



Policy Brief 6

Arctic Governance Institutions as Enablers and Barriers for Justice



When are citizens able to participate in decision-making process?

How to ensure citizen participation and the distribution of responsibilities?

How to balance minority and Indigenous rights with the broader Arctic societies' rights ?



POLICY BRIEFS in the Series

JUSTNORTH Policy Brief 1:
DECISION-MAKING FOR A SUSTAINABLE ECONOMIC DEVELOPMENT IN THE ARCTIC

JUSTNORTH Policy Brief 2:
JUSTICE IN ENVIRONMENTAL AND SOCIAL IMPACTS ASSESSMENTS

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JUSTNORTH Policy Brief 5:
CLIMATE CHANGE FACTORS IN MULTI-REGULATORY RESPONSES IN THE NORTH

JUSTNORTH Policy Brief 6:
GOVERNANCE INSTITUTIONS FOR THE ARCTIC



About these briefs

JUSTNORTH policy briefs are topical outputs drawing upon research previously conducted in the JUSTNORTH project, an undertaking funded by the European Union under Horizon 2020 programme. In these briefs, we build on the findings of the research conducted in 17 case studies (Work Packages 2-4), and underpinned by the comprehensive overview of various concepts, schools and forms of justice (Work Package 1).

The objective is to assess the sustainability of the regulatory frameworks influencing the sustainability of the economic activities developed in the Arctic. Sustainability, understood here as the responsible use and management of spaces, common goods and shared resources with the aim of guaranteeing a fair use and enjoyment of them by future generations, is intrinsically linked to the idea of justice.

With the aim to reach to a wider audience, the policy briefs constitute short analysis on different aspects of regulatory, policy and governance frameworks in the Arctic. As such, they are knowledge resources for policymakers, scholars and stakeholders/rightsholders. They will also serve as background papers in the process of co-producing an EU Policy Analysis Report and Recommendations (D6.4).

Beyond the valuable contributions made by the authors in their policy briefs, each brief opens with outlining relevant findings of the JUSTNORTH case studies, highlighting issues identified by researchers and

research participants as problematic, challenging or having implications on the actors' perceptions of justice. Second, we provide an overview of the regulatory and policy frameworks related to the earlier identified findings. We asked: Which frameworks correspond to or address these problematic issues? What public goods are to be promoted and harms mitigated? Are future generations considered? What is the spatial scale of these policies and regulations?

Third, we consider the outlined governance frameworks from the point of view of justice. The procedural, distribute, recognition and restorative forms of justice are highlighted, alongside the rights, balance of different values and interests and opportunities for participation. We ask if the governance frameworks themselves can be sources of social ills and injustices.

Fourth, the relevance of discussed policies and regulations from the perspective of the Sustainable Development Goals is captured. Finally, we provide initial thoughts on recommendations or areas where recommendations could be proposed and developed – these will become subjects for discussion with Arctic stakeholders and rightsholders leading towards proposing recommendations at the end of JUSTNORTH project.

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Paul Upham, Sussex University

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Sustainable Digitisation & Resilient Communities: Low Carbon Data Centres in Greenland, Iceland & Norway

Lead researchers:

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Lead researchers:

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Communities, Globalisation and Marine Tourism in Northern Iceland

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Mining 9

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EXECUTIVE SUMMARY

GOVERNANCE INSTITUTIONS FOR THE ARCTIC

This policy brief provides a broad overview of Arctic governance institutions, that is bodies, forums and organizations that play a role in Arctic governance. The focus is on institutions relevant from the point of view of justice issues identified in the JUSTNORTH case studies. Policies and activities of these governance institutions are not discussed, rather, the emphasis is on the way how these institutions are structured, their characteristics, their inclusiveness and transparency, the features facilitating or hindering participation of different actors, as well as their capacity to respond to challenges and grievances. Many Arctic institutions, especially sectoral agencies, operate in a compartmentalized manner, which affects the capacity of stakeholders and rightsholders to use these institutions to pursue justice. Arctic governance institutions appear to be more accommodating to Indigenous participation compared to the rest of the globe. The involvement of young people in Arctic governance institutions is a major challenge. Indigenous Peoples in the Arctic have managed to establish strong institutions - both public bodies and volunteer organisations. The EU institutions are perceived as at the same time inviting the participation of Arctic stakeholders and rightsholders, while being complex and seen as inaccessible with regard to concrete decision-making processes.

