



CANADA AS AN ARCTIC POWER: PREPARING FOR THE CANADIAN CHAIRMANSHIP OF THE ARCTIC COUNCIL (2013–2015)

PRESENTED BY
THE MUNK-GORDON ARCTIC SECURITY PROGRAM



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Presented by the Munk-Gordon Arctic Security Program, flowing from THE ARCTIC COUNCIL: ITS PLACE IN THE FUTURE OF ARCTIC GOVERNANCE (January 17-18, 2012).

INTRODUCTION

Once a forbidding Cold War frontier, the Arctic has become a theatre for dramatic environmental, economic and political change. The world now knows about the melting polar ice cap, threatened coastal communities and species vulnerability. Media headlines trumpet the opening of new Arctic sea routes and a “rush” to resource riches. Less understood are the powerful political events that have shifted power northwards over the last four decades through indigenous land settlements in North America and the devolution of powers over lands and resources to Alaska, Canada’s Northern territories, Greenland, and Arctic Norway.

Canada, Denmark, Finland, Iceland, Norway, Sweden, the Russian Federation, and the United States formed the Arctic Council in 1996. Back then, schoolchildren still learned that Canada had ten provinces and two territories. Sweden and Finland had just joined the European Union (EU), giving the EU its first territories north of the Arctic Circle since Greenland opted out of membership in 1985.¹ Following the collapse of the Soviet Union and the end of the Cold War, the new Russian Federation faced immense upheavals and challenges, as well as great opportunities. However, it remained the largest of the Arctic states. Newly empowered indigenous communities from across the Arctic worked hard to make their voices heard. The Arctic Council seemed to embody a new northern consciousness and it reflected an enhanced concern for

¹ In May 1979, through the Greenland Home Rule Act, Greenland received authority over management of the living resources in Greenlandic waters. However, at that time Greenland was still a member of the European Economic Community (EEC) represented by the Danish Ministry of Foreign Affairs. After a referendum showing that a majority of Greenlanders opposed EEC membership, and subsequent lengthy negotiations, Greenland officially withdrew from the EEC on February 1, 1985. Since then, Greenland has retained complete autonomy over resources, including fisheries, in its Exclusive Economic Zone (EEZ). S.A. Horsted. "Fisheries Regulations and Management." *Journal of Northwest Atlantic Fishery Science*, Vol. 28 (2000).

human security, sustainable development, and climate change in the 1990s, just as its forerunner the Arctic Environmental Protection Strategy had done previously.

Against the backdrop of this history and the astonishing impact of global climate change, the Arctic Council will have gone through one full rotation of chaired positions with its return to Canada in 2013. This paper will speak to three inter-related themes, through which it will identify: potential areas of focus that might serve as an agenda during Canada's leadership of the Arctic Council from 2013-2015; trends in the development of the Arctic Council that might be of interest to Canada while it is in the chair; and areas within domestic policy that can support these initiatives.

THE ARCTIC COUNCIL

Created as a high-level intergovernmental forum to address issues of common concern to Arctic governments and indigenous peoples of the High North, the Arctic Council quickly became the most active intergovernmental forum on regional issues. The Arctic Council and its predecessor, the Arctic Environmental Protection Strategy, are the only organizations to actively engage all eight Arctic states: Canada, Denmark (Greenland), Finland, Iceland, Norway, the Russian Federation, Sweden, and the United States. Until now, the Arctic Council has primarily concerned itself with the promotion of environmental protection and the sustainable development of the region. That could change.

ABOUT THE WALTER AND DUNCAN GORDON FOUNDATION

Over the last 25 years, the Walter and Duncan Gordon Foundation has invested \$17 million in Northern studies, indigenous research, and community-based initiatives. In the late 1980s and early 1990s, it convened the "Arctic issues panel" which recommended a permanent conference of Arctic states. As part of this initiative, the Foundation played a role in educating Canadians about the importance of an Arctic Council and the need for multi-polar co-operation. The Government of Canada responded. Indeed, it was former prime minister Brian Mulroney who first called for a congress of the Arctic states during a state visit to Leningrad in November 1989. The Foundation emphasized that the new council should formally recognize and give a meaningful role to indigenous voices. This goal was realized through the mechanism that came to

be known as the “Permanent Participants (PPs).”² Arising from these efforts, the Foundation supported the creation of the new diplomatic post of Ambassador for Circumpolar Affairs, which Inuit leader Mary Simon ably assumed in 1994.

In 2009, the Walter and Duncan Gordon Foundation joined with several other foundations to support the *Arctic Governance Project*, which identified “...opportunities to strengthen its mission, scope, structure, and functions” of the Arctic Council. Some of these have been adopted, including the establishment of a permanent secretariat for the Arctic Council.³

MUNK-GORDON ARCTIC SECURITY PROGRAM

In 2010, the Walter and Duncan Gordon Foundation partnered with the Canada Centre for Global Security Studies at the Munk School of Global Affairs, University of Toronto, to create the Munk-Gordon Arctic Security Program. It is a four-year multi-dimensional international program to raise awareness and improve public policy in the Circumpolar Arctic in four overarching areas: public opinion, the Arctic Council, Arctic peoples and security, and emergency management.

To help influence this agenda, the Arctic Security Program formed study groups, co-chaired by Arctic indigenous leaders and scholars based at southern Canadian universities. Joining them to form the Arctic Security Program Steering Committee are leaders and thinkers from both the public and private sectors.

THE ARCTIC COUNCIL: ITS PLACE IN THE FUTURE OF ARCTIC GOVERNANCE

Recognizing that Canada was soon to take the chair of the Arctic Council, the Munk-Gordon Arctic Security Program brought together policymakers, indigenous leaders, businesspeople, academics, and the interested public in a conference in Toronto entitled, **THE ARCTIC COUNCIL: ITS PLACE IN THE FUTURE OF ARCTIC GOVERNANCE**. Held on January 17 and 18, 2012, the conference provided an opportunity to

² Arctic Council. "Senior Arctic Officials (SAO) Report to Ministers, Nuuk, Greenland, May 2011." http://arctic-council.org/filearchive/nuuk_SAO_report.pdf p. 50.

