Canada and the Arctic Council

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INTRODUCTION

The Arctic Council is a high-level, mainly intergovernmental forum for cooperation, coordination, and interaction among Arctic states,[1] indigenous groups, and interested parties of two issue areas, sustainable development in the Arctic and the protection and study of the fragile Arctic ecosystem. The council is poorly understood and little advertised. And while it cannot enact binding legislation (except among the member states) or discuss issues of military security, these supposed "weaknesses" have actually helped to forge consensus in other important issue areas.

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1 The eight Arctic states include the five so-called Arctic littoral states, Canada, Russia, US, Denmark (Greenland and Faroe Islands), and Norway, as well as Finland, Sweden, and Iceland. For an excellent article on the establishment of the Council see Evan T. Bloom, "Establishment of the Arctic Council," *American Journal of International Law* 93, no. 3 (July 1999): 712-72.

Canada will assume the two-year rotating position of chair of the council after 15 May 2013, following Sweden's second ministerial meeting to be held in Kiruna, Sweden. The US will follow as chair in 2015. It seeks to outline the role of the Arctic Council and the role of its chair. It also explores the products and outputs of the council and the perennial challenges it faces. Finally, it suggests the possible issue areas on which Canada and the US may wish to concentrate during their terms, focusing on the contribution Canada can make especially in the areas of human health and development as Canada shepherds the start of the second decade of Arctic Council business.

THE ARCTIC COUNCIL: WHAT IS IT?

The Arctic Council was established in 1996 by means of the Ottawa Declaration. The council's mandate broadened a pre-existing cooperative and environmentally-focused declaration on the protection of the Arctic environment signed in 1991. The Arctic environmental protection strategy,[2] a Finnish initiative with considerable Canadian contribution,[3] established four environmental working groups and a sustainable development task force. The eight Arctic states,[4] observers, and Arctic indigenous groups sent experts to assist the working groups with their studies and projects.

2 The objectives of the Arctic Environmental Protection Strategy were: i) to protect the Arctic ecosystem including humans; ii) to provide for the protection, enhancement, and restoration of environmental quality and the sustainable utilization of natural resources, including their use by local populations and indigenous peoples in the Arctic; iii) to recognize and, to the extent possible, seek to accommodate the traditional and cultural needs, values and practices of the indigenous peoples, as determined by themselves, related to the protection of the Arctic environment; iv) to review regularly the state of the Arctic environment; and v) to identify, reduce, and, as a final goal, eliminate pollution. See "Objectives," *Arctic Environmental Protection Strategy,* Rovaniemi, Finland, 14 June 1991, 9.

3 See the discussion by Samantha Arnold, "Constructing an Indigenous Nordicity: the 'new partnership' and Canada's northern agenda," *International Studies Perspectives* 13, no. 1 (February 2012): 105-120, esp. 114. Note the reference to Rob Huebert's important 2006 article, "Canada-United States Environmental Arctic Policies: Sharing a Northern Continent" in P. Le Prestre, and Peter Stoett, eds., *Bilateral Ecopolitics: Continuity and Change in Canadian-American Environmental Relations* (Aldershot: Ashgate, 2006): 115-132.

4 These are Canada, Denmark, Finland, Iceland, Norway, Russia, Sweden, and the US—by fact of geographical proximity to the Arctic Ocean. However, as Timo Koivurova notes, there was no clear idea about what criteria would be used for membership. Generally the Arctic Circle was a starting-point.

Recommendations and scientific reports were written on a range of Arctic environmental issues, including universal issues, such as the impact of pollution on fragile Arctic ecosystems and more focused studies on state-specific issues, such as the impacts of nuclear waste in Russia's Arctic.

Canada advocated the transformation of the Arctic environmental protection strategy into an organization that would include the existing strategy working groups and their programs, but would also address a broader range of Arctic issues. Thus, the mandate of the Arctic Council includes "common Arctic issues, in particular issues of sustainable development and environmental protection in the Arctic..."[5] Excluded, however, are "matters related to military security." In addition, and most significantly, Arctic indigenous groups were given privileged membership to ensure that their voices were included in discussions. As a result, the Arctic Council has various levels of membership—a practice developed in the Arctic environmental protection strategy. Those with voting privileges and the ability to determine policy and to make project-related decisions include the eight Arctic Member States—all of which were members of the Arctic environmental protection strategy.

