Negotiating the Arctic: Sustainability, Governance, and Environmental Justice

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ABSTRACT

This article examines how the Arctic is a site of negotiation in the context of sustainable development, governance, and environmental justice. It also presents lessons that the JUSTNORTH project has gleaned through its engagement in the Arctic. These frames are important because the Arctic has been seen as a laboratory for testing innovative forms of governance, in the context of both economic growth and environmental concerns. The pressure to use the Arctic as a means for economic development to support the needs of the climate transition (e.g. green energy, raw material extraction), has given rise to concerns among Arctic stakeholders and rightsholders about the consequent changes to their environment. This article highlights the importance of deciding which values are normatively important in the decision-making process; determining the primary beneficiaries of justice for arriving at just outcomes; and recognizing the complexity of the multifaceted negotiations concerning the future of the Arctic. It recommends that an understanding and implementation of 'thick' sustainability must be achieved for a just transition in the Arctic.

INTRODUCTION

This article discusses matters of sustainability, governance, and environmental justice in the Arctic, drawing on the lessons and findings of

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JUSTNORTH, a European Union (EU) funded project that assesses the viability of economic development in the Arctic. Being cognizant of the various ways in which the Arctic features in dialogues on sustainability, JUSTNORTH aimed to shift the conversation on sustainability within the Arctic context. In this regard, the project sought to change the starting point for decision-making in the Arctic, especially in the domain of economic development; shifting the conversation away from utilitarian ethics, towards more just and equitable solutions for humans and non-human nature (e.g. animals, plants). JUSTNORTH aimed to draw attention to the possibility of "thick" sustainability in the Arctic and to influence the conversation on justice—from micro-level justice, such as making changes to tax law or port usage policies for cruise ships, to macro-level justice that results in systemic change. To make this shift, we sought to understand more about the values of stakeholders and rightsholders in the Arctic and to identify what is valuable in particular economic development contexts.

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Some of JUSTNORTH's most important recommendations seek to rectify historical injustices resulting from top-down decision-making. These recommendations include promoting local ownership of decisions, fostering pathways towards Indigenous self-determination, and creating permanent consultation structures, to advance community participation in decisions that may affect their livelihoods and local environments.[1] Overall, cooperation within and among states, effective diplomacy, scientific research, protection of Indigenous interests, and mutually respectful progress are essential to making a shift toward sustainability.

HISTORY OF SUSTAINABLE DEVELOPMENT IN THE ARCTIC

Legacies of Colonialism and Imperialism

Historical legacies of colonialism and imperialism contribute to the potential for conflict today. Their vestiges are present not only in the material or visible economic, social, and environmental landscapes of the Arctic but also in the structural and legal landscapes of the North. There are concerns about land rights, regulatory mechanisms, and governance

processes that may not prioritize Indigenous rightsholders or Northern interests (e.g. Fosen Vind[2]). Expressions such as "nothing about us without us" and "green colonialism"—now frequently heard in presentations from Indigenous leaders—hark back to histories of imperialism and colonialism while simultaneously exposing the disenfranchisement of certain groups in existing Arctic governance structures.[3]

With intensifying contestation among different stakeholders on the use of increasingly crowded spaces (e.g. traditional livelihoods, ecotourism, or mining), colonialism and imperialism also affect contemporary questions of development.[4] The region has long been used as a resource basin for economic development; an issue as old as European imperial practices (e.g. Hudson Bay Company and whaling[5]). However, the economic benefits of Arctic resource exploitation have not fully benefited the region. Consequently, Arctic populations have become partially dependent on non-traditional foods for survival, as unsustainable harvesting practices, degraded environments, and labor reallocation have worn out their traditional ecosystems.[6] Thus, Arctic infrastructure is only deemed substantial in the need to support either security interests or economic activities, or in the flow of goods to the North and resources to the South.

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Tensions Between Economy and Sustainability

As the Arctic is situated at the intersection of economic potential and the manifest consequences of climate change, and decision-making in the Arctic involves formal inclusion of Indigenous organizations at the discussion table, the Arctic is often seen as a laboratory for governance.[7] However, cooperation toward governance in the Arctic over the last thirty years has frequently sacrificed environmental protection in favor of economic development.[8] Within states there is a lack of effective action toward achieving sustainability or promoting a just transition,[9] consequently impacting international cooperation that continues to prioritize the inherent character of national development strategies.[10] Arctic states' policy documents point toward the need to promote sustainable exploitation of living resources, and then they highlight the 'high standards' that they use while engaging in the exploitation of mineral resources. However, these high standards are usually framed in the context of safety and health, preparedness, and high

returns for society; not in the context of the precautionary principle, i.e. avoiding environmental risks when the consequences are unknown.[11]

Furthermore, cooperation should emphasize decision-making in line with the precautionary principle toward extractive operations from this region. This is key to supporting life within planetary processes (e.g. climate dynamics, ocean currents). However, ignoring the realities of climate change, international governance mechanisms in the Arctic choose to focus on being prepared to prevent accidents resulting from accelerated economic activity in the North, such as resource exploitation, increased fishing activity, and increased use of the Arctic routes to transport crude oil and gas. Consequently, conversations on the possibilities for innovative governance are concentrated within opportunities for economic exploitation (e.g. shipping, or energy).[12] As the North's raw materials and energy resources are critical for green transition, economic security, and energy security, innovative and precautionary governance mechanisms follow old patterns of safeguarding state economic interests over environmental responsibility.

