

Canadian Leadership in the Circumpolar World: An Agenda for the Arctic Council Chairmanship 2013–2015

Heather Exner-Pirot

Abstract: The Arctic is a region of increasing global interest. Canadian interests in the region—economic, political, social, and environmental—would benefit from the development of an effective governance framework for the Arctic in terms of providing for stable, predictable, and sustainable use of the area’s resources in a manner that benefits northern inhabitants. Canada has an opportunity to influence the Arctic policy agenda and promote Canada’s interests as in 2013 it assumes the chairmanship of the Arctic Council, the high-level intergovernmental forum that discusses common circumpolar policy. This article outlines the issue areas most likely to benefit from regional co-operation, and which Canada should promote in the lead up to and during its chairmanship: Search and rescue, fisheries management, shipping regulations, and a regional seas agreement. The article argues that Canada should lead governance reform in the Arctic both because it is in Canada’s interests to do so, and because Canada is uniquely placed to do so within the Circumpolar World.

Introduction

The Arctic is gaining in international strategic and political significance. New Arctic policies are emerging everywhere from the United States to Russia, the European Union to the Nordic Council. China, Japan, and South Korea have applied to be observers in the Arctic Council.¹ And strategic investments are being made by almost all parties as the great mineral and hydrocarbon wealth of the Arctic becomes accessible and profitable.

As the geopolitical realities of the Arctic change, so too must the regulatory regime—or lack thereof—that governs it. Recent talk in Arctic policy circles has focused on what role the Arctic Council should play in bridging any gaps and whether the existing United Nations Convention on the Law of the Sea (UNCLOS) provides a sufficient governance framework. Little consensus has emerged. What is clear is that leadership is needed to prepare the region for the significant changes that are coming.

Out of this flux emerges an incredible opportunity for Canada to step up and lead the circumpolar region towards a responsible governance framework. More than any other country, Canada is in a position to fill such a role given its history as a leader of circumpolar co-operation; its scientific and bureaucratic expertise; and its relative military, economic, and diplomatic influence. The two-year rotating chairmanship of the Arctic Council, which Canada assumes in 2013, provides the platform. Canada thus has the chance to benefit environmentally, economically, and politically through an effective leadership of the Circumpolar North.

This article will set out an agenda for the Canadian chairmanship that reflects the most pressing environmental, security, and economic concerns of the North, and establishes a foundation for a prosperous, healthy, and diverse circumpolar region. The policy objectives suggested include common regulations on Arctic shipping; a regional fisheries agreement; and co-operation on coast guard, search and rescue (SAR), and environmental emergency response activities. These should culminate in a regional-seas agreement to provide a holistic governance framework for managing the Arctic.

The Context

Former Soviet president Mikhail Gorbachev's famous speech in Murmansk in 1987, which called on the Arctic states to make the region a "zone of peace,"² marked the beginning of modern-day circumpolar relations. In the decades prior to that, relations between the Arctic states were dominated by the Cold War. Although there were some movements towards stronger cultural relations between Arctic Indigenous peoples in the 1970s,³ the Arctic as a region was internationally significant primarily for its role in a potential nuclear war between the former Soviet Union and the United States. Political and economic interactions flowed from the North to southern capitals, rather than east to west around the circumpolar region.

After glasnost, perestroika, and the collapse of Soviet communism, a number of Arctic states were eager to forge new relationships with

Russia. In particular, Finland sought to facilitate a forum by which they could improve ties with Russia and mitigate some of the environmental damage occurring in northwestern Russia. The result was the 1991 *Arctic Environmental Protection Strategy* (AEPS),⁴ signed in Rovaniemi, Finland by all eight Arctic states (Canada, Denmark, Finland, Iceland, Norway, Sweden, Russia, and the United States).

Recognizing the limited scope of the AEPS, and following significant advocacy efforts on the part of the Inuit Circumpolar Conference (ICC) and the Canadian Arctic Resources Committee (CARC), Canada pushed forward the idea of a high-level intergovernmental forum by which to address Arctic issues. The Arctic Council was subsequently established with the Ottawa Declaration in 1996, signed by the eight Arctic states as well as three Indigenous groups included as non-voting Permanent Participants (of which there are now six).⁵

The parameters of the Arctic Council were circumscribed by the United States, which was reluctant to support the establishment of yet another international organization.⁶ As such, the Arctic Council does not discuss matters related to traditional security. Rather, it is mandated to promote co-operation and coordination on issues of sustainable development and environmental protection.⁷ It also has no permanent secretariat; instead, the eight Arctic states rotate two-year chairmanships of the Arctic Council in which they typically set forth a program of action or goals for their tenure. Despite the clear downsides of this system, including the lack of a centralized secretariat and institutional memory, disjointed agendas, and difficulty in planning for the medium and long terms, it has proven difficult to muster the political will to reform the Arctic Council as an institution.⁸

Canada was the first chair of the Arctic Council in 1996–98; after Sweden completes its chairmanship in 2011–13, the cycle will begin anew and Canada will once again assume the chairmanship.

