providing website information. Dr. Bernard Stonehouse, formerly with FIDS, spent two years with Bob Spivey at Stonington Island, and, by contact with Una Spivey in 2008 provided details about her and her history with the Governor's office in Stanley, and with FIDS and in later years. Final details and verification of the narrative contents of this note were secured by the author in direct communication with Una Spivey.

References

Headland, R.K. In press. *A chronology of Antarctic exploration: a synopsis of events and activities until the International Polar Years, 2007 to 2009*. London: Bernard Quaritch Ltd.

SCAR (Scientific Committee for Antarctic Research). 2008. *Composite gazetteer of Antarctica*. Cambridge: SCAR. URL: www3.pnra.it/SCAR_GAZE (accessed September 2008).

Whither the Arctic 2009? Further developments

Oran R. Young
Bren School of Environmental Science and Management, University of California at Santa Barbara, Santa Barbara, CA 93106-5131, USA

Received November 2008
doi:10.1017/S0032247408008061

ABSTRACT. This note updates the author's paper with the title 'Whither the Arctic? Conflict or cooperation in the circumpolar north'. published in the last issue of this journal (Young 2009). Particular attention is paid to the policy issues arising from the ongoing and rapid changes unfolding in the Arctic.

As we move into 2009, the rising tide of change in the Arctic is continuing unabated. The retreat of sea ice during the summer of 2008 was second only to that in the record year of 2007. The Europeans have become increasingly vocal about 'Europe's interests in the Arctic's energy resources, fisheries, new shipping routes, security concerns, and environmental perils' (Traynor 2008). Russia has been rebuilding its military forces in the north and exercising these forces in a manner that some observers see as provocative (*The Economist* 2008). Taken together, these and a number of related developments are sufficiently dramatic to justify the proposition that the Arctic is experiencing what systems analysts call a state change.

What started as a field day for pundits imagining scenarios featuring a rush to extract the Arctic's resources leading to serious clashes among major players has moved into a growing concern among policymakers. The five Arctic coastal states, meeting in Greenland during May 2008, issued the Ilulissat Declaration in which they asserted their dominance in the region '[b]y virtue of their sovereignty, sovereign rights and jurisdiction in large areas of the Arctic Ocean' and suggested rather pointedly to others that they leave Arctic affairs to the coastal states (Ilulissat Declaraton 2008). In September, the Nordic Council of Ministers organised a conference, also in Greenland, entitled 'Common concern for the Arctic' and providing a forum for various non-Arctic states and non-state actors to articulate their concerns regarding developments in the Arctic. The European Parliament followed with a resolution on 9 October expressing concern about the impacts of climate change on the lives of indigenous peoples and the condition of Arctic ecosystems and looking forward to negotiations designed 'to lead to the adoption of an international treaty for the protection of the Arctic' (Phillips 2008). On 20 November, the European Commission contributed to the debate with a paper spelling out Europe's interests in the Arctic and providing the basis for an Arctic policy statement expected to come in the near future. Although they have chosen a more low-key approach, the Chinese also have made known their growing interest in the Arctic. China has stepped up its research efforts in the Arctic and requested 'permanent observer' status in the Arctic Council.

What should be made of all these developments? And how should we approach them in the interests of managing human-environment interactions in the Arctic in a responsible and sustainable manner? It is believed that these concerns may be captured in a policy relevant fashion in five vital questions:

What are the real policy issues relating to the Arctic today?

Who are the legitimate stakeholders in efforts to address these issues?

How should Arctic issues be framed for purposes of policymaking?

Is a specific international agreement needed for the Arctic Ocean?

Is a comprehensive and legally binding treaty (or charter) needed for the Arctic as a whole?

Much of what the pundits have portrayed as a 'land rush', an 'Arctic meltdown', a 'very cold war for energy resources', or 'a perfect storm' seems highly exaggerated and frankly unhelpful to a thoughtful consideration of the issues now arising in the Arctic. Projections of recoverable reserves of oil and gas in the Arctic are largely speculative. Experts on shipping have made it clear that there are a number of obstacles to greatly increased commercial shipping in the region and that the proper consideration is cost rather than miles traveled from port to port. Predictions about drastic ecological changes, including popular concern for the plight of charismatic animals like

the polar bear, are based on little hard evidence and a great deal of guesswork. The real policy issues in the Arctic, in the author's judgment, pivot on two central points. Are we headed toward expanded coastal state jurisdiction in the region with an emphasis on who gets what and the fragmented decision making such a trend would portend, or is there a chance that we can seize current concerns to move toward a regime featuring the sort of collaborative stewardship that oceans experts are calling for worldwide? Even if we succeed in finding a way forward that is cooperative or collaborative, should we adopt a cautionary approach to managing Arctic systems that takes the prospect of reaching tipping points or crossing thresholds seriously even when it is impossible to attach probabilities to such events and pay attention to long term consequences of current actions by employing social rates of discount that are much lower than private discount rates?

Despite the desire of the five Arctic coastal states to handle emerging issues on their own, there is probably no way to make the position articulated in the 28 May 2008 Ilulissat Declaration stick. Many have responded positively to the argument that the provisions of the law of the sea are fully applicable to the Arctic Ocean. But there is no indication that others are prepared to accept the role of the five coastal states as stewards who are deputised by the international community to look after Arctic issues in the interests of all. Recent developments point in the opposite direction. Influential states like China, associations of states like the European Union, and non-state actors like the WWF have all registered their objections to such an arrangement; there is every reason to expect that they will express stronger opposition to such an arrangement with the passage of time. The situation in the Arctic today is thus a little like the situation the twelve original members of the Antarctic Club faced during the 1970–1980s. Geopolitical shifts as well as compelling arguments that are more normative in character will force change in the composition of the group recognised as legitimate stakeholders in the Arctic. The best strategy now may be to acknowledge this gracefully and to begin immediately to learn how to address Arctic issues effectively with more players at the table.