KEY MESSAGES

This policy brief provides a broad overview of Arctic governance institutions, that is bodies, forums and organisations that play a role in Arctic governance. The focus is on institutions relevant from the point of view of justice issues identified in the JUSTNORTH case studies, which are focused on different economic activities in the Arctic. In addition, Arctic cooperation frameworks and the European Union are considered. Policies and activities of these governance institutions are not discussed here, rather, the emphasis is on the way how these institutions are structured, their characteristics, their inclusiveness and transparency, the features facilitating or hindering participation of different actors, as well as their capacity to respond to challenges and grievances. The issues discussed in this here cut across five regulatory and policy briefs and the economic briefs (January 2023) produced by the JUSTNORTH project.

The research in JUSTNORTH case studies highlighted a number of challenges related to the structure, characteristics and operation of Arctic governance institutions, as they:

- can be both facilitators/spaces and barriers for resolving conflicts;
- serve as representative institutions, contributing to empowerment;
- may enable Arctic inhabitants' access to justice;
- can enable or hinder the just transition to low-carbon economy;
- can serve both as enablers and barriers for cultural empowerment.

Many Arctic institutions, especially sectoral agencies, operate in a compartmentalised manner. Many bodies have their own specific organisational cultures and sectoral objectives. This can affect the capacity of stakeholders and rightsholders to use these institutions to pursue justice.

Arctic governance institutions appear to be more accommodating to Indigenous participation compared to the rest of the globe. That includes, , the acknowledgement of the value of traditional knowledge in the organisational cultures, at least in the North American Arctic.

The involvement of young people in Arctic governance institutions is a major challenge, which has implications for intergenerational justice. In some regions and institutions, youth councils have been established to mitigate this deficiency.

Arctic Indigenous Peoples have been successful in utilising national and international judicial systems in their pursuit of Indigenous/ minority rights, including land rights.

Indigenous Peoples in the Arctic have established strong institutions - both public bodies and volunteer organisations. However, they face challenges related to human, expertise and financial capacities and with regard to their powers and position in national/regional governance.

The EU institutions are perceived as at the same time inviting the participation of stakeholders/rightsholders, while being complex and seen as inaccessible with regard to concrete decision-making processes, affecting the perception of the EU as a vehicle for procedural justice.



RELEVANT FINDINGS

The research in JUSTNORTH case studies highlighted a number of challenges related to the structure, characteristics and operation of Arctic governance institutions.

Arctic institutions as facilitators, barriers and spaces for just conflict resolution

Institutions within which decision-making takes place - both democratic/representative and technical/expert - are among the most important avenues for conflict resolution (CS13-Railway). Institutions can either contribute to the overpowering economic incentives for activities or investments or can provide counter-balance to these incentives. For instance, the organisational culture of the Norwegian Oil Directorate contributes to the push for opening new areas for oil and gas development, and the governments in mineral resource-rich or resource-dependent areas tend to side with industry in terms of access and exploitation of resources, as seems to be the case e.g. for the local government in Hammerfest, state government in Alaska and Russian federal government (CS5-OilGas, CS6-Energy).

Research participants point out that the decision-making processes are often **obscure and exclusive** and are therefore deemed unjust (CS8-Tourism, CS9-Greenland, CS16-WindFIN, CS14-Mining). Aspects of institutional setup that may play a role include: organizational culture, experience, practice and rules for transparency and (proactive) public participation as an integral feature of the institution's operation. **Sectoral technical agencies** could in principle be places for objective evaluation of proposed economic activities. However, their role may be limited by organisational cultures, when, for instance, geological surveys and forest management bodies have been historically focused on resource exploitation, while management bodies for protected areas may prioritise interests of nature tourists compared to other land uses (e.g. CS14-Mining, CS15-Livelihoods). Some stakeholders and rightsholders see the promotion of carnivore conservation over reindeer herding as an example of singular focus of EU decision-makers (with regard to "good conservation status") (CS18-IndEntr). A key issue is **institutional compartmentalisation** and fragmentation, with limited interaction between civil servants responsible for a given sector.