³ The full report can be found at: The Arctic Governance Project. "Arctic Governance in an Era of Transformative Change: Critical Questions, Governance Principles, Ways Forward. Report of the Arctic Governance Project, 14 April 2010." <http://www.arcticgovernance.org/agp-report-and-action-agenda.156784.en.html>, p. 18.

present ideas about how the Arctic Council can be shaped going forward and how Canada can play a part in that evolution during its chairmanship from 2013-2015. This document and the accompanying proposals flow from this discussion.

ISSUE AREAS

The issue areas to be covered include:

1. Nuuk, Tromsø Secretariat, and Permanent Participants
2. Observers
3. Fisheries, Food Security, and Sustainability
4. Health and Education
5. Emergency Management
6. The Arctic Five
7. Mandates and Security
8. Policy, Science, and Communication Leadership
9. Communications and Outreach
10. Common Canada-U.S. Initiatives

NUUK, TROMSØ AND PERMANENT PARTICIPANTS

At Nuuk, Greenland in May 2011, Arctic Council Ministers created a Permanent Secretariat for the organization at Tromsø, Norway. Most commentators saw this as a positive development. However, this initiative inevitably raised questions about the new Secretariat's relationships with the existing Indigenous Peoples' Secretariat (IPS) in Copenhagen, Denmark. One voice, that of Piotr Graczyk, wanted integration of the IPS with the Arctic Council Secretariat in Tromsø. Others wondered if it might be timely for the Arctic Council and the Permanent Participants to jointly review the role of the IPS in Copenhagen. Inuit Circumpolar Council executive member Kirt Ejesiak stated that, "The Indigenous Peoples' Secretariat is another one of the governance issues that needs to be tweaked," while simultaneously encouraging member states and Observers to engage directly with the Permanent Participants.

Klaus Dodds, Professor of Geopolitics at Royal Holloway, University of London, cautioned against viewing the Arctic as having always existed in a condition of permanently impenetrable isolation. “[T]his characterization of a previously isolated Arctic region embedded within contemporary globalization is historically suspect,” he observed. “The activities of the Hudson’s Bay Company, for example, would provide one example of a transnational agent operating in and out of a series of territories that include modern-day Canada, and helping to circulate and connect indigenous and imperial peoples alike.”⁴ Nevertheless, it is broadly true that indigenous northerners and non-indigenous southern Canadians lived distantly and separately under Ottawa’s dominant political rule.

Given this history, Canadian leaders saw from the inception of the Arctic Council that indigenous representatives should have a voice in its proceedings. However, this innovative aspect of governance, which followed in the tradition of the AEPS, remains to this day something quite unique in international forums. Unfortunately, a lack of funding for travel and research resources has limited the effectiveness of the Permanent Participants in Council proceedings and Working Groups. As Ejesiak told conference participants, “While we [ICC] contributed, with proper financial resources, we could have done more.”

New funding arrangements or a transfer payments system could foster the fuller participation of indigenous peoples in all aspects of the Council’s work. This is also the case for most international bodies in which individual states normally accept the responsibility. Funding arrangements for the Arctic Council should ideally be consistent, fair, and sustainable. In 2010, the Arctic Governance Project proposed that the Arctic Council should: “Take steps to enable the full participation of the Permanent Participants in all Arctic Council activities, including providing a funding mechanism to cover the costs of such participation.”⁵ The Alaska Northern Waters Task Force and the Aspen Institute both endorsed the recommendation.⁶

As Lawson Brigham, Distinguished Professor of Geography and Arctic Policy at the University of Alaska Fairbanks, observes, “having indigenous views at the table for all of Senior Arctic Official (SAO) and technical working group meetings is very essential to the future of the Arctic Council. A secure funding

⁴ Klaus Dodds. "Anticipating the Arctic and the Arctic Council: Pre-emption, precaution and preparedness." In *The Arctic Council: its place in the future of Arctic governance*, Toronto: The Walter and Duncan Gordon Foundation, 2012.

⁵ The Arctic Governance Project. "Arctic Governance in an Era of Transformative Change: Critical Questions, Governance Principles, Ways Forward. Report of the Arctic Governance Project, 14 April 2010." <http://www.arcticgovernance.org/agp-report-and-action-agenda.156784.en.html>. p.2.

⁶ The Joint Alaska Northern Waters Task Force states: “The ANWTF agrees with Aspen Institute and the Arctic Governance Project Steering Committee findings that stronger and more stable funding should be secured for the Arctic Council. In turn, the Council would be better equipped to provide resources to its Permanent Participants for increased involvement in the council forums”. Joint Alaska Northern Waters Task Force. "Findings & Recommendations of Alaska Northern Waters Task Force." http://www.housemajority.org/coms/anw/pdfs/27/NWTF_Full_Report_Color.pdf , p. 7.

mechanism to support the PPs might be developed during the Canadian Chairmanship.”⁷ However, the Alaskan scholar, like others, believes the future role of the Copenhagen-based IPS needs careful examination.

The Toronto conference continuously heard suggestions that, under Canada’s leadership, the Arctic Council should develop a funding mechanism to enable Permanent Participants to fully participate in all of the working groups of the Arctic Council.

One such proposal would have Observers support Permanent Participants through a Canadian-style equalization formula. Terry Fenge points out that the Arctic Council has now adopted shared financing arrangements for the new Tromsø Secretariat. He writes, “Having breached the principle of voluntary financing, the Arctic states should consider a formula financing arrangement to underpin all working groups.”⁸

OBSERVERS

Since its creation, the Arctic Council has included some non-Arctic states, intergovernmental and interparliamentary organizations, and NGOs as Observers. Currently, six non-Arctic countries, nine intergovernmental and interparliamentary organizations, and 11 NGOs enjoy Observer status. France, Germany, Netherlands, Poland, Spain and the United Kingdom have Permanent Observer status, although as Timo Koivurova notes, in theory at least, “permanent” Observers could be expelled at a Ministerial meeting of the Arctic Council.⁹

At Tromsø in April 2009, Ministers were unable to articulate a shared vision on Observers. Since then, however, non-Arctic states and other interests have been paying increasing attention to Arctic issues.

For example, His Excellency Mr. Philippe Zeller told conference attendees in Toronto, “... while France plays an active role and participates in the discussions on Arctic issues in many forums, we firmly believe the Arctic Council to be the best-adapted framework for fostering further international cooperation and governance objectives. It is the framework that brings together most of the key players. It is the sole international, circumpolar organization, and constitutes the main forum for exchange and negotiation on the issues of the region.”