The Benefits of Circumpolarity

Perhaps more than any other Arctic nation, Canada has much to gain from its involvement in the Arctic Council and the fostering of circumpolar relationships. Canada, after all, has a lot of "North": coastline, territory, mineral and hydrocarbon resources, flora and fauna, and cultural diversity. Indeed the Canadian North is rich in just about everything except human population, which numbers only about 100,000 inhabitants for the three northern territories combined (Yukon, Northwest Territories, and Nunavut). A circumpolar region marked by constructive, not conflictive,

state relations; responsible environmental stewardship; and effective governance of economic activities will play a critical role in how much Canada is able to benefit from its many northern riches.

Economic Benefits

As climate change continues, it is expected that those northern resources that remain poorly accessible will become available for exploitation.⁹ Unlike other circumpolar regions, notably the former Soviet Union, Alaska, and northern Norway, the Canadian North has been, for the most part, left to itself. The sparse population, lack of infrastructure, and paucity of economic activity is testament to the fact that the Canadian government has failed to encourage and fund large-scale development in its northern regions to the degree that the United States, Russia, and Norway have.¹⁰ New economic and environmental realities may change that. While oil and mineral prices have plunged in the current global economic recession, it is expected that as demand goes up in the developing world (notably China and India), and as more accessible supplies are exhausted elsewhere, the exploitation of those resources that are plentiful and as yet untapped in the Arctic will become economically viable.

Canada is likely to benefit—economically at least—from the new realities of a warming North.¹¹ But as this prosperity is linked closely to its ability to use the waters in and around the Arctic Ocean, it matters a great deal how those waters will be governed.

Environmental Benefits

The environmental stewardship of the North is not simply an altruistic luxury of a rich, developed state. It is a critical factor in maintaining sustainable northern communities, the preservation of Indigenous culture and traditions, a robust Canadian economy, and a healthy global environment. The many economic activities made possible by climate change—Arctic shipping, mineral and hydrocarbon exploitation, fishing, and ecotourism—pose significant threats to a vulnerable and largely, up to this point, pristine Canadian Arctic environment.

Oceans and seas are not things that can be successfully governed on an individual state basis; preferably, they are governed regionally. This physical reality is reflected in international law in the United Nations Convention on the Law of the Sea¹² (UNCLOS); and in practice with the United Nations Environment Programme's (UNEP) Regional Seas Programme. The implications in the Arctic Ocean are clear. Even if Canada adopts the means—the icebreakers, patrol vessels, and SAR capability—

by which to enforce its domestic environmental legislation as enshrined in the Arctic Waters Pollution Prevention Act (AWPPA),¹³ those measures would do little good to prevent domestic environmental catastrophe should an oil spill occur elsewhere in the Arctic. Clearly some kind of regional environmental agreement, adopted by the circumpolar nations, is needed to adequately protect the Arctic and ensure its sustainable use for current and future northern communities.

International Political Benefits

The Arctic is a unique region in many respects, not least of all politically, and one in which Canada finds itself juxtaposed between the superpowers—Russia and the United States—and the Nordic countries (Denmark, Finland, Iceland, Norway, and Sweden) with whom Canada and Canadian values and international influence are most closely matched.

In a global order where regionalism is playing an increasingly significant role—witness the importance of the European Union and the growth of organizations such as the African Union, the Association of Southeast Asian Nations (ASEAN), and the Arab League¹⁴—Canada is woefully without regional partners. The North America Free Trade Agreement (NAFTA), as important as it is economically, is limited to a trading relationship with the United States (a global superpower prone and able to act unilaterally) and Mexico, a country several thousand kilometers away with whom Canada shares little besides placement on the same continent.

The Circumpolar World offers Canada, in particular, an opportunity to participate in a region of increasing significance and thus cultivate relationships and generate influence it would have little opportunity to do otherwise. While its relationship with the United States is marked by other activities, Canada's participation in the Arctic Council has given the occasion to establish closer bilateral ties with Russia, especially in terms of their common northern interests and expertise; has provided an important opening into the European Union through that organization's Northern Dimension, which Canada (along with the United States) has participated in as an observer; and has enhanced the relationships between Canada and the five Nordic countries, with whom Canada has a great deal in common and could benefit in the future from closer ties.

Above all, the Arctic is a region of increasing international significance in which Canada is still very much a player. Little of international consequence has been implemented by Canada's federal department of foreign affairs and international trade (DFAIT) in the past few years due to

political neglect and a succession of unengaged foreign affairs ministers—seven in eight years until Lawrence Cannon was appointed in 2008 and who, at the time of this article’s publication, remains in this post more than two years later. Canada’s ascension to the Arctic Council chairmanship in 2013 provides an opportunity for DFAIT to accomplish something of international significance, with the potential for environmental, economic, and human benefit.