Arctic governance institutions capacity to represent the interests & values of Northerners

Case studies participants highlight that there is often a concern among people living in sparsely populated Arctic areas that their **values and interests are not visible in national democratic processes**, having few representatives in national parliaments and representative bodies, and many coming from the main Arctic cities rather than from the sparsely populated, northern **countryside**.



Stakeholders and rightsholders often respond to economic activities by **institutionalising their resistance** to a given project (or the need to affect parameters of a given development). This can be an empowering process. A good example are formal and informal structures for volunteer involvement in search and rescue capacity-building in Canada and Norway (CSI I-Shipping). However, e.g. in Finland, a more intensified process of organization of civil society is a relatively recent phenomenon (likely due to the culture of trust in the public authorities and procedures), affecting capacities of such actors to engage in complex decision-making processes. Arctic organisations often lack human and financial resources to participate effectively in relevant decision-making processes whether at local or circumpolar level. The role of scientists in Arctic decision-making may be more complex than only being producers of information. They may also take on the roles of representatives or advocates of nature (usually natural scientists) or of the vulnerable groups within a community (predominantly social scientists).

The institutions representing Arctic Indigenous peoples have gradually emerged in the course of the last century. In the Nordic countries, the establishment of modern Sámi Parliaments in the 1980s-90s, as public institutions elected democratically by the whole Sámi population, marked a major change in state-Indigenous relations. However, these parliaments primarily have consultative roles. The broad spectrum of their responsibilities constitutes a challenge for their organisational capacities¹.

The fact that significant sections of the Sámi population live in Nordic cities outside of traditional Indigenous areas, affects the focus of parliaments' work. This is visible in Finland, where the powers of the parliament apply primarily to the Sámi Homeland Area, where a minority of Finnish Sámi reside permanently. Participation in Arctic cooperation, international forums and in knowledge co-production activities can be empowering for Indigenous organisations, and can contribute to building capacities and confidence to deal with economic developments deemed unjust or providing opportunity to challenge the legacies of injustice and subjugation via political and legal pathways.

There are a number of **professional/sectoral organisations** in the Arctic that are capable of effectively supporting the interests of those engaged in traditional livelihoods. A good example includes the reindeer herders' associations in Finland and Norway, and Sami villages (Siidas) in Sweden, which have proven effective in representing the interests of its members (CSI3-Railway, CSI4-Mining, CSI5-Livelihoods, CSI6-WindFIN). A challenge identified in Finland is limited human, expertise and resource capacities of reindeer cooperatives to engage in consultation processes, while the national association of reindeer cooperatives (Reindeer Herders' Association, Paliskunnat) has limited resources and due to being funded by the Ministry of Agriculture, it is often perceived as not fully independent representative of cooperatives' interests.

¹ Adam Stepien et al., "Arctic Indigenous Peoples and the Challenge of Climate Change", in E. Tedsen, S. Cavalieri & R. Kraemer, Arctic Marine Governance: Opportunities for Transatlantic Cooperation. (Dordrecht: Springer, 2014).



Arctic governance institutions as enablers of access to justice

For many cases of tensions related to Arctic economic developments, the **courts of law** have constituted one of the key avenues for addressing injustices or at least for spaces where powerful economic interests could be challenged. Recently, a Fosen wind power project has been stopped by the Norwegian Supreme Courts in Norway.² In Finland, the Sami living on the banks of Teno river successfully (and purposefully) used judicial pathway to challenge state legislation and advance Indigenous rights with regard to salmon fishing (CS15-Livelihoods). International legal avenues have been used by Arctic Indigenous Peoples in the past, including the UN Human Rights Council, the European Court of Human Rights or the Inter-American Commission on Human Rights.

Limited human resource and financial capacities of many Arctic stakeholders and rightsholders and their organisations can prevent them from utilising justice systems to address harms or prevent adverse impacts arising from economic developments. Various **Arctic and global NGOs** focused on the environment (e.g. Greenpeace or Friends of the Earth in Norway) or Indigenous Peoples rights (e.g. IWGIA) support or enter into coalitions with local and Indigenous organisations.