⁷ Personal Correspondence. February 14, 2012.

⁸ Terry Fenge. "Canada and the Arctic Council: Our Turn to Construct the Arctic Orchestra." *Policy Options* 33, no. 4 (2012): 63-67.

⁹ Personal Correspondence. January 18, 2012.

The Arctic Council has responded to this increased attention from outside the region. The May 12, 2011 Ministerial Meeting at Nuuk, Greenland, recognized that “the involvement of Observers should enhance and complement the unique and critical role of Permanent Participants in the Arctic Council.”¹⁰ Echoing the calls of the Arctic Governance Project,¹¹ the Arctic Council’s Nuuk Declaration proposes to invite states meeting certain criteria, to Permanent Observer status in the Arctic Council. New Observers could mean increased funding, some of which might be employed to support greater participation of Permanent Participants in all the workings of the Arctic Council.

A more accessible Arctic would open opportunities for natural resource exploration and development. A number of non-Arctic states with research interests in the Arctic are also keen to gain access to these resources and potential transportation routes through Arctic waters. The Arctic Council might benefit from bringing these voices “into the tent.” As Sanjay Chaturvedi puts it: “The presence and participation of China, India, Japan, and Korea as Observers will further strengthen the legitimacy, authority, and effectiveness of the Arctic Council.”¹² While maintaining their public commitments to protecting environmentally sensitive habitats, member states now seem more open to accommodating the legitimate interests of non-Arctic states and non-state actors. For the Permanent Participants, this “openness” carries with it certain risks. Daniel T’selie, a Jane Glassco Arctic Fellow from Fort Good Hope, NWT, challenged conference attendees to remember that “... when we talk about the future of the Arctic people, what we need to be talking about is how we are going to protect our land, our people, our lifestyles and our cultures as Arctic people in a time when we have international interests in resources on our land.”¹³

As a matter of established Arctic Council principle, states seeking Observer status must respect the sovereignty of the Arctic states and the rights of the Arctic indigenous peoples. Several commentators noted that this is where the European Union application was questioned, as the EU is perceived to be on the wrong side of a critical issue regarding indigenous rights to hunt and sell their products on global markets.¹⁴

¹⁰ Arctic Council. "Senior Arctic Officials (SAO) Report to Ministers, Nuuk, Greenland, May 2011." http://arctic-council.org/filearchive/nuuk_SAO_report.pdf p. 50

¹¹ The Arctic Governance Project. "Arctic Governance in an Era of Transformative Change: Critical Questions, Governance Principles, Ways Forward. Report of the Arctic Governance Project, 14 April 2010." <http://www.arcticgovernance.org/agp-report-and-action-agenda.156784.en.html>

¹² Sanjay Chaturvedi. "Geopolitical Transformations: 'Rising' Asia and the future of the Arctic Council." In *The Arctic Council: its place in the future of Arctic governance*, Toronto: The Walter and Duncan Gordon Foundation, 2012.

¹³ Personal correspondence. February 14, 2012.

¹⁴ Ibid.

Adding to this, it was heard from many that some applicants for Observer status – China, Japan and South Korea, for example – have polar assets, such as an Arctic science research station and icebreaker ships, but that may not be sufficient to qualify them for membership. That said, another Asian state, Singapore, is an influential maritime country, ideally located as a maritime hub in East Asia, and a key player in the International Maritime Organization (IMO). As such, it has the potential to make significant contributions to the Arctic Council’s Protection of the Arctic Marine Environment, and Emergency Prevention, Preparedness and Response. “Each applicant country must be evaluated on acceptance of Arctic sovereignty in the region, their support for the role of Permanent Participants, and general support of the Council’s objectives,” Brigham says. “All should inform the Arctic states about how they intend to support the work of the Council’s technical working groups. I believe this issue might remain a challenge as consensus may not be reached quickly for several of the requesting states.”¹⁵

Andrea Charron, Research Associate at Carleton University's Centre for Security and Defence Studies, advises Canada and the United States to push for a mandatory polar shipping code. “This is an important, pressing priority, although more likely to be pursued via national efforts at the IMO. Given, however, that the IMO and Arctic Council are not ‘observers’ of each other, it is up to the Chair of the Arctic Council to liaise with the IMO and express the Arctic Council’s collective support of such an initiative.”¹⁶

Should the Arctic Council continue as a “closed shop” of Arctic States, Permanent Participants, and Permanent Observers (as some commentators allege), or should it become a more open forum where every nation or organization with legitimate Arctic interests may participate? Graczyk believes the Arctic Council should “keep the Arctic states paramount,” and remain a regional organization, but that it must interact with non-Arctic actors on climate change and other political issues.

Given the distinctive international voice provided by their status as Arctic Council Permanent Participants, Canadian Inuit are sensitive to the potential for being marginalized in the Arctic Council by powerful non-Arctic Observers, such as Brazil, China, or India. Since no such Observer, once admitted to the Arctic Council, is ever likely to be expelled, Iqaluit Mayor Madeleine Redfern poses the core question: “What would happen if an Observer blatantly ignored the rule to respect Arctic state sovereignty or the rights of Arctic indigenous peoples?”

¹⁵ Ibid.

¹⁶ Andrea Charron. “Canada and the Arctic Council.” Forthcoming. Presented at *The Changing Arctic: Sovereignty, Resources and Security*. Kingston, Ontario, June 13-15, 2011.

Supporters of more openness argue that unless outside interests are invited into the circle, the Arctic Council itself might be marginalized as the principal Arctic policy forum, which it appeared to become immediately after the Arctic Five's Illulissat Declaration in May 2008. An acceptable way to address these concerns might include a requirement that applicants for Observer status clearly and publicly declare, in advance, their commitments to both the sovereignty of Arctic states and the rights of Arctic indigenous peoples.

Various NGOs and Arctic Council entities have aired similar ideas.¹⁷ Again, one way to solidify this commitment would be for Observer states to contribute financial resources and expertise to the technical working groups of the Arctic Council.

At the Toronto conference, more than one participant suggested that, based on ability to pay, each Observer should contribute an annual assessment to the Arctic Council's Tromsø Secretariat. These funds would be used to enable every Permanent Participant, based on demonstrated need, to fully engage in the work of the Arctic Council.