An Agenda for the Chairmanship

What, then, are the main goals that Canada should strive to achieve during its tenure as chair of the Arctic Council?

Search and Rescue (SAR) and Coast Guard Coordination

The extreme conditions found in the Arctic make search and rescue (SAR) activities expensive and dangerous, as well as vital for anyone lost or stranded, especially in winter. An increase in resource exploitation, shipping, and tourism in the area will serve to test already overextended resources.¹⁵

Sharing resources on a regional basis, for example vessels, helicopters, and medevacs, makes economic and strategic sense. SAR activities were mentioned in the August 2008 statement of the Conference of Arctic Parliamentarians,¹⁶ with a call to strengthen co-operation, consultation, and coordination of search and rescue activities in the region, as well as in the May 2008 Illulissat Declaration.¹⁷ The growing recognition that SAR activities would be better served with a more formal agreement or memorandum of understanding amongst all Arctic nations culminated in the 2009 Arctic Council Ministerial Meeting. The ministers agreed to complete negotiations of an international instrument on co-operative search and rescue operations in the Arctic by 2011.¹⁸ Canada should continue to support this process, with both human and financial resources, up to and during its chairmanship.

Similarly, national coast guards have relatively limited resources given the size and type of area they are expected to monitor and control in the Arctic. The security threats most likely to affect the Arctic come not from neighbouring states, but from criminals. Drug and diamond smuggling, illegal migrants, terrorist activities, illegal shipping and fishing, and environmental pollution all pose serious threats in the North.¹⁹ An enhanced coordination of surveillance among the various circumpolar coast guards would prove mutually beneficial.

As with SAR, efforts have been made to enhance coast guard co-operation; in 2007, participants at an inaugural meeting of the coast guards of the North Atlantic region agreed to set up a working group chaired by Canada to deal with environmental issues.²⁰ The Canadian and American Coast Guards have been working together in delimiting the continental shelf along their borders. In February 2009 the newly established NORDSUP (Nordic Supportive Defence Structures, which includes Denmark, Iceland, Norway, Sweden, and Finland) commissioned a report recommending, among other things, the establishment of a joint maritime rapid action group based on the countries' coast guards and rescue services.²¹ And it should be noted that one of the Arctic Council's working groups, the Emergency Preparedness, Prevention and Response (EPPR) group, deals with similar types of problems in an environmental context, for example, oil spills. However, EPPR is not a response agency and thus far has focused mainly on exchanging information about best practices.²² With marine traffic increasing, the time is ripe for the Arctic Council to consider more comprehensive and operational coordination of SAR, coast guard, and environmental emergency response activities.

Fisheries

The Subarctic contains some of the most important commercial fisheries in the world, particularly in the Bering, Barents, and Okhotsk Seas, and forms a vital source of economic activity and income in the North. However, it is likely to undergo fundamental changes in the coming years. Climate change and the warming of Arctic waters are likely to cause some species of fish, including herring and cod, to migrate further north.²³ This will allow for greater fishing opportunities in the High Arctic, but will also expose fish stocks to illegal and thus far unregulated fishing, with the potential of depleted stocks. An increase in shipping traffic and oil and gas exploration may further increase levels of toxic chemicals and pose serious threats to the marine ecosystem and biodiversity.²⁴

Subsequently, Arctic environmental stakeholders such as the World Wildlife Fund (WWF) have recommended the establishment of a Regional Fishery Management Organization.²⁵ A bipartisan resolution put to the United States Senate calling for a halt to any commercial fishing activity in the Arctic until a multilateral agreement is reached to manage and protect fish stocks in the Arctic Ocean was successful in stimulating a fishing moratorium in US Arctic waters in February 2009.²⁶ The US State Department is expected to try to negotiate similar closures in Canada

and the Russian Far East until an environmental assessment can indicate whether such fisheries would be sustainable.²⁷

Clearly some kind of regional governance structure is needed, and desired, in order to protect the living resources of the entire Arctic ecosystem as it undergoes significant changes in the future. Many models exist across the globe for regional fisheries agreements, not least in the Baltic Sea.²⁸

Shipping

Finally, the Arctic Council should make mandatory the voluntary shipping guidelines endorsed by the International Maritime Organization, the *International Code of Safety for Ships in Polar Waters*, known colloquially as the Polar Code. One of the Arctic Council's working groups, PAME (Protection of the Arctic Marine Environment), released an Arctic Marine Shipping Assessment (AMSA) at the council's ministerial meeting in April 2009, in which it recommended the adoption of mandatory regulations to govern Arctic shipping.²⁹ The essential purpose is to provide internationally recognized standards for the construction and operation of ships in ice-covered waters, both for the safety of the ship and crew, and to mitigate the environmental consequences of shipping in such a vulnerable ecosystem.³⁰ The AMSA was approved at the 2009 ministerial meeting, whereby ministers recommended follow-up action to the report's recommendations and urged the International Maritime Organization (IMO) to ensure that

the Guidelines for Ships Operating in Arctic Ice-Covered Waters be completed, application of its relevant parts be made mandatory, and global IMO ship safety and pollution prevention conventions be augmented with specific mandatory requirements or other provisions for ship construction, design, equipment, crewing, training, and operations, aimed at safety and protection of the Arctic environment.³¹

The AMSA recommendations seem to be proceeding apace. Canada should continue to support the effort and, if these are not completed by 2013, make this a priority for its own chairmanship.

