

## **Launch of a New Research Project at NCLOS: Developing Good Ocean Governance of the Arctic in Times of Unpredictable and Rapid Changes (DOGA)**

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**Matter commented on:** developing good ocean governance of the Arctic

The Norwegian Centre for the Law of the Sea ([NCLOS](#)) is excited to announce the launch of a new research project: Developing Good Ocean Governance of the Arctic in Times of Unpredictable and Rapid Changes ([DOGA](#)), funded by the Norwegian Research Council. The DOGA project is led by Professor Ingvild Ulrikke Jakobsen and assembles a group of researchers from NCLOS, the Norwegian College of Fishery Science, the Norwegian Institute for Water Research (NIVA), the Moscow State Institute of International Relations in Russia, and Dalhousie University in Halifax in Canada. The aim of the project is to contribute to good ocean governance of the marine Arctic by critically investigating the implementation of the ecosystem approach in Norway, within a regional context.

The marine Arctic is continuously changing, but recent developments have contributed to even greater unpredictable and rapid changes in the marine environment of the Arctic. The marine Arctic is borne to new pressures and new uses of the oceans. The effects of climate change – which are felt in the Arctic more rapidly than anywhere else ([IPCC Report 2019](#)) – open up new navigational routes and have led to an increasing interest in the natural resources of the marine Arctic. These developments place additional stress to vulnerable and rare ecosystems.

There is, however, limited scientific knowledge of the Arctic marine ecosystems and species, and of how climate change and increased human activities in the region will affect these. There is a need for more scientific research activities to get the ‘science we need for the ocean we want’ ([UN Decade for Ocean Science for Sustainable Development](#)). Examples of such activities are the [Nansen Legacy research project](#), as well as the [Ocean Decade – Arctic Action Plan](#) in support of the UN Decade for Ocean Science for Sustainable Development. Through these initiatives, we learn more about the state and health of the marine environment, and how climate change and human activities may affect the Arctic.

Research has taught us that we need more integrated approaches to ocean management to respond to these environmental challenges. We need law and policy that incorporates science and adopts an ecosystem approach. Rather than protecting the marine environment based on different maritime zones or individual species, we need to look at the ecosystem as a whole, understand how the ecosystem interacts within itself and with other ecosystems, and create law and policy that adequately reflects the scientific reality of the environment we are trying to protect. To achieve an ecosystem approach, environmental considerations must be integrated into the decision-making processes, both within various sectors such as fisheries and shipping, and across the sectors and administrative boundaries. This is especially true for the Arctic where the effects of climate change and other environmental pressures are strongly visible. In times of rapid changes and uncertainties, there is thus a need for good ocean governance in the Arctic.

Despite the importance of science for good ocean governance in the Arctic, it may not always be easy to integrate or translate scientific information into decision-making. Law and science are two distinct systems that each have a different function in society ([Woker, \*The Law-Science Interface within the Law of the Sea: A Case Study of the Continental Shelf\*, 2021](#)). Law is predominantly centred around

values of fairness, stability, predictability, and is of normative character, prescribing how society ought to function. Science, on the other hand, situates itself on the premises of innovation and change, and is of descriptive character, describing how the world actually functions. When scientific information enters the legal realm, it ‘crosses epistemic, discursive, and cultural boundaries’ ([Freeland, “Speaking Science to Law”, 2012](#)). It is therefore important to investigate the role of science in Arctic governance, and research how law can be used, adapted and improved to facilitate science-based decisions as well as adaptive governance, while remaining reconciled with the legal values of certainty and predictability. There is thus not only a need for good ocean governance in the Arctic, but also a need for research to understand how we can achieve good ocean governance in this region.