To reconcile the competing claims of Arctic and non-Arctic participants, Jennifer Rhemann in "Looking Within and Outside of the Arctic to Increase the Governance Capacity of the Arctic Council" favours a similar approach to the Antarctic Treaty System of creating a role similar to non-consultative status for non-Arctic states and intergovernmental organizations within the Arctic Council. This will, in her opinion, engage and limit their involvement in Arctic governance efforts, while, concurrently recognizing their status and contributions. Rhemann also wants to promote the involvement of the Association of Polar Early Career Scientists (APECS) members in working group and Permanent Participant projects. This will help to direct early career researchers and students towards Arctic Council projects. She also recommends APECS for Observer status because this group, she believes, would make positive contributions to working group activities and to the ongoing challenges of effective communication and outreach.¹⁸

Erkki Tuomioja, Finland's minister for foreign affairs, offers a wider perspective: "Instead of having a limited discussion about forms of participation in the Arctic Council, we should broaden our scope and turn the Arctic and the Arctic Council into a modern illustration of diplomacy, showing the world how to combine regional and global interests, responsibilities and contributions."¹⁹

¹⁷ The Arctic Council entities referenced include: Protection of the Arctic Marine Environment (PAME), Arctic Monitoring and Assessment Program (AMAP), Emergency Preparedness Prevention and Response (EPPR), and the Sustainable Development Working Group (SDWG).

¹⁸ Jennifer Rhemann. "Looking Within and Outside of the Arctic to Increase the Governance Capacity of the Arctic Council." In *The Arctic Council: its place in the future of Arctic governance*, Toronto: The Walter and Duncan Gordon Foundation, 2012.

¹⁹ Erkki Tuomioja. "Finland sees diplomacy warm as ice melts." *Embassy*, April 18, 2012

To this idea, Professor Paula Kankaanpää, Director the Arctic Centre of the University of Lapland in Finland, adds that the Arctic Council should not ignore the contributions of regional governments. “[L]ocal and regional administrators make significant contributions, as well as decisions, on Arctic socio-economic issues, they should also retain a relevant role within the structure of the Arctic Council.”²⁰ Canada’s three territorial governments would likely endorse these views, as would many indigenous peoples whose land claim agreements give them rights and responsibilities under many relevant areas of jurisdiction.

FISHERIES, FOOD SECURITY AND SUSTAINABILITY

Arctic warming has driven marine species northward in search of cooler waters, and the retreating ice cap may provide commercial fishers with opportunities to follow into new and largely unregulated fishing grounds. While scientists have much to learn about this changing ecosystem, unregulated commercial fisheries could have potentially devastating consequences for Arctic marine life and the indigenous peoples who rely on the sea. To protect these increasingly insecure food sources, might the Arctic Council states be willing to declare a moratorium on high seas fishing, pending the development of integrated management plans?

At the International Polar Year (IPY) conference hosted in Montreal in April of 2012, the Pew Environmental Group released a letter signed by 2,000 scientists calling on governments to develop an international Arctic fisheries agreement. The agreement would serve to protect the fragile polar ecosystem from unregulated commercial fishing in the high seas of the Arctic Ocean.²¹ The scientists seek a moratorium on commercial fishing in the Arctic until research establishes sustainable harvest limits. The United States and Denmark have adopted this policy, but Norway, Russia and Canada have yet to do so. Pew and the scientists are especially concerned that countries such as China may soon send its fishers into these unregulated waters.

Should anybody read the term “commercial fisheries moratorium” to include whaling, Munk-Gordon Arctic Security Program Policy Analyst Ryan Dean observes that Norway, Iceland, and others may object. If the Arctic Council chooses to involve itself in these issues, it will likely focus on assessments and science. Furthermore, the need for fisheries regulation will be most urgent in the coastal state marine zones where commercial opportunities are most apparent.

²⁰ Paula Kankaanpää. "Knowledge Structures of the Arctic Council: For sustainable development." In *The Arctic Council: its place in the future of Arctic governance*, Toronto: The Walter and Duncan Gordon Foundation, 2012.

²¹ Oceans North International. "Support an international Arctic fisheries agreement." <http://www.oceansnorth.org/arctic-fisheries-letter>.

A less ice-bound Arctic will inevitably open opportunities for natural resource exploration and exploitation. Various non-Arctic states have already expressed eagerness to exploit these natural resources. Outside interests will lobby both Arctic Council member states and Permanent Participants, who as the Arctic's long-time stewards work to protect sensitive habitats while balancing their rights and interests with the claims of the non-Arctic states.

Based on long experience with resource-use conflicts in Alaska, Drue Pearce, Senior Policy Advisor at Crowell & Moring LLP, thinks Canada's leadership as Arctic Council chair may coincide with an increased effort by Environmental Non-Governmental Organizations to either slow or completely stop resource development within the Arctic, be it offshore or onshore, oil and gas, or minerals. She raises the concern that Marine and Coastal Spatial Planning, Ecosystem Based Management, and other avenues such as communal governance of the Arctic may be championed as blocking mechanisms by these groups. Any fisheries management study should factor in such possibilities. Furthermore, land claims beneficiaries are likely to see themselves as potential stakeholders in, rather than simply opponents of, resource development.

HEALTH AND EDUCATION

It needs to be recognized that the health and well-being of Arctic peoples was a principal concern of the founders of the Arctic Council. Canada should make this a priority during its time as Arctic Council chair, as well as the issues of climate change, social resilience, and capacity-building in the face of development pressures that challenge Arctic communities.

For young northerners especially, these are urgent questions and Canada should support opportunities to address them. Students on Ice has called on the Arctic Council to create a youth advisory body to engage young people in the work of the Arctic Council, offer policy advice, and advertise the global impacts of Arctic issues through outreach and community engagement. Similarly, Kyla Kakwfi-Scott, a Jane Glassco Arctic Fellow, called on the Arctic Council to "...involv[e] young Aboriginal people explicitly in the work of the Council over the next number of years."