Arctic institutions as enablers and inhibitors of (just) transition to sustainable future

The institutions can be both powerful enablers and inhibitors of the (just) transition to a low carbon economy. Firms, investors and public organisations (e.g. financing institutions, public funding agencies) can contribute to the technological lock-ins, stranded assets or conversely create incentives for developments that are more environmentally and socially sustainable. Examples of Arctic public investment funds that adopted strategies of supporting renewable energy transition include Alaska's Permanent Fund and Norway's Government Pension Fund Global (often known as Sovereign Oil Fund) (e.g. CS5-OilGas and CS6-Energy), both founded on profits coming from hydrocarbon extraction. The European Investment Bank (EIB) and Nordic Investment Bank are potential sources of financing for many developments discussed in case studies. Their lending decisions can be critical in making a given development financially feasible, while their guidelines and sustainability requirements may play a role in shaping how financed economic activities are carried out. Furthermore, **industry associations can be important providers of standards**, and thus, reference points for evaluating private company's activities. This is especially the case in sectors where only limited public regulation exists, such as Arctic cruise tourism (CS12-Cruises). Such standards, however, have limited effectiveness.³

² Supreme Court of Norway, 11 October 2021, Judgement HR-2021-1975-S, referring to the International Covenant on Civil and Political Rights, art. 27.

³ Albina Pashkevich, Jackie Dawson, and Emma J. Stewart, "Governance of Expedition Cruise Ship Tourism in the Arctic: A Comparison of the Canadian and Russian Arctic", *Tourism in Marine Environments* 10, 3-4, 2015, 225-240(16).

Arctic institutions as enablers and barriers for culture and knowledge ownership

Institutions of knowledge production could be considered objects of justice, both in terms of how the knowledge is produced and what is the substance of that knowledge (CS10-Research). In research institutions, lack of training to engage with traditional knowledge-holders as well as old institutional culture can prevent the interaction with and inclusion of the ways of knowing different than scientific (CS10-Research, e.g. indirectly CS16-WindFIN). Educational institutions in the Arctic historically played a role in depreciating Indigenous Peoples' cultures and their traditional knowledge. Legacies of these attitudes remain to this day. In contrast, institutional cultures that promote the value of traditional knowledge as well as facilitate the development of methodologies, appropriate tools and principles, can become enablers of cultural empowerment. However, national regulations (i.e. Sweden) mandating the scientific data sharing, to include research interviews, provides ethical challenges and privacy concerns for research participants. This discourages both researchers and participants from engaging in participatory knowledge production and introduces a threat to knowledge production practices.



OVERVIEW OF ARCTIC GOVERNANCE INSTITUTION LANDSCAPE

Governance institutions on all levels of governance are relevant for the issues identified in the JUSTNORTH case studies. Below, a brief overview of different levels, bodies and organizations is presented in the light of these challenges and problems. Most supra-national Arctic governance institutions have been impacted by the Russian invasion illegal and unprovoked invasion on Ukraine and the sanctions introduced by Western states in response to this aggression. The work of Arctic Council and other Arctic forums have been paused, EU cross-border cooperation programmes with Russia have been effectively cancelled for the EU's new multiannual financial framework 2021-2027, and Indigenous organizations such as the Sámi Council have struggled how to deal with the new situation, considering that many international Indigenous organizations comprise also Russian membership.

National governance institutions

While the focus in the Arctic governance debates and research is often on the outputs of Arctic cooperation forums and developments at the international level, most decision-making in the circumpolar North takes place within the state (and in devolved or sub-federal jurisdictions that perform state functions). The state remains the **most powerful actor in Arctic governance**, and national institutions are vested with the greatest responsibility for ensuring justice in the Arctic, regulating activities taking place in the region, and therefore, are the main addresses of grievances. National expert agencies (geological surveys, environmental management bodies, etc.) play a critical role in decision-making. In particular, the **Arctic states justice systems** constitute the key venue for seeking recourse for injustices. The decisions of national courts have for decades constituted an important pathway for advancing the interests and rights of Arctic inhabitants.