A Regional Seas Agreement

What the above issue areas have in common is that they all revolve around waters, not land. This should come as no surprise. Marine and environmental issues in general require a regional governance structure

to be managed effectively, and typically offer the best opportunity for regional co-operation and management. The Arctic Council can build on small successes in this domain to strengthen its influence and capacity as Arctic issues become more complex and pressing.

While SAR, coast guard coordination, and shipping and fisheries management are concrete and practical *short-term* goals already endorsed by some or all of the circumpolar nations, a regional seas agreement that would “assure that Arctic wildlife and natural resources can be protected and that future development of the region can be sustainable”³² is an obvious and achievable *mid-term* goal—in the realm of five to ten years, but preferably within the time frame of the Canadian Arctic Council chairmanship. Whereas the above proposals deal with single issues, a regional seas agreement would provide the necessary framework for a consistent and holistic management of the Arctic Ocean and the expansion of activities in the area.³³ To that end, the World Wildlife Fund’s Arctic program published a report on the need for and parameters of a regional agreement for the management and conservation of the Arctic marine environment in January 2008.³⁴

Besides encompassing any agreements regarding SAR or shipping regulations that can be established during the Danish (2009–11) and Swedish (2011–13) chairmanships, a regional seas agreement could enhance coast guard co-operation, regulate Arctic fisheries, enact and enforce regulations that minimize the negative effects of oil and gas activity, and strengthen oil spill response capabilities. Serious consideration should also be given to establishing additional protected areas to protect vulnerable species and habitat.³⁵

A careful balance must be struck in the Arctic between environmental, economic, and cultural security³⁶ goals. This is far more likely to be achieved through a regional seas agreement than through the tempered and cursory arrangements that have been successful to date. As Huebert and Yeager point out, several models for such an arrangement already exist: for example, the OSPAR Commission, which protects the North-East Atlantic; the Cartagena Convention, which protects the Caribbean; or the Helsinki Commission, which protects the Baltic region.³⁷ In addition, the United Nations Environment Programme (UNEP) established a Regional Seas Programme in 1974 to promote sustainable use and management of marine and coastal environments, and to date thirteen programs have been established.

The UNEP route usually consists of an action plan outlining the strategy and substance of a regionally coordinated program, underpinned

with a strong legal framework in the form of a regional convention and associated protocols on specific problems. A regional coordinating unit is established as the nerve centre and command post of the action plan's activities and is responsible for the follow-up and implementation of legal documents, program of work, and other strategies and policies adopted by the member countries, as well as the diplomatic, political, and public relations functions of the action plan.³⁸ The Arctic Ocean is a prime candidate for establishing such a framework, whether under the auspices of UNEP or under separate terms that would reflect the unique needs of the Arctic and the circumpolar states.

Resistance to Arctic Governance

The Arctic Council has been successful in many ways, including promoting circumpolar co-operation and identity, improving the influence of the Arctic's Indigenous peoples, and producing first-class scientific research reports including the Arctic Climate Impact Assessment and the Arctic Human Development Report. But it is inadequate, in its current format, to deal with the challenges facing the Arctic in 2010 and beyond. It is a forum, not a treaty-based organization, and tends to be underfunded and undervalued politically.³⁹ It does not have a permanent secretariat. Its consensus-based decision making process is slow and cumbersome. But it is still the best hope for developing and establishing a governance framework for the Arctic in a timely manner.

A rift has developed in the Circumpolar World over whether or not the Arctic should be governed through formal, treaty-based agreements, or whether the current international legal framework, in particular UNCLOS, is adequate. The clearest and most powerful articulation against a treaty-style agreement came from the circumpolar nations that share an Arctic Ocean coastline. In the *Ilulissat Declaration*, signed in May 2008 by ministerial representatives from Canada, Denmark, Norway, Russia, and the United States, the ministers asserted that there is "no need to develop a new comprehensive international legal regime to govern the Arctic Ocean."⁴⁰ The United States, in its January 2009 National Security Presidential Directive, further iterated this stance, stating that

the Arctic Council should remain a high-level forum devoted to issues within its current mandate and not be transformed into a formal international organization, particularly one with assessed contributions ... the geopolitical circumstances of the Arctic region differ sufficiently from those of the Antarctic region such that an "Arctic Treaty" of broad scope—along the lines of the Antarctic Treaty—is not appropriate or necessary.⁴¹