The indigenous groups are afforded the status of "permanent participants," a role more significant than usually afforded them at the UN and other multilateral meetings (Koivurova and Heinamaki 2006). While permanent participants do not have a vote, their status is meant to ensure their full consultation prior to the forming of decisions based on consensus. The six permanent participants are the Aleut International Association, the Arctic Athabaskan Council, the Gwich'in Council International, the Inuit Circumpolar Council, the Saami Council, and the Russian Arctic Indigenous Peoples of the North. Arctic states and permanent participants may participate in all meetings and activities of the Arctic Council and may be represented by a head of delegation (referred to as the senior Arctic official) and such other representatives as each Arctic state and permanent participant deems necessary.

5 Joint Communiqué of the Governments of the Arctic Countries on the Establishment of the Arctic Council, Declaration of the Establishment of the Arctic Council, Article 1, Ottawa, 19 September 1996. The Arctic environmental protection strategy did list under its "principles" areas of concern other than strictly environmental ones: "Consideration of the health, social, economic and cultural needs and values of indigenous peoples shall be incorporated into management, planning and development activities". See "Principles," 10.

The next membership level is the category of "observers," which include non-Arctic states (there are six),[6] international organizations (there are nine),[7] and nongovernmental organizations (there are 11).[8] Observers are invited to ministerial and other meetings of the Arctic Council.[9] How long observer status is continued is not specifically stated; presumably, it continues so long as there is consensus among the eight Arctic states. Observers may make statements at the discretion of the chair and submit relevant documents to the meetings. Non-Arctic states and organizations not yet deemed observers are welcome to apply to the chair of the council in writing, outlining their potential contribution to the council.[10] The applications are reviewed and a final decision is made by consensus among the Arctic states.

There are ad hoc observers that may attend council meetings as well. This status is conferred upon interested parties, usually by meeting topic, by invitation or formal request to the chair. Some ad hoc members, for example, China and the EU, attend council meetings on a fairly regular basis, for example, China and the EU.

6 They are France, Germany, Poland, the UK, the Netherlands, and Spain. (Germany, Poland, the UK, and the Economic Commission for Europe were also instrumental in preparing the Arctic environmental protection strategy.)

7 They are the International Federation of Red Cross & Red Crescent Societies, the International Union for the Conservation of Nature, the Nordic Council, the Nordic Environment Finance Corporation, the North Atlantic Marine Mammal Commission, the Standing Committee of the Parliamentarians of the Arctic Region, the United Nations Economic Commission for Europe, the United Nations Development Program, and the United Nations Environment Program. Note that the International Maritime Organization is not an observer to the Arctic Council.

8 They are the advisory committee on protection of the seas, the Arctic Circumpolar Gateway, the Association of World Reindeer Herders, the Circumpolar Conservation Union, the International Arctic Science Committee, the International Arctic Social Sciences Association, the International Union for Circumpolar Health, the International Work Group for Indigenous Affairs, the Northern Forum, the University of the Arctic, and the World Wide Fund for Nature-Global Arctic Program.

9 See article 37, "Rules of Procedure," 1998.

10 See annex 2, "Rules of Procedure." This annex outlines what must be outlined in a memorandum to the chair. In 2011 the Arctic Council adopted an agreement on the role of and criteria for observers to the council. See the Nuuk Declaration of 2011.

ROLE OF THE CHAIR OF THE ARCTIC COUNCIL

The Arctic Council is guided by its "Rules of Procedure"[11] and "Terms of Reference for a Sustainable Development Program."[12] The rules of procedure apply to all bodies of the council and specify how meetings are run and how decisions are made and outlines the role of the chair. The chair is assumed by an Arctic State (and host country) for two years. The role of the chair is largely focused on transactions. The host country is the conduit for information received from and delivered to all Arctic states, permanent participants, and observers, preferably via a central point of contact. The main administrative responsibility is to organize at least one ministerial meeting, often annual deputy meetings, and at least two senior Arctic official meetings during which decisions are made regarding the scope of projects, funding, and the like. After consulting with Arctic states and permanent participants, the host country may place limits on the size of delegations for the meetings. The chair also consults on and circulates draft agenda prior to ministerial meetings.