Global governance institutions

Institutions of global governance are an important part of the broader landscape of Arctic governance. For instance, the Commission on the

Limits of Continental Shelves will be working for many years on issuing recommendations about the extent of coastal states' continental shelves in the Arctic Ocean, provided in the United Nations Convention on the Law of the Sea. Commercial sub-Arctic fisheries in the High Seas are governed by the international agreements and the Regional Fisheries Management Organizations (RFMO), although coastal states have jurisdiction over fish stock within the Arctic states' exclusive economic zones (EEZs). While the Arctic is hardly visible as a distinct region in global climate negotiations, the work of the Intergovernmental Panel on Climate Change (IPCC) emphasised the changes taking place in Polar Regions.

The UN system has been the primary venue for **advancing Indigenous Peoples' rights globally**. This resulted, among others, in the adoption of the UN Declaration on the Rights of Indigenous Peoples in 2007, as well as the establishment of global institutions dedicated to Indigenous rights and issues, especially the UN Permanent Forum on Indigenous Issues and the Expert Mechanism on the Rights of Indigenous Peoples. Both venues not only develop and concretize Indigenous rights, but are also spaces where Indigenous activists can raise the situation in their nation states and internationalise grievances, utilising shaming strategies (for instance, these proved effective with regard to Nordic states in the 1980s). General and regional human rights conventions/commissions/courts (ICCPR and ICESCR, as well as ECHR and IACHR) and UN human rights bodies, especially the Human Rights Council, are places where human rights infringements, including those related to land rights, culture and livelihoods, can be raised when Arctic rightsholders exhaust the available national procedures to prevent or mitigate harm

The European Union

The European Union is a sui generis supranational polity that draws its competence from its Member States. The EU has been developing a dedicated cross-sectorial Arctic policy since 2008. EU law applies in the Arctic with regard to Finland and Sweden, and majority of EU legislation is also in force in Iceland and Norway (excluding Svalbard) via the European Economic Area (EEA) Agreement. Within much of the European Arctic, EU policies and legislation co-shape environmental protection frameworks and fisheries agreements, affect the network for transport, digital and energy infrastructure, facilitate investments in renewables, and determine regional development policymaking.

The decision-making processes in the EU are often difficult to penetrate for Arctic stakeholders, as they are complex, involving numerous EU institutions, as well as 27 member states and the EEA states, accompanied by a strong presence of advocacy and lobbying actors representing a broad spectrum of European and global interest groups. The EU is therefore sometimes perceived by some Arctic stakeholders and rightsholders as a “black box”. However, the EU institutions are also identified as spaces where grievances can be communicated and issues advanced beyond national contexts, including promoting policies and actions that are resisted by state actors.

For instance, the Sámi have become increasingly active in utilising these opportunities - the Sámi Council established a unit dedicated to the EU policy-making work, and in 2022 the Council has published its first EU strategy. However, the EU has sometimes also been insensitive to Indigenous issues, such as in the 2009 ban on placing seal products on the EU’s single market.⁴ Among EU institutions that are important for Arctic developments is the European Investment Bank (EIB), which provides funding for a variety of development, infrastructure and industrial projects in Arctic regions. The EIB has been developing guidelines on sustainability of investments (including e.g. community participation in the Arctic).⁵ It is not clear if the EIB guidelines on sustainability of investments and the recent EU Taxonomy for sustainable investments will be compatible, or in fact, bring into account concerns and questions of distributive, procedural and recognition justice.

⁴Regulation (EC) No 1007/2009 of the European Parliament and of the Council of 16 September 2009 on trade in seal products (Text with EEA relevance), OJ L 286, 31.10.2009, as amended by the Regulation (EU) 2015/1775.

⁵European Investment Bank (EIB), Guidance Note on Indigenous and Local Community Participation in Environmental Impact Assessment



Regional cooperation

The Arctic Council was established by Ottawa Declaration in 1996 as a predominant high-level forum on Arctic issues. It includes a number of working groups, including the Arctic Monitoring and Assessment Programme (AMAP) and Sustainable Development Working Group (SDWG). Indigenous Peoples' organisations take part in Council's work as Permanent Participants, with access to almost all processes and discussions taking place in the Council, although without decision-making power, which can be considered a form of structural injustice. Nonetheless, the Council, has been an important avenue for promoting the inclusion of traditional knowledge.