Liane Benoit, of Benoit & Associates, who supports this initiative, sounds a warning: "The Arctic Council had a successful youth program between 1998 and 2001. A Canadian initiative, it had very strong participation

from PPs but funding from the states was precarious.”²² Initiatives such as a previous proposal for a shadow youth council could be revisited during Canada’s two years in the Arctic Council Chair. Benoit cautions that any new education, health or youth program offered by the Arctic Council should proceed only on the basis of multi-year funding commitments.

EMERGENCY MANAGEMENT

The Agreement on Cooperation on Aeronautical and Maritime Search and Rescue,²³ signed in Nuuk in May 2011, represents a positive step forward on Emergency Management. Some commentators say it expands the role of the Arctic Council and more directly involves security interests, which were traditionally excluded from its purview. Others argue the instrument merely clarifies existing roles and responsibilities of the Arctic States. Nevertheless, the agreement represents the first binding instrument negotiated under the auspices of the Arctic Council.

The Agreement may soon be followed by another concerning maritime Oil Spill Preparedness and Response Task Force. Although not everybody sees binding instruments as a positive step, others welcome the evolution of the Arctic Council from a primarily advisory body to a treaty-negotiating forum.²⁴

For northern Canadians, fatal aircraft accidents in Resolute and Yellowknife, and the deadly fire onboard a Norwegian cruise ship—all in the fall of 2011—highlight the need to develop effective emergency management systems in the Arctic that are matched by adequate assets to carry them out. Co-operation between Arctic neighbours on search and rescue operations is mutually advantageous for all Arctic states, but are there operational deficits in the Canadian North for carrying out this agreement? Canada is the only Arctic coastal state with no substantial Arctic port and its major search and rescue facilities are located thousands of miles from the Arctic coast.

²² Personal Correspondence. January 24, 2012.

²³ Arctic Council. "The Agreement on Cooperation on Aeronautical and Maritime Search and Rescue in the Arctic." http://arctic-council.npolar.no/accms/export/sites/default/en/meetings/2011-nuuk-ministerial/docs/Arctic_SAR_Agreement_EN_FINAL_for_signature_21-Apr-2011.pdf.

²⁴ “The AC should stay a high-level forum, not a formal organization that adheres to its two-pillar mandate of sustainable development and environmental protection, but with new sector-based regulations akin to the SAR Agreement.” Piotr Graczyk. "The Arctic Council inclusive of non-Arctic perspectives: Seeking a new balance." In *The Arctic Council: its place in the future of Arctic governance*, Toronto: The Walter and Duncan Gordon Foundation, 2012.

Nunavut Premier Eva Aariak has said that, “efforts on the ground must be bolstered by strategic investments in Nunavut's air and marine infrastructure that will enable Canada to implement its Arctic Council accord on search and rescue, as well as a possible future agreement on oil spill response.”²⁵ The burden for managing emergencies should not fall entirely to remote Northern communities.

What might be the solution? Absent from these strategic investments called for by Premier Aariak is a proposal to bridge this gap and privatize or subcontract Canadian Arctic Search and Rescue responsibilities.

THE ARCTIC FIVE

In May 2008, representatives of the five coastal states bordering the Arctic Ocean (Canada, Denmark (Greenland), Norway, Russia, and the United States) met in Ilulissat, Greenland to recommit to a common approach for adjudicating their offshore claims in the Arctic Ocean.²⁶ Through the Ilulissat Declaration the Arctic Five restated that United Nations’ “Law of the Sea” principles would function as the foundation for the resolution of all outstanding Arctic maritime issues.²⁷ This declaration helped to quell media speculation about a “new Cold War” competition for High Arctic energy resources.

Unfortunately, the process leading up to the Ilulissat Declaration did not include indigenous representation. In response, the Inuit Circumpolar Council issued the *Circumpolar Inuit Declaration on Arctic Sovereignty*, which explicitly states in section 3.6 that “the inclusion of Inuit as active partners in all future deliberations on Arctic sovereignty will benefit both the Inuit community and the international community.”²⁸ Subsequently, the eight Arctic States have reaffirmed their support for the primacy of the Arctic Council as the principal venue for the discussion of Arctic issues.

²⁵ Eva Aariak. "Nunavut on the front lines of climate change." *Embassy*, April 18, 2012

²⁶ A second meeting of the “Arctic Five” occurred in Chelsea, Quebec in March 2010.

²⁷ "The Ilulissat Declaration." http://www.oceanlaw.org/downloads/arctic/Ilulissat_Declaration.pdf.

²⁸ Inuit Tapirit Kanatami. "Circumpolar Inuit Declaration on Arctic Sovereignty." <http://www.itk.ca/page/circumpolar-inuit-declaration-arctic-sovereignty>.

MANDATES AND SECURITY

At Murmansk, on October 1, 1987, Mikhail Gorbachev made his celebrated speech calling for the Arctic to become “a genuine zone of peace and fruitful cooperation,” a speech which opened the way forward for the creation of the Arctic Council.

Since the end of the Cold War, the possibility of armed conflict in the Arctic region has excited much debate, which is frequently fuelled by overheated political rhetoric. Cooler heads point towards the recent resolution of the longstanding boundary dispute between Norway and Russia, ongoing scientific co-operation, and the shared commitment to the rule of law in settling boundary disputes. While there may be no consensus on the potential for conflict in the Arctic region, there is general agreement that Arctic leaders ought to make every effort to avoid violent confrontations.

Russia’s Arctic Ambassador, Anton Vasiliev, insists “there are no issues between Arctic states that could call for a military solution.”²⁹ In the spirit of promoting open dialogue on broader security issues, should the prohibitions on Arctic Council discussions of security issues be lifted? As John Lamb, former Executive Director of the Canadian Centre for Arms Control and Disarmament, asked at the January conference, “If including security in the Arctic Council’s mandate was a bridge too far twenty years ago, is it something we should try now?”

On the one hand, lifting the prohibition on security questions would allow the Arctic Council to serve as a primary venue for promoting peaceful dialogue and reducing tensions between Arctic states. On the other hand, some commentators worry that politicized discussions about national security would undermine the Arctic Council’s tradition of informal dialogue.³⁰ A third point of view, best expressed by Brigham, insists that in dealing with SAR, emergency measures, and environmental security issues, the Arctic Council has already moved on to security questions as broadly defined. “I believe the Arctic Council already is dealing with an array of security issues: environmental security, human security, oil spills and search and rescue.”³¹

In the future, Brigham imagines maritime enforcement or police actions in connection with future Arctic fisheries enforcement being done in a cooperative manner. “I believe there is really no role for the North

²⁹ Anton Vasiliev. “International Cooperation in the Arctic and Russian Approaches.” *Arctic Review*, No. 1, 2012

³⁰ P. Whitney Lackenbauer, “Finding a Seat at the Top of the World,” *Globe and Mail*, 16 January 2012, and “Security and the Arctic Council,” Canadian Defence and Foreign Affairs Institute *Dispatches* (Spring 2012), 23-24.