The host country is responsible for organizing the meetings, providing translation services and other such tasks, all of which may leave one with the impression that the chair is no more than a glorified administrator. However, by drafting the agenda, especially prior to the ministerial meetings at which decisions are made and voted on, the host country has an opportunity to suggest new issues to be explored by the working groups, to set an ambitious and active agenda, and to work toward major decisions that can impact many in the Arctic. For example, the recently signed Agreement on Cooperation on Aeronautical and Maritime Search and Rescue in the Arctic, which coordinates life-saving international maritime and aeronautical search and rescue coverage and response among the Arctic states across an area 33 million square kilometers, was the result of an initiative decided at the 2009 ministerial meeting in Tromso, Norway (the chair), establishing a search and rescue task force, co-chaired by the United States and the Russian Federation.

Beginning with the chair of Norway in 2006, a seven-year "Scandinavian" term was launched. The chairs of Norway (2006-March 2009), Denmark (2009-2011), and Sweden (2011-2013) hoped to maximize their potential to effect real change in the Arctic by setting common priorities over the three terms. The advantage of a coordinated agenda is that longer-term and more

11 See annex 1 to senior Arctic officials, 1998, www.arctic-council.org.

12 See www.arctic-council.org.

complicated projects can be tackled and that momentum can be sustained, allowing projects to come to fruition. Coordinated agenda also allow the council to secure funding for projects (mostly from the Arctic states) over a longer term and to seek multiple funding agencies given the benefit of time. The disadvantage is that if the agenda do not align or if cooperation cannot be achieved among the chairs, then the council's project planning and decision making can be disrupted for a longer period. To the credit of the Scandinavian chairs, they have coordinated their agenda very well and have not focused solely on Scandinavian issues—something that would be counter to the spirit of this forum. Instead, the agenda have pushed for a permanent secretariat, the completion of the important search and rescue agreement, and the continuation of ongoing projects.

WHAT ARE THE ARCTIC COUNCIL'S "PRODUCTS" AND "OUTPUTS"?

The main "products" of the Arctic Council are policy recommendations and guidelines. These are usually drawn from the assessments (as well as discussions, results, and projects) of the Arctic Council's six working groups, ad hoc task forces, and expert groups. The six working groups include the four Arctic environmental-protection strategy working groups, namely: the protection of the Arctic marine environment (currently chaired by Iceland), the Arctic monitoring and assessment program (currently chaired by a Canadian), the conservation of Arctic flora and fauna (currently chaired by a Russian); and the emergency prevention, preparedness, and response working group (currently chaired by a Norwegian). In order to reflect the broader mandate of the Arctic Council, two additional groups have been added: the sustainable development working group (chaired by a Swede) and the Arctic contaminants action program (chaired by a Russian). Each working group has a chair, management board, or steering committee and is supported by a secretariat offered by a state member. For instance, the Arctic monitoring and assessment program secretariat has always been located in Oslo and has, according to Timo Koivurova, been hugely influential through various chairships.) Working Groups generally meet several times a year to assess progress and advance its work. The protection of the Arctic marine environment group, for example, is headed by a chair and vice-chair, which rotate among the Arctic countries. The chair reports to the senior Arctic officials, and through them, to the ministers of the Arctic Council.

The working groups (task forces and other subsidiary bodies) may establish their own operating guidelines, but the composition and mandates of such bodies must be agreed to by the Arctic states. Many of the reports and

studies conducted by the working groups are now touchstone documents; for example, the 2004 Arctic climate impact assessment, a collaborative project led by a steering committee of members from the conservation of Arctic flora and fauna group, the Arctic monitoring and assessment program, the International Arctic Sciences Committee (an observer), and experts from around the world, is widely read by states, NGOs, and academics worldwide. The assessments serve not only to educate the wider public, but to report on important and rigorously tested scientific findings. The working groups also conduct many studies about preparing for the future. The Arctic marine shipping assessment, for example, engaged a private company to assist the protection of the Arctic marine environment group to create "scenario narratives" on the future of Arctic marine navigation via a process of scenario planning, in order to challenge wishful thinking and to provide an academic framework with which to plan for the future of Arctic marine shipping.[13]