Toward a New Understanding of Sustainability

In business strategy and development policy, there are two approaches to sustainability: In "thin" sustainability, a company claims it is sustainable when a proportion of its production process (e.g. electricity running the machinery) is supported by renewable resources. "Thick" sustainability, in contrast, requires that all core pillars of sustainability are deployed (social, environmental, economic), and the effects on future generations are considered.[13]

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To achieve sustainability, the distribution of harms and benefits that emerge in Arctic economic development must be evaluated. Across Arctic communities included in JUSTNORTH fieldwork, there was a notable perception that people in the North were left to live with environmental harms and diminishing viability of local and traditional livelihoods as a result of extractive industries. Arctic citizens saw the profits going to the South with little improvement in local infrastructure and service. In addition to historical harms and their

enduring legacies, current inequality contributes to growing resentment, and at times, resistance to new types of development. At present, there is little preventing the climate transition[14] and "thin" sustainability from creating a new set of environmental injustices in the region.

Environmental justice, in turn, draws clear links between questions of sustainability and the Arctic being a key region for green transition. This includes avoiding narrow analyses of environmental harm, taking into account both human and non-human aspects of harm or protection, and broadening how we think about environmental justice from a single point on a map to incorporating global processes—including the political, economic, and significant transboundary problems we face (e.g. global warming, plastics pollution).[15] From the lens of environmental

justice, sustainability cannot be achieved by measuring a percentage of one industry's production processes or deciding whether whether the distribution of environmental harm is limited on a geographic scale. Instead, sustainability needs to be scaled up to include all aspects of the ecosystem, including those related to cultural benefits. Environmental justice requires that corrective measures for environmental harms reflect "thick" sustainability, that is, they are addressed across regulatory jurisdictions.

NEGOTIATIONS IN THE ARCTIC CONTEXT

A paradox exists between policies that address the climate transition and those that retain old patterns of decision-making. The need for policies that can address the climate transition requires us to move away from decision-making that emphasizes the prioritization of resource exploitation over environmental precaution or cultural integrity. Consequently, the Arctic becomes a juncture of negotiation in various contexts: geopolitics and international cooperation, sustainability, economic development, environmental protection, and Indigenous rights.

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Determining Stakeholders in the Arctic

Economic development is contentious between stakeholders and rightsholders (Indigenous persons).[16] The set of stakeholders in Arctic

development includes a broad range across geographic scales (i.e. local to global) and power hierarchies (e.g. citizens, industry, and policymakers). Therefore, determining primary stakeholders or rightsholders in the Arctic requires considering value-based interests in the development of the Arctic as a values-based approach elevates considerations of justice. Accordingly, it is important in each context to evaluate the interests and values of the stakeholders and rightsholders involved across geographic scales and power hierarchies, as well as acknowledge that none of these frames can be negotiated in isolation. In that pursuit, identifying which groups should be prioritized for optimum outcomes is crucial.

In the context of economic development, the differing values of stakeholders lead to clashing visions of the Arctic's future, with varying emphasis on whose interests should be prioritized (e.g. industry, local citizens, etc). In making this determination, certain questions must be asked: is an actor's stake linked to their very existence; does a vital environmental concern predominate; or, is it simply a matter of economic value? Which interest has more priority: national security interests or cultural integrity? Is the interest only in economic profits or also in climate adaptation, environmental conservation, and respecting Indigenous rights? The values at the heart of each of these questions may not be antithetical to one another. Therefore, identifying and negotiating a just outcome requires clearly evaluating the outcome and the subject of justice. Accordingly, participants in a negotiation must be transparent about their primary interest in cases when the best alternative to the optimum outcome is reverting to old decision-making patterns (i.e. the prioritization of economic interests).

JUSTNORTH uses a simple matrix of four stakeholder groups: political, industrial, non-governmental organizations, and community members. These categories reveal the power hierarchies at play across scales of governance and decision-making, often with legitimate power situated at national or international scales. In the political category, actors would include local politicians, a state ministry, or even the EU. Industry actors include any stakeholder whose primary interest has some economic basis—from a local entrepreneur to a multinational conglomerate. Non-governmental actors include actors formally organized within lobbying organizations, charities, or international environmental organizations. Community members could include local citizens and rightsholders, but also the diaspora of Indigenous Arctic peoples who may live outside traditional homeland areas.