The Arctic Council also facilitated the emergence of autonomous forums such as the Arctic Coast Guard Forum and Arctic Offshore Regulators Forum, as well as independent organisations: Arctic Economic Council, and indirectly, the University of the Arctic. The Council has been an important site for facilitating instruments that enhance cooperation on search and rescue and oil spills. In the European Arctic, the **Barents** Euro-Arctic Council and the associated Barents Regional Council have operated since 1993. The Arctic Ocean coastal states together with major global fishing actors have also adopted the agreement on the prevention of unregulated fisheries in the international waters of the Central Arctic Ocean. This landscape of Arctic cooperation is complemented by multiple forums of **scientific cooperation**, ranging from International Arctic Science Committee (IASC) to the networks supporting integrated pan-Arctic observation (e.g. SAON) and the INTERACT Arctic research infrastructure project.

Indigenous Peoples' institutions and organisations

Indigenous institutions of public governance are present in most Arctic jurisdictions, ranging from tribal councils, Native corporations, co-management bodies, territorial governments with Indigenous majorities (Nunavut and Greenland), as well as Sámi Parliaments in the Nordic states. These institutions have diverse sets of **responsibilities and powers**, ranging from control over certain lands and resources to consultative roles. **Indigenous research and higher educational institutions** have also been established, including the Sámi University College in Kautokeino (Norway) or the Sami Education Institute in Inari (Finland), contributing to the strengthening of Indigenous expertise.

Arctic Indigenous Peoples have been able to achieve, compared to the situation of Indigenous Peoples globally, a relatively strong position vis-à-vis their nation states. To a great extent, this can be attributed to the emergence of **strong Indigenous organisations**, and highly capable Indigenous activists who have fought for recognition and inclusion of these organisations in international fora. The Sámi Council and the Inuit Circumpolar Council are perhaps the most prominent examples of Indigenous NGOs. They are active within the Arctic states, within the UN Indigenous rights frameworks (where they are among the main actors), and within the Arctic cooperation venues. Arctic Indigenous organisations promoted in the past, among others, nuclear disarmament in the Arctic, the legal responsibility for lack of action on climate change, advanced key environmental agreements (e.g. on the persistent organic pollutants) and have questioned the notion of absolute sovereignty of states over Arctic lands and waters.

Justice Questions related to Arctic Governance Institutional Frameworks

Procedural justice is of central importance when considering the structures and modes of operation of the Arctic governance institutions. In terms of equal access, the Arctic institutional landscape may be seen as relatively more open to the participation of stakeholders and rightsholders, in particular Arctic Indigenous Peoples. Outside of Russia, all stakeholders have relatively open access to justice at national and international level, and at least Indigenous actors make effective use of legal pathways to pursuing justice, when financial and human capital barriers are mitigated. However, there is limited support towards resources and capacities for local actors to be involved in different levels of Arctic governance. Institutions of Arctic cooperation are on one hand inclusive (e.g. considering the role of Permanent Participants). While state agencies and institutions are tasked with carrying out knowledge-based decision-making and impartial management, their operations are often affected by biases anchored in their professional/organisational cultures, which affects their role as possible promoters of procedural justice. This may result in the perception that e.g. geological surveys represent mining interests, forest authorities the interests of forestry, and nature conservation bodies neglect traditional livelihoods.

EU institutions are often seen as inviting the participation of Arctic stakeholders and rightsholders - and especially the Sámi and Inuit and for the authorities of the EU/EEA northernmost regions. These invitations to participate are not always accompanied by financial support. However, EU decision processes may be perceived as complex and inaccessible.

Governance institutions can play a central role in terms of **recognition and restorative justice**. The structure and modes of operation of Arctic governance institutions can support the acknowledgement of an intrinsic value of Arctic traditional livelihoods, land uses and cultures, as well as Indigenous spirituality. In the circumpolar North, perhaps the most visible is the related recognition of the value of traditional knowledge and the development of organisational culture supporting this recognition, including by building capacities and encouraging sensitivities of civil servants. However, there is a gap in that regard between the North American context, where co-management bodies and territorial governments appear to strongly encourage inclusive approach, and the European Arctic, where civil servants seem to struggle with involvement of traditional knowledge-holders.



FORMS OF JUSTICE

Distributive Justice: “to give everybody their due shares in benefits and costs” (Deplazes-Zemp 2019); equitable distribution of social and economic benefits and burdens within and across different generations and geographies. and in public discourse and practice.” (Martin et al. 2016); Inclusion of the vulnerable, marginalised, poor, or otherwise under-represented or misinterpreted populations and demographic groups.