It is difficult to exaggerate the importance of how we frame issues now surfacing on the Arctic policy agenda. One of the most troubling features of the scenarios articulated by the pundits is that they typically assume that Arctic issues are destined to become enmeshed in the world of 'high politics' and, in the process, to trigger the emergence of a new 'great game.' Such a progression is clearly possible. But it is not inevitable. In view of the facts that the central Arctic is effectively an international commons and that the Arctic as a whole is a critical component of the Earth's climate system, the case for following a different path, one characterised by a focus on ecosystem based management, is strong. Numerous factors make this course harder to follow in the Arctic than it has been in Antarctica. But the major achievement of the Arctic Environmental Protection Strategy from 1991 to 1997 and the Arctic Council from 1997 onward has been to build a substantial track record in analysing Arctic issues in systemic terms and addressing a variety of issues ranging from environmental protection to climate change and sustainable development in the region holistically in a manner that transcends the boundaries of national jurisdiction. There is an historic opportunity to make the Arctic the first international region involving permanent human residents and major economic interests to be managed on a cooperative and systemic basis rather than being absorbed into the normal practices of an anarchical society.

What, then, are the needs of the Arctic regarding the creation of new governance systems? The arguments of those calling for a new treaty focusing on the Arctic Ocean seem unpersuasive. Partly, this is a consequence of the fact that the law of the sea provides a perfectly serviceable framework for addressing maritime issues in the far north. As the President of the European Commission put it in agreeing that the law of the sea is the proper point of departure in this realm, '[a]s a matter of principle, we can say that the Arctic is a sea, and a sea is a sea. That is our starting point' (Phillips 2008). In part, the problem with focusing on a treaty for the Arctic Ocean is that the ocean proper is not the appropriate unit for purposes of governance. Much of what happens in the Arctic Ocean is driven by land-ocean interactions in the high latitudes. The melting of sea ice, and a host of other effects likely to follow from this change, is a consequence of human actions occurring far beyond the boundaries of the Arctic. This is not to say that there is no need to create and develop regulatory regimes for a variety of human activities in the Arctic. It is perfectly possible to imagine the development of more stringent and mandatory rules applying to Arctic shipping, codes of conduct pertaining to oil and gas development, regulatory arrangements governing the activities of tour ships, and one or more regional fisheries management organisations (RFMOs) the mandates of which extend into Arctic waters. But these arrangements can be developed as needed and nested into the framework provided by the law of the sea. In a policy environment based on the idea of ecosystem based management in contrast to the dominance of 'high politics', such an approach should not only provide guidance for specific activities but also contribute to the growth of effective governance more generally.

This leads finally to the question of whether there is a need for the development of a comprehensive treaty for the governance of the Arctic as a whole, an idea that is dear to the heart of some European parliamentarians, environmental organizations, and legal publicists. The fundamental problem with this idea is that legally binding arrangements typically take a long time to negotiate and bring into force, exhibit a tendency to contain provisions reflecting the lowest common denominator among the parties, and are hard to adjust or revise in a

timely manner. This is a recipe for disaster in dealing with complex and dynamic systems like the Arctic in which the forces of global environmental change and globalisation are driving changes that unfold rapidly but whose trajectories or consequences are difficult to forecast and sometimes remain elusive until late in the day. What lawyers call the normative pull of legally binding agreements is attractive. But in the Arctic as elsewhere, we are operating in a world of dynamic socio-ecological systems whose behaviour does not lend itself to traditional approaches to governance. The adoption of broad principles like ecosystem based management coupled with a commitment to hold off the forces of 'high politics' can provide a platform for a variety of issue specific arrangements that can guide new developments in the Arctic while retaining the flexibility needed to adjust them to changing circumstances.

The Arctic today is poised to become a test bed for efforts to develop new approaches to the supply of governance beyond the state. The demand for new forms of governance in this dynamic region is rising rapidly. The dangers of slipping into the vortex of 'high politics' in the Arctic are real. Yet the interests of the major players do not rule out more cooperative approaches, and the work of bodies like the Arctic Council has built up a substantial reservoir of practices founded on more holistic perspectives like ecosystem based management in this large and dynamic region. Handled properly, this situation could give rise to innovative approaches to governance that are good for the Arctic and that, at the same time, present innovative arrangements well-suited to an era of human dominated ecosystems that calls for sharp changes from business as usual in the development of effective governance systems.

References

Phillips, L. 2008. Commission backs Norway's Arctic vision: no new treaty. *EUobserver* 11 November 2008. URL: http://euobserver.com/9/27104?print=1

'The Economist. 2008. "The Arctic contest heats up. *The Economist* 9 October 2008. URL: http://www.economist.com/world/europe/PrinterFriendly.cfm?story_id=12381767

The Ilulissat Decalation, 28 May 2008. URL: http://www.um/NR/rdonlyres/BB00B50-D278=4459-A6BE=6AE-230415546/0/ArcticOceanConference.pdf

Traynor, I. 2008. Europe takes first steps towards 'Arctic policy' to protect energy security. *The Guardian* 20 November 2008. URL: http://www.guardian.co.uk/environment/2008/nov/20/poles-arctic-europe

Young, O. 2009. Whither the Arctic? Conflict or cooperation in the circumpolar north. *Polar Record* 45(232): 73–82.

https://doi.org/10.1017/S0032247408008061 Published online by Cambridge University Press