³¹ Personal correspondence. February 14, 2012.

Atlantic Treaty Organization (NATO) in the Arctic, in part because nuclear arms and disarmament issues are global, not regional, and but also because Russia, Sweden and Finland are not members of NATO.”³²

For some commentators, the spectre of military security issues being discussed in the Arctic Council seems as remote today as it did at its inception in 1996 when the United States explicitly rejected the Arctic Council having a security mandate.

Nevertheless, there is a need for confidence building initiatives such as joint naval or search and rescue exercises, whether they occur within or outside the auspices of the Arctic Council. While some suggest that the Arctic Council might build confidence by forming collaborative military or naval forums, others would advocate that these activities occur, but in other forums. Perhaps a compromise lies in that, at a minimum, the Arctic Council could endorse other forums taking up the task of collaboration amongst the Arctic militaries and navies.

Commentators generally agree that it is climate change which is precipitating much of the discussion about security in the Arctic. However, because climate change is a global issue requiring global responses, it is very difficult for the Arctic Council to fully address these issues. Indeed, global problems demand global responses. At the same time, the Arctic Council has shown itself to be a leader on the climate change front and amongst its growing body of work the Arctic Climate Change Impact Assessment is probably the most known. Nevertheless, climate change issues such as mitigation and adaptation will have an impact on security in the region.

The Arctic Council should take into account its role in the emerging security environment in the region by promoting regional peace and stability through a respect for justice, the rule of international law, and addressing the considerable interplay with security institution. “This does not mean dealing with military related issues, excluded from its mandate, but rather seeking and establishing appropriate relations with organizations crafted for such purposes,” Graczyk suggests, “namely the Organization for Security and Co-operation in Europe (OSCE), the North Atlantic Treaty Organization (NATO) including the NATO-Russia Council.”

Graczyk also advocates the establishment of an eminent persons group within the Arctic Council “for directing the debate on Arctic-wide matters by delivering their expertise to the PMs (at the Arctic Summits), ministers and deputy ministers, for instance.”³³

³² Ibid.

³³ Piotr Graczyk. "The Arctic Council inclusive of non-Arctic perspectives: Seeking a new balance." In *The Arctic Council: its place in the future of Arctic governance*, Toronto: The Walter and Duncan Gordon Foundation, 2012.

Moreover, Sara French, Program Manager of the Munk-Gordon Arctic Security program, proposes that Canada should work towards the adoption and effective implementation of the Oil Spill Preparedness and Response Task Force's work expected to be completed by 2013.

POLICY, SCIENCE AND COMMUNICATION LEADERSHIP

A proudly northern nation, Canada is the second largest Arctic state. Half of the country's land mass lies in the Arctic and sub-Arctic. It has a 162,000-km Arctic coast line, but is the only Arctic nation without a deep water port. That is, however, not the country's only deficit in Arctic infrastructure and capabilities.

In January of 2011, the Munk-Gordon Arctic Security Program released *Rethinking the Top of the World: Arctic Security Opinion Survey*, which shows that while Canadians place a high value on environmental, health and human security in the Arctic, their government has focused more on sovereignty issues and military expenditures.³⁴ Over the last 40 years, Canadians should be proud that their government has negotiated 21 land claim and self-government agreements with indigenous northerners, yet they might be saddened to know that every one of these treaty groups has complained of implementation failures. While the Inuit of Nunavut gained title to 20 per cent of their territory, Nunavummiut are the only Canadians with no right to manage the lands and resources in the 80 per cent of land still controlled by Ottawa.

Nevertheless, Canada has much to contribute to Arctic policy debates. Canada is among the leading nations when it comes to innovative indigenous governance. Canadians (young Canadians especially) care deeply about climate change. They want to responsibly develop northern resources, want competing claims among Arctic nations to be resolved peacefully, and seek co-operation rather than confrontation with Canada's Arctic neighbours.

Might these values make us model citizens of the circumpolar world? Could Canada play more of a leadership role in Arctic policy debates? Yes, Canadians can. This requires investments in existing institutions. While counterpart entities in other Arctic states flourished, the Canadian Polar Commission has never been well funded. Recently, the Canadian Government appointed a new board and a new chair, Bernard Funston, an eminent northerner. Canada might play a stronger leadership role by taking two simple steps:

³⁴ The Walter and Duncan Gordon Foundation. "Rethinking the Top of the World: Arctic Security Public Opinion Survey." [http://gordonfoundation.ca/sites/default/files/publications/24-05-2011%20Rethinking%20the%20Top%20of%20the%20World%20\(3\)%20\(3\)_0.pdf](http://gordonfoundation.ca/sites/default/files/publications/24-05-2011%20Rethinking%20the%20Top%20of%20the%20World%20(3)%20(3)_0.pdf).

- o As proposed by Duane Smith, Canada should appoint a new Arctic Ambassador as our Senior Arctic Official before retaking the Arctic Council Chair;³⁵
- o Canada should fund the Canadian Polar Commission sufficiently for it to become a leading player in Arctic policy debates.

Terry Fenge offers the hopeful idea of a renewal mandate: “First and foremost, the Council should be grounded in a new and expansive declaration that reflects the quite extraordinary political, environmental and social changes in the region in the last two decades. This new declaration should situate Arctic states, in co-operation with northerners and, in particular, the region’s indigenous peoples, to address challenges that will result when rising powers assert interests in the region. The new declaration should welcome and engage non-Arctic states and interests at the same time making it clear just what is expected of them in the Council’s working groups and activities. The existing declaration enables the admission of states and interests as Observers that the Council determines can contribute to its work. This principle should be continued in the new declaration and liberally applied.”³⁶

As part of this renewal, the Standing Committee of Parliamentarians of the Arctic region have advocated that Arctic Council ministerials take place every year, as opposed to every other year, in order to ensure that Arctic issues remain at the forefront of the minds of top decision makers.