Procedural Justice: “to give everybody their due voice and participation in decision-making processes” (Deplazes-Zemp 2019); adherence to due process and fair treatment of individuals under the law; justness of procedures that are used to determine how benefits and burdens of various kinds are allocated to people; not necessarily determining the substantive justice. **Restorative Justice:** acknowledging past harms and possibly finding pathways for compensation and reconciliation; ensuring that past conflicts and injustices are not repeated; it should not be confused by the purely “retributive” form of justice, which is primarily concerned with punishment of wrongful acts (e.g. polluter pays principle). SSF Guidelines UNCLOS partV EEZ

Recognition Justice: “respecting identities and cultural differences; the extent to which different agents, ideas and cultures are respected and valued in intrapersonal encounters

Across the Arctic, **reconciliation and truth commissions** or Indigenous rights commissions have been operating in different formats since the 1980s. They are tasked, among others, with addressing the issues of Indigenous Peoples’ rights, as well as tackling the legacies of discrimination and dispossession. Currently, proceedings of such a body have commenced in Finland.

In terms of **intergenerational justice**, JUSTNORTH research identified that young people are strongly encouraged but not particularly involved in the work of Arctic governance institutions and in Arctic decision-making processes. Institutional solutions to represent specific interests of future generations are rare in the Arctic. The institutions of guardian/ombudsman of future generations (as has been the case in Wales, New Zealand and Israel, and earlier in Hungary⁶) have not been tested in Arctic jurisdictions. Youth advisory councils, however, have been established, e.g. by the Nordic Sámi Parliaments and several regional governments. There has also been focus on youth participation in Barents Euro-Arctic cooperation, with the autonomous Barents Youth Council established.

⁶ World Future Council, Guarding our Future: How to include future generations in policy making (2020), URL: https://www.worldfuturecouncil.org/wp-content/uploads/2018/07/brochure_guarding2018b.pdf



SUSTAINABLE DEVELOPMENT GOALS & ARCTIC GOVERNANCE INSTITUTIONS

All SDGs are in principle relevant from the perspective of Arctic governance institutions. However, the focus here is in particular on the SDG 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. There are seven targets which apply to the situation both in the Global North and the Global South, and which are relevant to the issues identified as important in the JUSTNORTH case studies, and:

16.3 Promote the rule of law at the national and international levels and ensure equal access to justice for all;

16.6 Develop effective, accountable and transparent institutions at all levels;

16.7 Ensure responsive, inclusive, participatory and representative decision-making at all levels (Relevant indicator: 16.7.1 Proportions of positions (by sex, age, persons with disabilities and population groups) in public institutions (national and local legislatures, public service, and judiciary) compared to national distributions;

16.10 Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements;

16.a Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels [...];

16.b Promote and enforce non-discriminatory laws and policies for sustainable development.

QUESTIONS TOWARD RECOMMENDATIONS

JUSTNORTH case studies have shown deficiencies in the inclusion of youth's voices in Arctic decision-making. Some institutional solutions, like youth councils, have been implemented. **How to involve and encourage Arctic youth's voice to be more visible in Arctic governance? Would an ombudsman for future generations or empowered youth councils be among possible solutions?**

Stakeholders and rightsholders point out that their interests are affected by the fragmentation of institutional regimes, where particular agencies have different organisational cultures and different focus, in effect pursuing specific, sectoral objectives. This has also adverse implications on the pursuit of Sustainable Development Goals as a comprehensive and interconnected framework. **How could we bridge the gap in terms of siloed organisational cultures and objectives? Could one possible option be to organise regular roundtables for various institutions, in order to break the bias and limited focus and allow understanding of new perspectives? Who should take responsibility for facilitating interactions between Arctic governance institutions?**

Not all institutions in the Arctic have a strong culture of transparency, proactive engagement with stakeholders/rightsholders and openness to traditional knowledge. **How could the culture of openness be promoted in Arctic institutions?**

Limited capacities of Arctic representative institutions/organisations effectively promoting Arctic values and interests of their constituency. **How to effectively strengthen organisational capacities in the Arctic?**



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