John Bellinger, legal advisor to the then American secretary of state, Condoleezza Rice, adopted a similar position in a *New York Times* op-ed in June 2008, stating that:

Some non-governmental organizations and academics say that we need an “Arctic treaty” along the lines of the treaty system that governs Antarctica. Though it sounds nice, such a treaty would be unnecessary and inappropriate.⁴²

Added to Bellinger’s list of academics and non-governmental organizations must be the European Parliament which shot back, following the *Illulissat Declaration*, that a new international treaty for the protection of the Arctic is necessary. Specifically, it suggested in a Parliamentary Resolution on Arctic Governance in October 2008 that

the [European] Commission should be prepared to pursue the opening of international negotiations designed to lead to the adoption of an international treaty for the protection of the Arctic, having as its inspiration the Antarctic Treaty, as supplemented by the Madrid Protocol signed in 1991, but respecting the fundamental difference represented by the populated nature of the Arctic and the consequent rights and needs of the peoples and nations of the Arctic region ...⁴³

While UNCLOS would be an important building block upon which to build a new regional seas agreement, it is not sufficient in itself to govern the new environmental, economic, and security realities of the Arctic. For example, in terms of the environment, Article 234 outlines what states *can do* to protect ice-covered areas, but nowhere does it *oblige* states to adopt and enforce environmental regulations. And UNCLOS, in itself, would be of no use in enforcing Arctic fishery and shipping regulations, or facilitating northern co-operation for coast guards and SAR. Recognizing such shortcomings, UNCLOS actually *encourages* the formation of regional agreements.⁴⁴

Those who are pragmatic will not care whether new Arctic agreements are called treaties or accords or guidelines, so long as they are made enforceable under international law (something which would not occur universally with UNCLOS until the United States ratifies it). Everyone, from the Americans to the Europeans, acknowledges that the establishment of new international arrangements may be appropriate. How it is done is not nearly as important as getting it done. Canada, more than most, is in a

position to ensure that it does, and should take advantage of its upcoming chairmanship to that end.

Articulating a Canadian Agenda for the Arctic Council Chairmanship

This author has asserted in past conferences and symposiums that Canada is a leader in the Circumpolar North, but has been questioned as to how such a statement can be substantiated. The simple answer is that it readily cannot—there are no scientific rankings of Arctic states' influence, and no authoritative voice has determined Canada to be more or less a leader than other Arctic states. That said, no objective voice has marked Russia, the United States, or Norway as leaders of the Circumpolar World either. But judging on actions and outcomes, Canada comes out quite favourably.

The biggest feather in Canada's bonnet is, of course, the Arctic Council itself. While Gorbachev set the stage for greater Arctic co-operation, it was prime minister Brian Mulroney who first proposed the idea of an Arctic Council in 1989.⁴⁵ It later came into existence under prime minister Jean Chretien with the Ottawa Declaration in 1996. Canada was also heavily involved in the establishment of the *Arctic Environmental Protection Strategy* which, while a Finnish initiative, received significant support from Canada.

Under foreign minister Lloyd Axworthy, Canadian circumpolar policy was given a boost in attention and resources. Mary Simon, a former president of the Inuit Circumpolar Conference, was appointed the country's first circumpolar ambassador in 1994; and the *Northern Dimension of Canada's Foreign Policy* (NDFP) was released in 2000 with a strong focus on human security that reflected Canada's broader foreign policy objectives.⁴⁶

Admittedly, Canada's presence and leadership in the Arctic diminished in the early 2000s. One reason was a general lack of national political leadership and vision in international affairs. Seven foreign ministers in the eight years between 2000–2008 led to an inchoate foreign policy agenda. The other was the broader international trend away from the post-materialist objectives of the 1990s that had been highlighted in the Arctic—sustainable development, environmental protection, human security, and Indigenous inclusion—in favour of the new post-9/11 world order. In general, the early 2000s were characterized by stagnation in circumpolar policy, with the notable exception of the Arctic Council's 2004 scientific reports under Iceland's chairmanship (the Arctic Climate Impact Assessment and the Arctic Human Development Report).

With melting ice came the most recent period of geopolitical tension in the Arctic (2004–2010), as states have competed for shipping routes, parcels of continental shelf, and favourable maritime boundary settlements. Far from displaying regional leadership, some Arctic states, in particular Canada and Russia, turned inwards, focusing on national security, sovereignty, territory, and resources. Norway attempted to provide leadership during this time, with its ambitious Arctic Council chairmanship of 2006–09, which included establishing a semi-permanent secretariat in Tromsø, releasing the Arctic Oil and Gas Assessment, hosting the annual Arctic Frontiers conference, and establishing comprehensive national High North policy documents in 2006 and 2009. But Norway's good intentions led to little in terms of real policy initiatives in the Arctic.