Most of the Norwegian sea areas are located north of the polar circle. For the Norwegian Arctic, the ocean and its resources are a key source of employment and income. The region is rich in resources and contributes to the Norwegian economy as a whole ([The Norwegian Government's Arctic Policy - regjeringen.no](#)). Promoting job creation and value creation in the region are overarching goals of Norway’s domestic Arctic policy. At the same time, it is acknowledged that an integrated approach of the management of the environment in the north is a vital basis for maintaining satisfactory ecological status and combining environmental protection with other public interests. It is set out as a policy measure in the Arctic Policy ‘to ensure sound, integrated management of all activity in the Norwegian part of the Arctic, in order to maximize value creation within an environmentally sustainable framework’ ([The Norwegian Government's Arctic Policy - regjeringen.no](#)).

The ecosystem approach to ocean governance has been pointed out as a key strategy for achieving sustainable development. Norway has been pioneering in implementing the ecosystem approach to ocean governance through its integrated ocean management plans, including for the Arctic waters under the Norwegian jurisdiction ([Meld. St. 20 \(2019–2020\) - regjeringen.no](#)). Recently, Norway also adopted a comprehensive plan for the protection of the marine environment, including by the use of Marine Protected Areas (MPAs) ([Meld. St. 29 \(2020–2021\) - regjeringen.no](#)). According to its domestic Arctic Policy, Norway will continue the cooperation under the Arctic Council in establishing a network of MPAs in the Arctic region ([The Norwegian Government's Arctic Policy - regjeringen.no](#)). However, no comprehensive legal research has been conducted on the practical implementation of the ecosystem approach to ocean governance in Norwegian domestic law through its management plans, other tools and regulatory measures.

To respond to the abovementioned issues, the DOGA project aims to explore whether and how the regulatory measures in Norwegian domestic law within the different sectors (such as fishing, shipping, hydrocarbons, and new activities such as seabed mining and bioprospecting) are facilitating science-based decision making, how environmental considerations are integrated, and how the process of balancing environmental considerations against other interests are regulated. Another important question is also how the different sectors assess and monitor the impact of human activities and provide for adaptive management to respond to new insights on the ecosystems as well as unpredicted changes. The DOGA project will examine the Norwegian environmental legislation and policy of Svalbard as a case study, with a focus on how the legal framework facilitates the balancing of long-term environmental protection of the pristine environment of the archipelago with providing for the economic gain that the development of the local society depends on, especially when mining activities in Svalbard are decreasing. The research on the implementation of ecosystem approach into different sectors will be complemented with comparative research from Russia and Canadian law and practice.

The project will furthermore examine what mechanisms and tools we have in Norwegian law and policy for implementing the ecosystem approach and how they facilitate cross-sectorial approaches. This includes questions as to the role of science when adopting and monitoring tools such as management plans and MPAs. The integrated ocean management plan for the Barents Sea will be investigated from a legal perspective. The Norwegian integrated management plans are political plans, and the decision-making still takes place under the different sector-legislation which all provide wide political discretion for the individual sectors (Johansen, Norway's Integrated Ocean Management: A Need for Stronger Protection of the Environment?, 2018). This raises questions related to the legal significance of the management plans, and whether and how they are integrated with the sectorial legislation and provide for cross-sectorial approaches.

Effective implementation of the ecosystem approach is applied across national borders and through cooperation with other states. The project therefore investigates how the ecosystem approach can be successfully implemented across jurisdictions through cooperation with neighbouring states and within the region as well as in a global context. This includes research on the cooperation between Norway and Russia through the Joint Norwegian-Russian Commission on Environmental Protection. The project further aims to respond to questions such as whether and how the Arctic Council could be strengthened to facilitate a more coherent practice in the Arctic region when it comes to the implementation of an ecosystem approach as well as what implications a potential new internationally legally binding treaty on the conservation and sustainable use of biological diversity (ILBI) will have for Arctic governance (De Lucia, The Arctic environment and the BBNJ negotiations. Special rules for special circumstances?, 2017)

The legal research will be carried out in Tromsø over a period of four years from 2021 to 2025, and will fill the need for knowledge on the practical operationalization of the ecosystem approach from a legal perspective and its aptness to give effect to its purpose. This research will contribute to the primary objective of the project: to achieve good ocean governance in the Arctic.