

# A new academic journal is born

The Arctic and High North are attracting growing international focus, moving from the periphery to the center of world attention. This is in part due to climate change and the resulting environmental challenges, but also because of the enormous resources in this area and the issues of how to manage and share the wealth. The resources most in demand are fish, minerals, and oil and gas. Other less prominent, but nonetheless important resources, include pastures, forests, wildlife, and fresh water harvests, which provide the livelihood of many indigenous people living in the High North.

The challenges of the Arctic raise many concerns: some are definitely of a scientific character in the fields of biology, technology, or glaciology. Other issues are more related to the social sciences. Research and debate on law and politics cannot slow the melting ice, but it can certainly contribute to managing human interactions, thereby promoting sustainable development. The *Arctic Human Development Report* emphasizes that law is key in managing human interactions, helping us define such fundamental concepts as property and ownership, allocate rights and responsibilities, and define and protect the human rights of both individuals and peoples.

The new journal that you hold in your hand has been established to provide a forum for discussing and challenging questions of a legal and political character in an Arctic context. The *Arctic Review on Law and Politics* is an independent, refereed journal, initiated by researchers at University of Tromsø, Norway. In establishing the journal we have gained strong support from many well-known researchers, and have established a board of editors from the eight countries fronting the Arctic: Canada, Denmark/Greenland, Finland, Iceland, Russia, Sweden, USA and

Norway. We are also pleased that one of the most widely-respected academic publishers in Scandinavia, Gyldendal Academic, has joined us to publish the journal.

The *Arctic Review on Law and Politics* publishes articles in the fields of law and politics. These terms are understood in a wide sense, encompassing not only research on legal and political sciences, but also disciplines such as economics, sociology, human geography, and social anthropology. The aim of the journal is to provide new insights and a deeper understanding of fundamental issues related to the Arctic and the High North, and thus become a forum for academic discussion on sustainable development in the North. We would very much appreciate receiving *your* manuscript. In addition to scientific articles for peer review, we welcome book reviews, notes on current research, and commentary on articles recently published in the journal.

The journal will deal with a range of issues including resource management, devolution of powers, jurisdictional matters, and environmental concerns. Much of the Arctic and High North lies within the traditional territory of indigenous peoples. There is an increasing international acceptance that indigenous peoples have genuine rights to the territories and the natural resources that sustain them. Therefore, we anticipate that the journal will also provide a forum for academic discussion of issues of law and politics relating to indigenous peoples.

Indigenous peoples' rights to fish in *coastal waters* have been recognized in case law in recent years in a number of common law countries, including Canada, Australia, and New Zealand. In Norway, the reports of the Sami Rights Commission (NOU 2007: 13) and Coastal Fishing Commission (NOU 2008: 5), have undoubtedly placed the question of Sami rights to marine resources on the agenda. The recommendations of the Coastal Fishing Commission imply that local people have time-honoured rights to fish their coastal areas. The recommendations, although widely debated, are not yet acknowledged in law.

The fact that Sami coastal rights relate both to legal issues and the Arctic has made it easy to decide to devote this first issue of the *Arctic Review on Law and Politics* to the question of indigenous peoples' rights in coastal waters. The articles in this issue are based on presentations given at a conference on Sami fishing rights at University of Tromsø in April 2009, organized by *Fávllis*, the Sami fisheries research network at the university, and research groups on Sami and maritime law at the law faculty at University of Tromsø.

This issue of our journal consists of seven peer-reviewed articles focusing on maritime fishery rights, including works written by established researchers as well as young scholars. The articles deal with both Sami rights and indigenous law, and related legal questions of fishery management and maritime property law.

*Carsten Smith* analyzes the right to marine fishing outside Finnmark in North Norway, emphasizing the rights of the Sami. The former chief justice of the Supreme Court of Norway bases his article on his experience as a researcher, but especially on his work as the head of the Coastal Fishing Commission. Sami coastal rights also provide the focus for *Camilla Brattland's* contribution. She seeks to clarify the rights of Sami in relation to coastal seascapes, and calls for further research on customary use of coastal areas from a Sami perspective, including a larger focus on property law rather than regulation.

*Valmaine Toki's* article analyzes the legal situation underpinning the allocation of fishery rights to Maori in New Zealand, and offers an interesting legal comparison between Maori and the coastal Sami of Norway.

*Douglas Harris* is a specialist on indigenous peoples' fishery rights in Canada. Together with *Peter Millerd*, he analyzes the legal status and characterizations of aboriginal rights to Canadian fisheries.

*Jørn Øyrehagen Sunde* is known for his research on property rights in sea waters. Through different perspectives on the right to fish in coastal waters, he shows that exclusive fishery rights have existed all around the North Sea Basin.

*Tore Henriksen* is recognized for his research in the field of the law of the sea. His article addresses the use of environmental protection principles in Norwegian fisheries management, and points to a greening of the fisheries legislation.

With one exception, all articles here are written in English. Even though we aim to reach an international audience, we will continue to publish some articles in Scandinavian languages, since a significant number of contributors are Scandinavian, and the journal is based in Scandinavia. We emphasize our international stamp by providing a summary of the articles in Russian.

Altogether, the articles in this very first issue make a considerable contribution to the academic discussion of indigenous peoples' rights in coastal seascapes. They also illuminate other questions of importance related to indigenous peoples' law, the High North, and fisheries management. Pleasant reading!

*Øyvind Ravna*