Denmark's attempt at leadership, with its convening of the five Arctic Ocean states in Ilulissat, Greenland in May 2008, was certainly effective. But this was a one-off effort. Denmark itself is the least Arctic of the Arctic states, and under Greenland's new self-rule agreement, Denmark's Arctic policy will increasingly be its Greenland policy. In short, it does not have the size, the expertise, or the history to be a regional player in the Arctic.

Among non-Arctic actors, the European Union (EU) has been trying hard to influence policy in the region, with its November 2008 "Communication" on the Arctic region⁴⁷ and the European Parliament's (naïve) resolution on Arctic governance the month before.⁴⁸ However the EU does not even have the influence to receive observer status in the Arctic Council, let alone lead the region to new political heights.⁴⁹

This leaves the United States, Russia, and Canada. As the world's lone superpower, the United States has neither the time nor the expertise to provide political leadership in the Arctic. It has provided excellent scientific support to the Arctic Council and its working groups and will likely continue to do so, but not much else. And while Russia is without a doubt a hugely significant actor in the Arctic, it is unlikely to provide political leadership. More than the other seven circumpolar states, Russia emphasizes sovereignty and states' rights, and should not be expected to advocate for legally binding, multilateral treaties. Russia will be prodded into—not the leader of—any potential regional seas agreement.

Thus Canada becomes the default leader of the Circumpolar World. What Norway, Iceland, Finland, and Sweden cannot do, and what Russia and the United States will not do, Canada can do. It has three things going for it:

1. *History*: Founding the Arctic Council is still the biggest achievement in circumpolar relations to date, and it is Canada's. Canada has also had

productive relations with its northern Indigenous people who have subsequently played a significant advocacy role in the development of circumpolar policy; this gives Canada a moral competitive edge that Russia and the EU do not enjoy.

2. *Timing*: The desire and need for change in the governance structure of the Arctic circumpolar region has been gaining momentum since 2004 and the release of the Arctic Climate Impact Assessment (ACIA). Consensus has been building regarding the need for a more formal arrangement. Canada has the Arctic Council chairmanship precisely when all of this may come together to result in real policy achievements: 2013–15. There are two more advantages. The first is that Sweden will be the next, and last, chairmanship holder of the first cycle of two-year terms. Sweden has historically done little to contribute to the work of the Arctic Council or the development of circumpolar relations, and is the only Arctic Council member state that has yet to release an Arctic foreign policy. This means that any real action will likely occur during Canada's tenure, by which time there will be a real appetite for it among circumpolar policy-makers. Second, the American chairmanship follows immediately after Canada's, and there have been indications that, like Norway, Denmark, and Sweden before them, Canada and the United States will pursue a joint agenda.⁵⁰ The United States has always favoured a focus on environmental protection in the Arctic, and so establishing a regional seas agreement may be the sort of objective it is willing to pursue. Although the United States has traditionally been opposed to legally binding multilateral arrangements, it is member to another UNEP regional seas program—in the Caribbean—and as such it is not out of the question that it will join another. Additionally, the oil spill disaster in the Gulf of Mexico in 2010 may provide political cover to such an objective.

3. *Will*: After a slow start to the decade, Canada's Arctic foreign policy has been heating up. The current foreign affairs minister, Lawrence Cannon, has demonstrated a desire and a willingness to provide international leadership in the Arctic, such as the August 2010 *Statement on Canada's Arctic Foreign Policy* and the March 2010 Arctic Ocean Ministers' Conference in Chelsea, Quebec.⁵¹ The key has been to complement Harper's domestic Arctic priorities. DFAIT has been busy working on its Arctic file in the past two years, and is preparing a plan for the Arctic Council chairmanship. The time is ripe.

Conclusions

Canadian foreign policy has had few significant successes in the past eight years. The chairmanship of the Arctic Council from 2013–15 provides an important opportunity by which Canada can lead the development of a much needed governance framework that will not only provide environmental protection, economic opportunities, and political stability in the Arctic—a region of increasing international significance—but will allow Canada to have many of its domestic priorities met.

To that end, this article has argued that the issue areas of Arctic shipping, fishing, and coast guard / SAR co-operation offer the greatest possibilities for success, in both their negotiation and their positive impact on the Arctic. As much as possible, these initiatives should be established in the next few years, with Canadian encouragement and, where necessary, funding. Having laid the groundwork for an Arctic governance framework, the cornerstone of the Canadian chairmanship would be the formation of a regional seas agreement, providing a comprehensive and holistic framework by which to manage the Arctic Ocean and adjacent waters such as the Beaufort, Chukchi, Greenland, East Siberian, and Barents seas.

Few opportunities such as this come Canada's way. Its chairmanship is coming during a critical time when all eyes are on the Arctic, both for the economic opportunities it offers and for what it tells us about climate change. This is a region—the only region—in which Canada is viewed as and acts like a leader. Efforts should begin immediately to position Canada in such a way that its chairmanship is smart, effective, and results in real progress in reforming Arctic governance arrangements.

Author

Heather Exner-Pirot is a special projects manager with the International Centre for Northern Governance and Development and a lecturer at the University of Saskatchewan.