The Arctic Council does not and cannot, given its current mandate, coordinate or enforce its guidelines or decisions—that is the purview of individuals states.[14] Even the search and rescue agreement, which is an agreement of the eight Arctic states and not the Arctic Council, is only actionable by the parties. (The Arctic Council does not have its own coast guard, military, or police force.) Given that the Arctic, an ocean, is governed by a number of binding international instruments—most importantly, the UN Convention on the Law of the Sea—it hasn't been necessary for the Arctic Council to consider pursuing a more robust *raison d'être*. This apparent weakness is arguably the Council's strength; its guidelines and recommendations are derived from systematic study through the working groups and then adopted by consensus by the eight Arctic states.

The theoretical likelihood that the guidelines and policies are adopted by the member states should be high, given that these guidelines and policies are reached after much discussion and input from the permanent participants, observers, ad hoc observers, academics, and experts. Sadly, the lack of interest and knowledge about the Arctic Council generally means that only a few experts, academics, and practitioners are aware of the guidelines, and so the adoption rates are considerably lower than the

13 For an explanation of the process, see the Global Business Network's "Scenario Narratives Report," www.arctic-council.org.

14 This case has many organizations with state membership—it is the members and not the organization that give effect to the decisions made. Nothing is preventing the Arctic Council from adopting "soft" monitoring mechanisms.

theoretical expectation. On the other hand, the fact that the council works on the basis of consensus means that the subject, scope, and direction of projects, while often reflective of pressing Arctic issues, can exclude or limit the study of particularly contentious ones. For example, fisheries and marine species management in the Arctic are viewed by many as important emerging issues but have yet to be addressed in a profound way. That being said, the Arctic Council is lauded by many as a resounding success for the cooperation it engenders and the serious scientific and policy study undertaken by its working groups, whose products, like the 2009 report on best practices in ecosystem-based oceans management in the Arctic,[15] serve to inform and influence the behaviour of Arctic and non-Arctic states.

PERENNIAL ARCTIC COUNCIL CHALLENGES

The Arctic Council has been plagued by coordination and funding issues from the beginning. A ten-year review conducted by Timo Koivurova and David VanderZwaag[16] and taking into account various other studies[17] identifies several challenges, including the fact that working groups tend to compete for the same pots of money. The member states make voluntary contributions and supply individuals, equipment, and experts in kind. Given the current financial crunch faced by many states, such discretionary spending is always in danger of being cut. This is especially a concern for the permanent participants, who are often dependent on Arctic states for a variety of sources of funding not only to participate actively at council meetings and to finance the indigenous peoples' secretariat, but also to help to fund and provide services to their peoples in their respective homelands.

Another problem is the division of labour, not just among the various working groups (naturally, their respective areas of study are not neatly partitioned), but also between the Arctic Council and other bodies,

15 On the basis of the mandate given at the Salekhard ministerial in 2006, the Norwegian chairship of the Arctic Council initiated a project on oceans management. This project was undertaken as an approved project of the Arctic Council sustainable development working group in collaboration with the protection of Arctic marine environment group. See www.arctic-council.org.

16 Timo Koivurova and David L. VanderZwaag, "The Arctic Council at 10 Years: Retrospects and Prospects," *University of British Columbia Law Review* (2007): 121-194.

17 For example, the Arctic Athabaskan Council authored a report: "Improving the Efficiency and Effectiveness of the Arctic Council: A Discussion Paper," March 2007, www.arctic-council.org.

especially the UN, think tanks, and universities. The concern is that multiple organizations are conducting similar types of studies, and so the same issues are analyzed by multiple groups. Coordinating the various projects and analyses to minimize the impact on the Arctic (for example, can "samples" be collected by one source and divided among the various groups? Or can new, less intrusive methods be established?) is a perennial challenge. The goal of the international polar year (March 2007 to March 2009) was to minimize this overlap while maximizing the range of studies conducted. Now that the polar year is over, the concern is that a) either the world's attention will turn away from the Arctic (less likely) or that b) the coordinating and collaboration of studies will be negatively impacted (more likely). Indeed, one of Canada's goals, outside of the Arctic Council, may be to push for the UN to recognize an "International Polar Decade" to encourage continued world-wide attention and funding for study of the Arctic and Antarctica.[18]