New Mechanisms for Decision-Making in Negotiations

Viewing the Arctic through the modern nation-state lens of 'sovereignty within borders' results in perpetuating a core-periphery duality decision-making process in the region.[17] Though issues like land rights are often contextualized within state borders, in the Arctic such issues can be transnational. For example, the traditional Sámi reindeer homeland spans Norway, Sweden, Finland, and Russia. However, international borders foster injustices such as different regulatory structures for reindeer herding in each State. Reindeer herds follow ancient and traditional migration routes that do not map onto state borders. Consequently, Sámi herders have sometimes been denied their livelihoods because of incongruent legal structures.[18]

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Though many stakeholders are limited in their ability to influence the outcomes of planning processes, two mechanisms are increasingly evident in the context of negotiations for Arctic development: Arctic fora and international legal institutions. Arctic fora such as the Arctic Circle Assembly can enhance visibility of Indigenous concerns about Arctic development, while courts and international law can be used to exert legal pressures on states and companies to engage in moderated economic activity. The International Labour Organization (ILO), the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and the Paris Agreement can be leveraged in this regard.

OTHER LESSONS

Escaping the Profitability Trap

Often, states' and industries' preoccupation with profit and economic growth is a significant impediment to generating creative solutions in the Arctic. Perpetuating familiar models and practices of economic development will cement the mistakes that produced the need for a climate transition in the first place. To escape this cycle, critical thinking on implementing sustainable and just practices across social structures must rapidly intensify. Examples include innovative infrastructure (data centers), cyclical resource use (food grown using waste heat from data centers),[19] and new forms

of cooperative or repurposed energy production (energy communities or hydro-pump storage).

Embedding Solutions in Policy

Structural, normative, and practical barriers and challenges to achieving the international cooperation required for "thick" sustainability in the Arctic remain.[20] Because the Arctic is not disconnected from the rest of the political, economic, and environmental global processes, a solution for the Arctic cannot be created in isolation from solutions for other systems. This means that Arctic climate and sustainability solutions have to be embedded within national and global structures for adaptation and mitigation of climate change. States, international organizations, corporations, and research centers also play a role in translating solutions into cross-national policies.

At the individual state level, this is what makes the Paris Agreement, and more recently, the agreement deliberated on at the Conference of the Parties to the UN Framework Convention on Climate Change (COP28)—on the first Global Stocktake that signals the end for fossil fuels—an important step for Arctic sustainability.[21]

International organizations and businesses must also embed sustainability in their practices. As an example, the Arctic Economic Council published a list of sustainable investment opportunities in the Arctic, based on the Arctic Investment Protocol Principles. Yet, it isn't certain that these business cases account for all pillars of sustainability, or embed protection of Indigenous rights and Free Prior and Informed Consent (FPIC) into these opportunities.[22] However significant the work from any leading Arctic organizations may be, it still falls to states (and in some instances, business organizations) to determine whether national policymakers will implement recommendations.

Scientific research and innovation programs are among the fundamental pillars of accelerating sustainability in the Arctic. There are a plethora of actors that provide funding for organizations engaging in such research, such as the EU, the Belmont Forum, and Nordforsk (under the Nordic Council of Ministers). While scientists in these funding programs are asked to demonstrate impact during interactions with policymakers, this is very difficult to action within the timelines of projects. The need for action should be also emphasized on the other side of this information transfer nexus—policymakers should also be required to demonstrate the incorporation of scientific outcomes from publicly funded research into

policy. Until then, it falls to scientists to become "science diplomats" in promoting evidence-based policy that can effectuate substantive change.

CONCLUSION

Without consideration of the precautionary principles and a differentiation between "thick" and "thin" sustainability, development in the Arctic is limited in its ability to also be sustainable. In recognizing the Arctic as a site of negotiation within the climate transition, it is important to acknowledge that none of its frames can be negotiated in isolation and each of these frames is inextricably connected. In high-level speeches and policies, there is often a nod toward sustainability practices as desirable outcomes and and some national policies underscore and promote sustainability as an outcome. However, despite these statements and policies, there is a significant lack of incentives or punitive regulations that can encourage change in economic development processes.

As we seek pathways toward climate adaptation and future sustainability, we must negotiate within the Arctic of the present, which is marred with the legacy of injustice and prioritization of resource exploitation. For this, we must recognize the contexts in which the development vs. sustainability negotiation is unfolding and, critically, who, or what, the negotiation impacts. If we continue with old patterns of decision-making and economic development, then we are unlikely to achieve a just transition, even when development is labeled as sustainable. Without a just transition, the strategies and objectives in Arctic policies for sustainable development and environmental protection will have failed, and the negotiation of the Arctic will be a failed experiment for the innovative forms of governance that have long been representative of the exceptional nature of this region. Decision-making that does not take into account Indigenous rights and environmental justice cannot be a sustainable development: it is only development. ***f***

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ENDNOTES

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