SCIENCE

When it comes to Arctic science, Canada has a lot to offer and a lot to learn. Several of our universities have northern studies programs (some associated with the University of the Arctic). Our scientists participated actively in IPY, and ArcticNet has actively supported Canadian Arctic science. In April 2012, Canada hosted the IPY Conference “From Knowledge to Action” in Montreal, a major event attracting 3,000 delegates. But, to what extent does science drive Arctic policy in Canada? In June 2013, when Canada takes the chair of the Arctic Council for the first time since it served as the first chair in 1996, it has an opportunity to be a policy leader on Arctic issues. Having an ambitious, feasible, and clear agenda is the first step towards fulfilling our responsibilities to northern Canadians and to the circumpolar world more generally.

³⁵ Duane Smith. “Build on indigenous successes in Arctic Council,” *Embassy*, April 18, 2012.

³⁶ Terry Fenge. “Canada and the Arctic Council: Our Turn to Construct the Arctic Orchestra.” *Policy Options* 33, no. 4 (2012): 63-67.

Science and scientists have played major roles in the Arctic Council's work. But are scientists' voices sufficiently represented at the Arctic Council table? How can Canadian science be mobilized more effectively to influence Arctic policy discussions and outcomes?

Three things might help:

- o Canada could lead Arctic science research initiatives by basing domestic policies on solid scientific foundations.
- o Canada could enhance its Arctic leadership role by articulating an ambitious agenda of economic sustainability, social peace, and environmental responsibility.
- o Canada should lead the way in creating public policy based on an understanding of both traditional and Western science.

One other thing: Nikolas Sellheim, a researcher at the Northern Institute on Environmental and Minority Law at the Arctic Centre in Rovaniemi, Finland, thinks the Arctic Eight should negotiate an agreement which would ease the visa processes for researchers and delegates of the Arctic Council. Would Canada be prepared to lead such an initiative? Furthermore, Kirt Ejesiak advocated for "...an initiative that looks at the mobility of Inuit across the Arctic. We are one peoples residing in four countries and yet we are limited by boundaries. We'd like to share our culture across the Arctic borders and with others, but we'd also like to explore economic opportunities." Perhaps lessons can be learned from the Sami, who are in the process of negotiating a mechanism to ensure that their people can move back and forth without impediment in their traditional homeland.

COMMUNICATIONS AND OUTREACH

Not only are additional non-Arctic states seeking Observer status in the Arctic Council, but territorial governments, land claim signatories, academics, students, and journalists are all looking with growing interest at its work, and yet it is generally agreed that the Arctic Council has done a poor job of communicating its activities to its constituents. While it is important for the Arctic Council to maintain communications with academics and the media, how can it best engage with local, regional, and indigenous communities, and utilize the opportunities of social media to enhance circumpolar outreach in the years ahead?

Rethinking the Top of the World indicated that only a minority of people in each of the Arctic Council states have heard about the organization. Indeed, as Ejesiak has explained, "The idea of strengthening the Arctic

Council has been around in earnest for about three years. Before that there were two general views of the Arctic Council. The first view was that this body was doing good work, and was organized in a way that fostered the meaningful inclusion of the interests of Arctic stakeholders. The second view was “the Arctic what?” Its initiatives were not well known and many states were not even aware of its existence.”

This deficit presents a challenge to the Arctic Council that might be addressed in future agendas. In addition to making information about the Arctic Council more readily available for those who are looking at it with growing interests, the Arctic Council should also be proactive in communicating its work back to local communities in the Arctic. As Arctic researcher Martin Breum argues, the Arctic Council needs a strategic communications plan in order to engage in effective advocacy to influence international public policy. “The Arctic Council needs to combine clearly defined political goals with strategic communication vis-à-vis its stakeholders in the Arctic states.”³⁷

Brigham believes that, because the Arctic Council has focused almost exclusively on Arctic climate change, other drivers of major change, such as globalization, the worldwide financial crisis and the demand for Arctic resources with global markets have been neglected in Arctic Council communications. He recalls that when its authors released the Arctic Marine Shipping Assessment (AMSA), a comprehensive study of Arctic marine activity, at the Tromsø Ministerial in April 2009, “The Council had in its hands a major policy document and a framework for protecting people and the Arctic marine environment, but the Arctic Council’s inability to craft an informative press release and communicate AMSA to the world was quite unbelievable. Of course, the Ministerial Declaration mentioned AMSA, but a more substantive message to the world would have helped widely broadcast AMSA’s 17 important policy recommendations.”

AMSA was an example of a situation where the Arctic Council should have been able to draw worldwide attention to its excellent work. Scientific reports and assessments like AMSA need to be communicated on the right networks in the appropriate language, Brigham insists. Nikolas Sellheim, Piotr Graczyk, and Jennifer Rhemann have further suggestions. Sellheim wants the Arctic Council Secretariat to create a database that would include a compilation of all projects carried out in the different working groups, as well as under the auspices of the Permanent Participants. “The Arctic Council with its secretariat could take over a leading role in producing information easily understandable for non-scientists and laypersons.”³⁸

³⁷ Martin Breum. "How to move the Council's communication into the future." In *The Arctic Council: its place in the future of Arctic governance*, Toronto: The Walter and Duncan Gordon Foundation, 2012.

³⁸ Nikolas Sellheim. "The Establishment of the Permanent Arctic Council Secretariat: Challenges and opportunities." In *The Arctic Council: its place in the future of Arctic governance*, Toronto: The Walter and Duncan Gordon Foundation, 2012.

Graczyk would like the new Secretariat at Tromsø to build a specialist communication unit to effect information flows between the Arctic Council, the mass media and professional journals. Rhemann believes that both the APECS information networks and the University of the Arctic thematic networks could help “facilitate direct collaboration between the University of the Arctic (UArctic) member institutions and the Permanent Participants, working groups and SAOs of the Arctic Council in order to heighten the visibility of the Arctic Council.”³⁹

Charron adds, “Canada and the US can continue the work of the Swedish Chair to encourage active involvement with think tanks, universities, and academics around the world (including North America) and to continue to provide support to the Sustainable Arctic Observing Networks initiative.”