Related to the coordination issue is the fact that the role of the Arctic Council is poorly understood and relatively unknown around the world. While its documents are read and used, the council has not advertised its role in the creation of the documents. It lacks a broad communication strategy. The permanent secretariat will help in that regard to disseminate information more widely. At the November 2009 senior Arctic officials meeting, the Danish Chair asked Canada to lead a contact group made up of interested member states, permanent participants, working groups and the temporary Arctic Council secretariat to create working group communication plans and improve the Arctic Council's website, etc. The draft of "Arctic Council Communications and Outreach Guidelines" was submitted to ministers for approval in an appendix to the Nuuk Declaration in 2011. Continued work on education and outreach, however, is needed.

As with any organization with member states, national interests are the big elephants in the room that cannot be avoided, but rather, must be embraced. This makes it more challenging for the council to make recommendations on particularly contentious issues (like fishing, for example). The cooperative and conflict avoidance mantra of the Arctic Council (confirmed by a recent declaration of the five littoral Arctic states

18 Canada is only a non-consultative party in the Antarctic treaty system, whereas the next chair of the Arctic Council, the US, is both consultative party and the host of the negotiations that led to the 1959 Antarctic treaty and a full member of the treaty. If Canada is looking to find opportunities to support US interests, this is an obvious issue area.

in Ilulisaat in 2008) is still intact. One area that was thought to be *verboten* was that of matters related to military security. However, given that the recent search and rescue agreement signed by the Arctic states necessitates the coordination of the states' military, coast guard, police, and transport services for rescue purposes, hard security may be entering into the agenda by stealth, suggesting that the Arctic Council is able to put need ahead of politics—a good sign of the Council's continued "cooperation... based on mutual trust and transparency."[19]

The lack of a standing or permanent secretariat was a major issue, but this has been solved. During the Danish chairship, the Arctic Council approved the establishment of a secretariat to be operational no later than the beginning of the Canadian term in 2013. The secretariat will (initially) be a body of up to ten staff members (not including translators), headed by a director. The secretariat may host secondments and internships, including in particular those of permanent participants. Sweden is to lead a task force that will review, negotiate, and propose terms of reference, work plans, and working methods for the new Arctic Council secretariat. A permanent secretariat will help to preserve organizational memory, and it should remove some of the administrative burdens from the chair, who will then focus more intently on the quality, direction, and scope of the council's working agenda beyond a two-year horizon. The secretariat will perform functions in four broad categories: 1) communications, 2) administrative and other duties, 3) finance and human resources, and 4) translation. The new challenge will be coordinating communication between the secretariat and the chair. Generally, the temporary secretariat has communicated very well with the chair in Oslo, Copenhagen, and now Stockholm by daily email exchanges and telephone and video conferences, as necessary. Given technology today and the fact that the Arctic Council's very existence is based on dealing with and thriving in distant locales, this is unlikely to be a major issue.

CANADA'S CONTRIBUTION

Canada assumed the inaugural chair of the Arctic Council in 1998 and will hold the chair again in 2013 until 2015, followed by the US until 2017. The council has been in existence for sixteen years, and given that Canada will mark the start of a new cycle of chairs among the eight Arctic states, it is an appropriate time to reflect on what is and is not working. There are no hard and fast rules that dictate the projects and agenda any host country

19 Ilulisaat Declaration, 2008, www.oceanlaw.org.

sets for the council (subject to them being within the realm of Arctic-related issues and by agreement of the other Arctic states) and so Canada has an opportunity to tackle issues of particular concern to it. And given that Canada sought to broaden the issues addressed by the Arctic Council to include social, cultural, and other challenges beyond the strictly environmental, it is logical that Canada's priorities would continue to reflect this predilection. Certainly, on paper, Canada's second, third, and fourth priorities outlined in its Northern Strategy[20] include promoting social and economic development, protecting its environmental heritage, and improving and devolving Northern governance, all of which are consistent with the goals and spirit of the Arctic Council.

