



## Leader

# Findings of the Second Conference on the Legal Systems in the Barents Region

In 2009, an extended academic cooperation between the law faculties in Arkhangelsk and Tromsø was initiated, which resulted in The First Conference on the Legal Systems in the Barents Euro-Arctic Region, held in Arkhangelsk in April 2010. One and a half years later, in September 2011, the second conference was held at The University of Tromsø.

The aim of the two conferences has been, as well as the establishment of research networks, to contribute to legal research that can focus on the similarities and differences in two countries' legal systems, and thus promote new academic knowledge that will benefit the good relations between Norway, the Russian Federation and the other countries of the Barents Euro Arctic Region economically, legally and culturally.

In order to reach decision-makers, academics and others, this knowledge must be communicated. This issue of *Arctic Review on Law and Politics* is therefore dedicated to *The Second Conference on the Legal Systems in the Barents Euro-Arctic Region*. The conference was well represented by legal experts from Norway and Russia, including guest speakers from Canada, Finland and Sweden. Their presentations and findings varied from questions regarding the continental shelf, fishery legislation, and Indigenous Peoples' rights and legal traditions, to criminal law, family law, and environmental law questions related to the Northern areas.

We are pleased and proud to have the opportunity to present some of these findings in the current issue of *Arctic Review on Law and Politics*. Among the topics, you will find matters of environmental protection in Russia, the role of multilateral environmental agreements in the Barents Euro-Arctic structures, Indigenous Peoples' law, and a legal historical analysis of the penitentiary system





in the Russian North. In this way the volume focuses on recent developments in the Barents Euro-Arctic Region, emphasizing the vital importance of further research, cooperation and exchange of information.

This issue also represents a milestone as we are able for the first time to present a broad composition of Russian academic works, which to a large extent uses examples from the legal development and law of the Russian Federation, respectively in the areas of environmental law, legal philosophy and history of criminal law. The authors here draw up some important differences in legal concepts and approaches that currently exist in the Russian legislation and practices compared to Western countries but, at the same time, they also point to the striking commonalities and the vitality of issues that are of significance to other regions in the Arctic as well.

*Mikhail Brinchuk*, Director of the Sector of ecological legal studies at the Russian Academy of Sciences, Moscow, analyses the structure and principles of Russian environmental law. Depending on the objects of research, the author mentions two approaches to the development of ecological legislation: integrated and differentiated. He also explores rules of development of ecological legislation at the Federal and regional levels.

*Mikhail Permilovskiy* studies the value of an axiological approach in addressing environmental issues; particularly focusing on the Arctic and the questions of its development, including case-examples from the Arkhangelsk region. Significant attention is paid to the necessity of theoretical and practical usage of the axiological approach in the regulation of the right to favourable (healthy) environment on both international and domestic levels.

*Daria Tolokontseva* looks at the historic case of the infamous Solovetsky Camp in the Russian North; analysing the essence of Soviet labor policy in the 1920s and 30s, showing the weakness of democratic law under a totalitarian regime. The Solovetsky Camp became one of the main structures in the penal system of the state. The author points out that the price of economic achievements were not commensurate with the number of lost human lives.

*Natalia Loukacheva* analyses the nature, perspectives of development and significance of customary law in Canada's Eastern Arctic in dealing with various issues in the North. By looking at examples of the Inuit to understand the Indigenous customary laws, she examines some general features of the traditional Inuit legal order. Further, by exploring some principles and aspects that define linkages and interactions between Indigenous legal practices and "Western" law in the Arctic, she raises questions that are essential to our better understanding of the value of Indigenous law in contemporary issues and developments in the North.

*Nikolas Sellheim* examines the inclusion of the concept of sustainable development in the cooperative structure of the Barents Euro-Arctic Region, based





## FINDINGS OF THE SECOND CONFERENCE

on Multilateral Environmental Agreements such as, for example, the 1992 Rio Declaration and Agenda 21. The author points out that in the case of some Multilateral Environmental Agreements, different statuses of ratification in Russia and the Nordic Barents states aggravate their implementation in the Barents region context. Nevertheless, he states, the forum has developed different strategies which enable their successful application for the Barents Region.

This issue also includes an article by *Maria Hammer* and *Alf Håkon Hoel* on the Development of Scientific Cooperation under the Norway–Russia Fisheries Regime in the Barents Sea. Even though the topic was not presented at the conference in Tromsø, we found the article very well-suited for this issue, and we are therefore pleased to be able to publish it. In the article, the authors describe the development from a sporadic cooperation to a wide, organized scientific collaboration, including the bilateral management of the living marine resources in the Barents Sea. The authors discuss the cooperation with regard to developments in science, in international regimes and the role of science in policy-making.

The volume of *Arctic Review on Law and Politics* you now hold in your hands is thus a result of various international contributions and academic collaborations. It also indicates that there is room for extended initiatives and dialogue between academics, politicians, decision-makers and Indigenous communities in the Circumpolar North in general, and in the Barents Euro-Arctic Region in particular. It also indicates room for publishing more good research and academic findings on the Arctic and the High North.

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