Notes

1. The Arctic Council was established in 1996 as a high level intergovernmental forum to provide a means for promoting co-operation, coordination, and interaction among the Arctic States (Canada, Denmark, Finland, Iceland, Norway, Russia, Sweden, and the United States) and with the participation of Indigenous organizations. It focuses, in particular, on issues of sustainable development and environmental protection in the Arctic.

2. Mikhail Gorbachev, "Speech in Murmansk at the Ceremonial Meeting on the Occasion of the Presentation of the Order of Lenin and the Gold Star to the City of Murmansk," Murmansk, USSR, October 1, 1987, accessed January 21, 2010, http://www.barentsinfo.fi/docs/Gorbachev_speech.pdf.
3. Significant events include the first Arctic Peoples Conference in 1973; the first *International Conference on Human Environment in Northern Regions* in 1974 (a predecessor to the Northern Forum); and the first Inuit Circumpolar Conference in 1979. These were spurred by the devolution of authority to Arctic peoples with the creation of the North Slope borough in 1972 and Home Rule in Greenland in 1979.
4. See Linda Nowlan, *Arctic Legal Regime for Environmental Protection* (Gland, Switzerland: IUCN, The World Conservation Union, 2001), 7–8.
5. The Arctic Council's *Declaration on the Establishment of the Arctic Council (Declaration)*, 1996 is available at http://arctic-council.org/filearchive/ottawa_decl_1996-3..pdf [sic], accessed 21 January 2010. The six permanent participants include the Russian Association of Indigenous Peoples Of the North (RAIPON), Gwich'in International, Arctic Athabaskan Council, Sámi Council, Inuit Circumpolar Council, and the Aleut International Association.
6. See Carina Keskitalo, *Negotiating the Arctic: The Construction of an International Region* (2004) for a description of the origins of the Arctic Council.
7. Arctic Council, *Declaration*.
8. Among Norway's goals for its chairmanship in 2006–09 was reform of the Council; however it proved extremely difficult to do so, especially given the reticence of the United States and Russia, as well as the agenda getting overwhelmed by geopolitical events in the mid-2000s and the flux of applications from non-Arctic states to gain observer status in the Arctic Council.
9. See the Arctic Council's and the International Arctic Science Committee's *Arctic Climate Impact Assessment (ACIA)* (Cambridge, UK: Cambridge University Press, 2004), 16–17. Offshore oil and gas is expected to become more accessible and the transportation of mining products will become more feasible as shipping routes open up.
10. See Coates et al., *Arctic Front* for a more thorough argument along these lines.
11. Canada, Department of Foreign Affairs and International Trade, *Statement on Canada's Arctic Foreign Policy: Exercising Sovereignty and Promoting Canada's Northern Strategy Abroad*, 2010, 10, http://www.international.gc.ca/polar-polaire/assets/pdfs/CAFP_booklet-PECA_livret-eng.pdf.
12. *United Nations Convention on the Law of the Sea*, 1982, http://www.un.org/Depts/los/convention_agreements/texts/unclos/unclos_e.pdf.

13. Canada adopted this legislation under Pierre Trudeau in 1973 as a reaction to the controversial voyages of the Imperial Oil owned SS *Manhattan*. The aim, unrecognized in international law at the time, was to protect the area from oil tankard crossings (especially those from other countries). Canada, Department of Justice, *Arctic Waters Pollution Prevention Act* C.R.C., c.353, Ottawa: Consolidated Regulations of Canada, 1978, <http://laws.justice.gc.ca/en/A-12/C.R.C.-c.353/fulltoc.html>.
14. The growth and expansion of regional organizations is commonly seen as a response to globalization, inasmuch as an increasing number of problems are too large to be dealt with by individual states but too small or localized to be dealt with by the broader international community.
15. Report of the Standing Senate Committee of Fisheries and Oceans, June 2008, 33.
16. The Conference of Arctic Parliamentarians includes delegations from parliamentary bodies from the Arctic states and the European Parliament as well as the indigenous Permanent Participants. It was established in 1993 to provide parliamentary support to the work of the Arctic Council.
17. The Ilulissat Declaration emerged after a meeting of the five Arctic Ocean states (Canada, Denmark, Norway, Russia, and the United States) to provide political support for the existing legislative regime under UNCLOS amidst tensions in the region.
18. Arctic Council, *Tromsø Declaration on the Occasion of the Sixth Ministerial Meeting of the Arctic Council*, Tromsø, Norway, 29 April 2009, <http://arctic-council.org/filearchive/Tromsoe%20Declaration-1..pdf> [sic].
19. Lackenbauer (2009, 29) alludes to this nature of threat; see also CBC News, "Arctic Terrorist Threats Real: Security Agencies," November 10, 2010 for the Canadian security agency assessment of terrorist threats in the Arctic, <http://www.cbc.ca/canada/north/story/2010/11/10/cp-arctic-security-threats.html>.
20. *The Coast Guard in Canada's Arctic: Interim Report*, Standing Senate Committee of Fisheries and Oceans, June 2008, 34, <http://www.parl.gc.ca/39/2/parlbus/commbus/senate/com-e/fish-e/rep-e/rep04jun08-e.pdf>.
21. "Arctic Dimension for Nordic Security," *Barents Observer*, 9 February 2009, <http://www.barentsobserver.com/arctic-dimension-for-nordic-security.4555961-116320.html>.
22. "EPPR Working Group Report on Activities", 2006-09, 20 January 2009, 1, http://arctic-council.org/filearchive/eppr_dreft_work_plan_2009_-_2011.pdf.
23. *Arctic Climate Impact Assessment*, 17.
24. See PAME's Arctic Marine Shipping Assessment (AMSA) report on "Environment Impacts and Considerations," 29 April 2009, <http://www.arctic.gov/publications/AMSA/environmental.pdf>.