Before we turn to the particulars of the agenda, however, there are some "domestic" issues that need to be acknowledged. First, successive Canadian governments have made securing "sovereignty" in the North a priority; in fact, it is the number one priority of Canada's Northern Strategy. Issues in this category, however, cannot be tackled within the current mandate of the Arctic Council, nor should they. Canada continues to have disagreements with the US[21] and Denmark,[22] but they are managed disagreements. Such issues are what the "Artic five" had in mind when they drafted the Ilulisaat Declaration in 2008. Continued progress via diplomatic and political means is the pledged modus operandi of the states in question and is to be encouraged.

Second, Canada is a party to the UN Convention on the Law of the Sea and is proceeding with its plan to make a submission of scientific data to the UN commission on the limits of the continental shelf by December 2013 to (hopefully) agree to eventually recognize Canada's extended outer limits of its subsoil territory on its Arctic and Atlantic coasts. Canada is working cooperatively with the Danes and the US to conduct the scientific surveys. This process is separate from the Arctic Council, however. Member states of the UN convention understand this, but there is confusion among the domestic public for a variety of reasons (government rhetoric, skewed media reports, and confusion and disagreements among academics, lawyers,

20 Department of Indian Affairs and Northern Development, "Canada's Northern Strategy: Our North, Our Heritage, Our Future," 2009, www.northernstrategy.gc.ca.

21 These disagreements concern the Dixon Entrance and the Beaufort Sea. Canada and the United States also dispute the status of the Northwest Passage.

22 These disagreements are over Hans Island in the Kennedy Channel between Ellesmere Island and Greenland.

etc.) about the UN process and the role of the Arctic Council. The myriad government agencies and departments with mandates in the North is growing and not well understood or explained. For example, while most Canadians would likely assume that the newly named Aboriginal Affairs and Northern Development Canada would have the lead for Canada's Arctic Council business, it is, in fact, the Department of Foreign Affairs and International Trade (DFAIT). And while Aboriginal Affairs and Northern Development and DFAIT work together, DFAIT resources and attention to the Arctic Council must compete with many other departmental priorities, such as submissions to the UN commission.

Third, and most importantly, Canada needs to continue to work in the Canadian north with northerners to create sustainable communities. Statistic after statistic decries the dangerous living conditions and high homelessness rates, the high rates of suicide, the lack of employment opportunities, especially for the youth, the lack of mental health services, and sky-rocketing cases of diabetes, tuberculosis, and other diseases, not to mention substance abuse. Canada's less than stellar commitment to reduction of greenhouse gases is also problematic (including withdrawing from the Kyoto Protocol). Canada will have far less credibility pushing for an ambitious Arctic Council agenda that focuses on the environment and northerners if it has not made any progress at home.[23] Besides which, an ambitious agenda may not be in Canada's national interest. An agenda that embraces the spirit of "liberal realism," Kim Richard Nossal counsels, is the safer bet—the middle road between sanctimonious idealism and hard-core realism.[24]

So what might be some of the priorities for Canada's Arctic Council agenda for 2013 to 2015? First, while it is not required, there may be great benefit to coordinating our priorities with those of the US to establish a North American agenda. This gives Canada and the US four years to set

23 Surprisingly, northern Canadians are generally more optimistic than southern Canadians when it comes to their health and quality of life. See Ekos Research, "Rethinking the Top of the World: Arctic Security Public Opinion Survey," final report submitted to the Walter and Duncan Gordon Foundation and the Canada Centre for Global Security Studies at the Munk School of Global Affairs, January 2011, www.gordonfoundation.ca. The survey does not measure the actual levels of poor health, which are well documented in the north.

24 Kim Richard Nossal, "Right and Wrong in Foreign Policy 40 Years on: Realism and Idealism in Canadian Foreign Policy," *International Journal* 62, no. 2 (spring 2007): 263-277.

more stable and predictable project timelines and funding. Given recent statements by the US government,[25] it is clear that the Arctic is increasingly a priority, but not necessarily via the Arctic Council, unless it is in concert with all of the Arctic states along agreed areas of concern (namely cooperation on the environment and sustainable development). Time for planning a four-year agenda is running out quickly. And making too ambitious an agenda may not be in the national interests of Canada or the US.

