the interests of either Canada or the United States in pressing their disagreement over the Northwest Passage to the point of threatening their rational cooperation to achieve common security objectives.

## **Institutions**

The next part of the book examines the institutional arrangements for the governance of the North American Arctic, exploring the similarities and differences between the federal systems within which Alaska, the Canadian territories, and Greenland are situated and discussing the development in recent decades of an international forum for regional issues. First, Chanda Meek and Emily Russell's contribution (Chapter 7) on Alaska's place in the US federal system complements David's examination of the difficulties that bureaucratic fragmentation pose for the implementation of US security strategy in the Arctic. Meek and Russell consider three dimensions of Alaska's own Arctic policymaking. The first is that which they term Alaska's 'fractured approach to engaging in federalist policy-making and implementation'; the second is the significance of a state attempting to shape its own Arctic policy within a federation where the government with the greatest capacity to act is the United States itself; and the third that of Alaska as a regional player

in comparison with the activities of Canada and Greenland. Meek and Russell set out what they characterize as the consensus view at the Arctic Council against a comprehensive treaty analogous to the Antarctic Treaty. In the American case, that consensus view is consistent with President Obama's first iteration of strategic Arctic policy in 2009 in urging the assertion of US military and police power in the Arctic. The authors note, however, that US Senators Begich and Murkowski received critically the second iteration of Obama's Arctic policy in 2013 because they thought the policy had inadequate input from Alaskan citizens. They argue, further, that for all the efforts of sub-national governments and international fora such as the Arctic Council, in the first 15 years of the twenty-first century, the potential of Alaska as a state to influence US Arctic policy remains unfulfilled. The pay-offs from collaboration between the state government, the federal government, Alaskan partners, and international actors would be high. In practice, the political obstacles to such collaboration have been sufficiently high as to prevent those pay-offs thereby resulting in sub-optimal outcomes.

Alastair Campbell and Kirk Cameron (Chapter 8) offer a different perspective upon the challenge for governance of multiple interests and peoples in their consideration of the relationship between institutional structures, constitutional rules, and economic development in Canada's three Arctic territories: the Yukon (most of whose population comprises 14 First Nations), the Northwest Territories (36 percent First Nations, 11 percent Inuit, and 7 percent Métis), and Nunavut (created in 1999 from the eastern 60 percent of the Northwest Territories, with a population more than 80 percent Inuit). After considering how the experience of the Canadian North has differed from that of Alaska, the authors show that the politics of difference and of commonality, played out under the externally generated pressures of resource development, has generated contrasting patterns of politics between and within the three Canadian Arctic territories. One dimension of that difference is the question of legal authority; the governments of Yukon and the Northwest Territories have what Nunavut still lacks – jurisdiction over territorial land and mineral resources.

In considering institutions and resources in the life and lives of Greenland in an evolving postcolonial age, Richard Powell (Chapter 9) provides us with what he terms different 'visions of Greenland'. Perceptions of Greenland are multiple; some such perceptions conflict. It is for its people a homeland; an ice-cap serving as both a laboratory for the world's long experiment with a carbon economy and carbon culture; part of the Danish Kingdom and hence of Europe (though

not of the European Union), while simultaneously being part of the North American Arctic. Powell argues that these competing (and sometimes conflicting) perceptions and visions have left their mark upon the changing governance of Greenland, even as external states and corporations continue to display powerful interest in Greenland's abundant natural resources. His frame of reference is one of colonialism and postcolonialism, and of the consequences of both. As is the case in all colonial experiences, the perspectives of colonizers and the colonized differ: in the case of Greenland, Danish governments and historians have been disposed to regard Greenland not as a colony at all but as a crown possession. That view has less traction in Greenland. Yet, he shows that Greenland's achievement of self-rule has not to date ended, and in all probability will not in the future end, the importance of Greenland's place in the Kingdom of Denmark. That the Kingdom should remain a significant player in the governance of the North American Arctic through its developing relationship of accommodation with a Greenland newly confident in asserting its autonomy is a remarkable illustration of the complexities of postcolonial adjustments by states and governments in the Arctic space.

Finally, to complement these discussions of the evolving federal institutional arrangements within the states of the North American Arctic, John English (Chapter 10) examines the emergence of a unique international institution which, after a shaky start, has to a striking degree helped mitigate – if not overcome – the problems of collective action in the region: the Arctic Council. Through his account of the Council's remarkably circuitous and uncertain formation toward the end of the Cold War, English underlines the importance of leadership in institutions and in imagining the possibility of their creation. The chapter also shows how small an actor the United States chose to be in the Council's creation. Decisively important among those giving leadership in the creation of the Arctic Council were figures prominent in indigenous communities who now asserted their own voices, thorough the Inuit Circumpolar Conference formed in 1977 by Inuit from the North American Arctic – from Alaska, Canada, and Greenland. Prominent among Inuit leaders was Mary Simon, whose extraordinary role in reconfiguring the politics of the Arctic John English sets out. In 1996, after considerable American resistance, Canadian Foreign Minister Axworthy asked Simon to stand beside him as he announced that agreement had been reached on the creation of the Arctic Council.

English's chapter concludes by acknowledging that the business of the Council is vulnerable to short-term calculations by politicians appealing

to domestic audiences rather than abiding by the principles of the Arctic Vision announced at Kiruna in May 2013 celebrating the ‘unique international cooperation’ among Arctic States. He acknowledges, too, that the cooperation episodically apparent in the Arctic Council’s work remains vulnerable to exogenous pressures and shocks such as Russia’s annexation of Crimea and sponsored war in the eastern Ukraine. Those actions have, rightly or otherwise, disrupted the Arctic Council’s work. The broad inference to be drawn is that, while states and indigenous peoples were instrumental in the Arctic Council’s creation (and so in international cooperation), states can disrupt the equilibrium that such cooperation implies.

### **Official Perspectives**

Complementing the discussion of the issues of sovereignty, security, and institutions in this book are three contributions from knowledgeable US, Canadian, and Greenlandic officials who are closely involved in Arctic affairs. Evan Bloom of the US State Department; Alan Kessel of the Canadian Department of Foreign Affairs, Development, and Trade; and Mininnguaq Kleist of the Greenlandic Premier’s Office provide the official perspectives of their governments on a range of Arctic issues. While differences in views – including territorial disputes – are acknowledged, a key theme that emerges from these contributions is an insistence that structures are in place to allow for the peaceful resolution of these disputes and that the Arctic is much more a venue for international cooperation than it is a theater for competition and conflict.

The book concludes by offering a set of remarks delivered by William L. Iggiagruk Hensley at the Oxford conference from which this book has emerged. As a long-time leader in his community, and as a veteran of the politics of the Arctic at the state, federal, and transnational levels, Hensley speaks of the devastating impact that efforts by outsiders to ‘govern’ the North American Arctic have had on the Inuit people and of ongoing efforts to right the wrongs of the past.