25. Rob Huebert and Brooks Yeager, *A New Sea: The Need for a Regional Agreement on Management and Conservation of the Arctic Marine Environment* (Oslo: WWF), January 2008, 26, http://wwf.panda.org/what_we_do/where_we_work/arctic/publications/?uNewsID=122260.
26. Marine Conservation Alliance, "International Agreement Needed."
27. "Global Warming Spurs Commercial Fishing Moratorium in US Arctic," *The Seattle Times*, 5 February 2009, accessed 21 February 2010, http://seattletimes.nwsourc.com/html/nationworld/2008712029_arcticclosure6m.html.
28. In 1974 the Baltic Sea States signed the Convention on the Protection of the Marine Environment of the Baltic Sea Area, also known as the Helsinki Convention. It was replaced by the new Convention on the Protection of the Marine Environment of the Baltic Sea Area in 1992.
29. Arctic Council, *Arctic Marine Shipping Assessment Report*, April 2009, http://www.pame.is/images/stories/PDF_Files/AMSA_2009_Report_2nd_print.pdf, 4.
30. PAME, *Arctic Marine Shipping Assessment*.
31. Arctic Council, *Tromsø Declaration*.
32. Huebert and Yeager, *A New Sea*, 5.
33. *Ibid.*, 28.
34. *Ibid.*
35. See the AMAP Oil and Gas Assessment Executive Summary and Recommendations, 2008.
36. Cultural insecurity exists when communities of whatever kind define a development or potentiality as a threat to their survival as a community. Arctic Indigenous people have identified climate change as a threat to their cultural survival.
37. Huebert and Yeager, *A New Sea*, 37–41.
38. UNEP Regional Seas website, <http://www.unep.org/regionalseas>.
39. Huebert, Rob. "New Directions in Circumpolar Cooperation: Canada, the Arctic Environmental Protection Strategy, and the Arctic Council." *Canadian Foreign Policy* 5(2), Winter 1998, 37–57.
40. *Illulissat Declaration*.
41. National Security Presidential Directive and Homeland Security Presidential Directive, *Arctic Region Policy*, January 9, 2009.
42. John Bellinger, "Treaty on Ice," *New York Times*, 23 June 2008, http://www.nytimes.com/2008/06/23/opinion/23bellinger.html?_r=1&oref=slogin, as quoted in Huebert, "The Need for an Arctic Treaty."
43. *European Parliament Resolution on Arctic Governance*, 9 October 2008, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2008-0474+0+DOC+XML+V0//EN&language=EN>.

44. UNCLOS Article 197 on *Cooperation on a Global or Regional Basis* asserts that: "States shall cooperate on a global basis and, as appropriate, on a regional basis, directly or through competent international organizations, in formulating and elaborating international rules, standards and recommended practices and procedures consistent with this Convention, for the protection and preservation of the marine environment, taking into account characteristic regional features." The WWF issued a report in January 2009 describing in detail the many gaps of the Law of the Sea in terms of providing Arctic marine protection, and adequate Arctic governance in general.
45. "Pondering an Arctic Council," Canadian Arctic Resources Committee, 19(2) (Summer 1991), accessed 3 February 2010, <http://www.carc.org/pubs/v19no2/1.htm>.
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47. Commission of the European Communities, *Communication from the Commission to the European Parliament and the Council: The European Union and the Arctic Region*. Brussels, COM (2008).
48. *European Parliament Resolution on Arctic Governance*, 9 October 2008.
49. Leigh Phillips, "Arctic Council Rejects EU's Observer Application," *EU Observer*, <http://euobserver.com/885/28043>.
50. Canada, *Statement on Canada's Arctic Foreign Policy*, 23.
51. Although in many respects a political disaster, the conference still served to demonstrate Canada's ambitions in the Arctic region, not to mention the political coup of getting the US Secretary of State, Hillary Clinton, as well as the foreign ministers of Norway, Russia, and Denmark, to attend a conference on Arctic relations.

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