Preface

PURPOSE AND BACKGROUND

The origin of the book stems from a project at the Arctic Centre, University of Lapland that was sponsored by the Finnish Funding Agency for Innovation (TEKES) from 2013 to 2015. The project’s aim is to support the private sector to improve the implementation of EIA in their operations in the Arctic, especially in Finnish Lapland. This book builds on the research and findings from the Tekes project and looks not only at private sector best practices but the practices of all actors involved in EIA in the Arctic, including government officials, local community organizations and well-established NGOs. While we talk about best practices, it should be clarified that we make no proposals to change EIA legislation and rules.

Arctic EIA best practices as a topic of study are not new. The early 1990s witnessed the collective recognition by countries with territory in the Arctic that the Arctic region as a whole is climatically and culturally unique and also environmentally quite fragile. This provided the impetus for the Finnish-led international project to develop Arctic EIA Guidelines in 1994 under the auspices of the Arctic Environmental Protection Strategy (AEPS). In 1997, with the consent of the ministers to the Arctic Environmental Protection Strategy (which at the time was merged with the Arctic Council), the Guidelines were officially adopted. One of the innovative features of the 1997 Guidelines is that it is not merely a guidance document to bettering the process of EIA. While it is that, it also suggests EIA best practices and gives some examples from specific projects then being built in the Arctic. For this reason, the Guidelines are used as the criteria against which best practices are defined in this book. They will also serve as the basis for understanding new issues that have arisen in Arctic EIA and the gaps between the ideal of best practices versus their actual implementation.

The rationale for preparing the 1997 Arctic EIA Guidelines is at least as valid today as it was then. While there has been no new effort to update the guidelines, since the 1990s there is a notable increase in economic activity throughout the Arctic, and the need to ensure these projects are developed.
responsibly and sustainably is gaining significant traction. To accomplish this, the actual physical and social conditions of the Arctic need to be revisited and a better understanding developed as to what these trends portend for the future of the region. As the only legal mechanism that requires an evaluation of large-scale projects with a potential to adversely affect the environment, coupled with the requirements for public participation and hence transparency, EIA is a useful and concrete tool to both ensure sustainable development and highlight potential future contentious development issues.

Whether one uses the term best practices, good practices or smart practices, as defined in this book, the idea is the same, that is, ways of implementing EIA in an ideal manner in a situation where many options are possible. For everyone who is involved in EIA, seeing different ways in which it is implemented throughout the Arctic could lead to the adoption of different approaches. This book tries to provide examples in the country-focused chapters to illustrate good practices throughout the entire Arctic region. Hence, these ideal ways of implementing EIA might well provide inspiration to implement EIA in a corresponding manner in another jurisdiction.

This book has something for everyone interested in EIA. For the academic community it provides a background on the theory and methodology of best practice research, an overview of the current legislative state of EIA in the Arctic, and a discussion of the future prospects for balancing sustainability with economic development in a climatically challenging environment. For companies and practitioners this book provides numerous examples of best practices found during the benchmarking visits to each country. For the public and potential stakeholders in areas where large-scale industrial projects are being proposed, the information contained within these chapters can, at the very least, provide a context for the issues they may face, but hopefully the information can also help empower communities to challenge companies to practise EIA more responsibly.

GOALS AND ORGANIZATION OF THE BOOK

If one can succinctly summarize the primary purpose of this book, it is to be able to answer the following four questions: (1) From the standpoint of Environmental Impact Assessment (EIA), why should the Arctic be considered a unique region? (2) How should EIA in the Arctic be implemented differently than in other regions? (3) How is EIA actually practised throughout the Arctic? and (4) Given the global economic trends, what
Environmental impact assessment in the Arctic is the future outlook for EIA as an instrument to ensure the sustainable development of the Arctic?

While the ultimate focus of the book will be on comparing current EIA best practices in the eight Arctic countries to those recommended in the 1997 Guidelines, the book begins with an overview of EIA, and specifically the evolution of EIA in the Arctic, then proceeds to a discussion of the current state of best practice research and how the methodology used to determine best practices for the book links to the research, leading to the country chapters which discuss the EIA systems of all eight Arctic countries and provide exemplary practices according to the various stages of EIA (e.g. screening, scoping, etc.). To round out the discussion of EIA, a chapter on Transboundary EIA (TEIA) will discuss its evolution and context in international law, looking at the domestic legal systems which guide the process, before finally highlighting a few case studies to illustrate the practice of TEIA. Chapter 13 synthesizes the findings from the interviews, and by using the 1997 Guidelines, determines the extent to which country examples can be said to be in accordance with the Guidelines and what new issues in Arctic EIA have emerged. In Chapter 15 (‘Conclusions’), the future outlook of EIA in the Arctic is evaluated, including the usefulness of the 1997 Guidelines, and the possibilities for updating the Guidelines are discussed.

One note as to the grouping of countries – the first four country chapters consist of countries that fall under the influence of the European Union’s EIA Directive (Finland, Sweden, Norway and Iceland); the next two chapters are the two North American countries (Canada and the USA); the third grouping looks at two jurisdictions with the most individual EIA systems (Greenland and Russia). Even though the EIA systems of the four countries that have transposed the EU EIA Directive are similar, the book still addresses each Arctic country’s EIA system individually because even these systems all contain some differences. And, of course, depending on the basis for the EIA legislation, the systems vary to a larger or smaller degree from one another.

For the most part, the country chapters discuss the most widely used EIA legislative frameworks for each country. Sometimes this is just the national legislation, in Finland for example, but there can also be several distinct EIA systems within one country, for example in the northern territories of the Yukon, Nunavut and the Northwest Territories in Canada. Greenland and Norway also provide interesting cases in that the EIA legislation for mining in Greenland is the predominant system as there are more actual mining projects there than anything else, whereas in Norway there are three systems, which include onshore and offshore EIA systems as well as a distinct one for Svalbard.
As noted above, a chapter on Transboundary EIA succeeds the country chapters, followed by a synthesis chapter, which looks at the most interesting examples of best practices from the current interviews and compares them to the recommendations in the 1997 Guidelines to determine the extent to which the best practice country examples are in accordance with the Guidelines, or if they raise new or different issues. The chapter will conclude with a look at the past 17 years and provide suggestions as to how the practice of EIA in the Arctic can be improved from the perspectives of public sector officials, environmental consultancies and proponents representing the private sector.

NOTES

1. The recently established Arctic Economic Council, created as a task force of the Arctic Council, has identified the following objectives (according to its Terms of Reference, Article 2 Objectives):
   c. Facilitate and foster business opportunities in a manner that advances sustainable development of the Arctic;
   d. Facilitate responsible trade and investment in the Arctic;
   e. Maximize the potential for Arctic economic activities to take into account environmental protection;
   g. Positively impact the communities, lives and culture of Arctic Indigenous peoples;
2. While Iceland and Norway are not Member States of the EU, they are closely associated with the EU through their membership of the European Economic Area (EEA) in the context of being European Free Trade Association (EFTA) members. Thus, they are both (with the exception of Norway’s Svalbard islands) obliged to implement the EU Environmental Impact Assessment Directive.