COMMON CANADA-U.S. INITIATIVES

As Dodds notes, and as Sweden’s Arctic policy indicates, building a “shared future vision” depends “on whether the parties concerned can agree on “a shared perception of the situation in the Arctic region.”⁴⁰ Canada’s two years as Arctic Council chair will be followed by a two-year term for the United States. Richard Steffens, Minister-in-Council at the U.S. Embassy in Ottawa, has said that the Americans “look forward to developing a common agenda at the Arctic Council, which we can advance during these four years of a shared North American chairmanship.”⁴¹

Based on this invitation, both countries should review their strategies and agendas with the view to developing a common work plan. Senior officials should work together now on North American initiatives where possible in preparation for 2013-2017.

The Alaska Northern Waters Task Force supports the development and implementation of a comprehensive U.S. Arctic strategy. “This strategy should ensure that national interests are balanced with Alaska state interests,” it notes, “so that commitments to safeguard the environment and wellbeing of the region’s communities and cultures accompany all plans to advance economic development.”⁴²

³⁹ Jennifer Rhemann. "Looking Within and Outside of the Arctic to Increase the Governance Capacity of the Arctic Council."

⁴⁰ Klaus Dodds. "Anticipating the Arctic and the Arctic Council: Pre-emption, precaution and preparedness."

⁴¹ Carl Meyer. "US, Canada see continental bloc on Arctic Council." *Embassy*, February 7, 2012

⁴² Joint Alaska Northern Waters Task Force, p.iii.

Might Canada be so bold as to suggest exploring the possibility of developing shared initiatives between Canada and the United States, as well as Alaska-territorial initiatives? This multi-layered approach would be innovative, efficient and appropriate in light of Canada’s Northern Strategy, which considers the United States to be Canada’s premier partner in the circumpolar world.

PREPARING FOR THE CANADIAN CHAIRMANSHIP OF THE ARCTIC COUNCIL

Following the Munk-Gordon Arctic Security Program conference, *THE ARCTIC COUNCIL: ITS PLACE IN THE FUTURE OF ARCTIC GOVERNANCE*, held in Toronto on January 17 and 18, 2012, the Program Steering Committee recommends that Canada focus its efforts during its term as chair of the Arctic Council to promote resilience among Arctic peoples and communities. To meet this challenge, the Canadian government should promote the Arctic Council as the primary international venue for promoting Arctic people's resilience in the face of climate change, globalization, and resource-use conflicts. It will also need to address related issues of domestic concern to meet this goal.

It is, therefore, recommended that Canada:

1. Propose a new funding mechanism to enable Permanent Participants to fully participate in all of the working groups of the Arctic Council.⁴³
2. Support the Permanent Participants in co-operation with the Arctic Council member states to jointly review the role of the Indigenous Peoples Secretariat (IPS) following the creation of the Permanent Secretariat of the Arctic Council in Tromsø, Norway.
3. Propose that any candidate for Arctic Council Observer status must publicly declare its respect for the sovereignty of Arctic states and the rights of Arctic indigenous peoples.
4. Explore the possibility of joint North American initiatives for the back-to-back chairs of the Arctic Council, particularly where Canada and the United States have similar agendas.
5. Encourage the Arctic Council to recognize the special role for regional, state, and territorial governments in Arctic governance and particularly in the Arctic Council.
6. Work with Arctic Council states to commission baseline studies of Arctic fisheries management issues that would include tabulations of all species, competing interests, and existing mechanisms for conflict resolution, including a moratorium on fisheries in the high seas.⁴⁴

⁴³ The Walter and Duncan Gordon Foundation in partnership with the Oak Foundation and the JM Kaplan Foundation will be undertaking a comprehensive study to define the funding needs of the Permanent Participants and to propose possible funding mechanisms.

⁴⁴ "High seas" as employed here refers to the areas of the central Arctic Ocean beyond each state's 200 nautical mile exclusive economic zones. A forthcoming paper by the Munk-Gordon Arctic Security Program will seek to define this issue further.

7. Promote the continued involvement of youth in working group and Permanent Participant projects.
8. Declare that any new education, health, or youth program offered by the Arctic Council should proceed only on the basis of multi-year funding commitments.
9. Make the necessary strategic investments in Canadian Arctic air and marine infrastructure to enable Canada to effectively implement the Arctic Council negotiated accord on search and rescue.
10. Work to continue the evolution of the Arctic Council from a decision-shaping body into a negotiating forum for new binding agreements.
11. Propose that the Arctic Council encourage the creation of military forums as confidence-building initiatives and visible example of Arctic co-operation.
12. Urgently work towards the completion of the Oil Spill Preparedness and Response instrument.
13. Fund the Canadian Polar Commission to a level equivalent to counterpart institutions in other Arctic states.
14. Appoint a new Arctic Ambassador as its Senior Arctic Official before retaking the Arctic Council Chair.
15. Lead discussions among the Arctic Eight to ease the visa restrictions for researchers and delegates of the Arctic Council.
16. Propose that the Arctic Council adopt a communications strategy based on raising awareness of its goals and programs both to audiences in the Arctic region and the wider world.
17. Encourage the Arctic Council Secretariat to create plain-language summaries of its studies and activities so that the information is accessible to interested citizens.
18. Encourage the Arctic Council Secretariat to work with the International Polar Year to create a database that would include a compilation of all projects carried out in the different working groups, as well as under the auspices of the Permanent Participants.
19. Spearhead an initiative in the Arctic Council to encourage the International Maritime Organization to adopt a mandatory code without further delay.

LIST OF ACRONYMS

AEPS – Arctic Environmental Protection Strategy
AMAP – Arctic Monitoring and Assessment Program
AMSA – Arctic Marine Shipping Assessment
APECS – Association of Polar Early Career Scientists
EBM – Ecosystem Based Management
ENGO – Environmental Non-Governmental Organizations
IMO – International Maritime Organization
IPS – Indigenous Peoples Secretariat
IPY – International Polar Year
NATO – North Atlantic Treaty Organization
NGO – Non-governmental Organization
OSCE – Organization for Security and Cooperation in Europe
PP – Permanent Participants
SAO – Senior Arctic Official
SDWG – Sustainable Development Working Group
UArctic – University of the Arctic
WDGF – Walter and Duncan Gordon Foundation