What the US and Canada want to avoid is for the Arctic Council to become a UN-like body with so many priorities, working groups, observers etc., that the modest, but important advancements made to date are lost or overshadowed. While the Arctic Council was formed by a declaration, it cannot operate separately from the eight Arctic states nor can it obligate other states or organizations to take specific measures. Even the latest search and rescue arrangement is one of the Arctic states and not of the Arctic Council. The Arctic environmental protection strategy declaration and the Ottawa declaration use "soft," nonbinding language and dispute resolution is not covered specifically in either document. Indeed, according to Koivurova and Vanderzwaag, the Arctic Council is expected to continue to maintain its role as a forum for discussion rather than a forum for governance.[26] They point to fluctuating government priorities, the two-year rotation of state chairs, changing science and yearly priority issues, the influence of other organizations and resistance of member states to stronger Arctic states as impediments to an increased role for the council.[27]

That being said, the involvement of ministers of state and DFAIT has increased the priority and focus of the Arctic Council, which may mean the council morphs into an international organization. On the one hand, the ministerial-level (and now deputy-ministerial) involvement means that more resources can be pledged and greater impetus given to council projects.[28] It

25 President Obama established an interagency policy task force in June 2009 led by the Council for Environmental Quality. See also the May 2011 Report to Congress on Arctic Operations and the Northwest Passage produced by the Department of Defense; Bush-era NPSD 66/HSPD-25.

26 Koivurova and Vanderzwaag, *The Arctic Council at 10 Years*, 66.

27 Ibid.

28 The rules of procedure determine the manner in which proposals for new activities are considered and are ultimately placed before the ministers for decision. The underlying rationale is that all cooperative activities must be pursuant to a ministerial mandate. Certain states, like the US, insist this approach reinforces the role of the council as a forum for exchanging views and does not make it an operational body.

also means binding decisions can be made among the eight Arctic states (and again we return to the "status" question of the Council). On the other hand, the "bottom-up" process of consultation and discussion with permanent participants and the Arctic states can be frustrated in preparation for an agenda for ministerial decision-making. Further complicating the decision-making is the potential inclusion of more voices.

The issue of observers is likely to continue to be a contentious one. While the Arctic Council has now agreed to criteria for admitting observers and a role for their participation in its affairs,[29] there is concern, especially among some of the permanent participants, that potential applicants like China, the EU, Japan, South Korea, and Italy, will drown out their voices—especially China (representing 1.3 billion people) and the EU (representing twenty-seven states)—with commercial interests in the Arctic, some of which are antithetical to the practices of indigenous peoples of the north (such as a ban on the sale of seal meat).

The Arctic Council, therefore, is at a stage at which representatives must think through the ramifications of a growing membership and growing agenda. Canada needs to be clear about what it wants as the next round of applications will come on Canada's watch. Are Canadian and US positions aligned? For now, Canada has been firm saying no to the EU (less so to China), but what about other applicants? Does saying "no" continue to serve Canada's interests? For example, Canada, China, and South Korea all belong to the voluntary North Pacific coast guard forum,[30] along with the US, Russia, and Japan, to share information about fisheries and trafficking of people and drugs. Why, some may ask, can Canada work with China in one related context and not others? Does Canada know the true intentions of the would-be applicants? Would giving permanent participants a vote, for example, given their special status and obvious interest in the Arctic, counter possible EU or China membership (both their application and future decisions as observers on the council?) Or should the votes rest with the eight states (who are ultimately responsible for implementing decisions made)? Will the success and scientific work of the council be lost should the council grow, or will it be strengthened—especially because of the increase in funds available that come with observers? Is it simply a matter of limiting the physical

29 See "Senior Arctic Officials Report to Ministers," Nuuk, Greenland, May 2011, www.arctic-council.org.

30 See Canadian Coast Guard, "North Pacific Coast Guard Forum," www.cccg.gcc.gc.ca.

number of representatives observers may bring to the meetings (normally in small and remote northern towns)? Or is membership on the Arctic Council a right of all states and organizations in the world with an "interest" in the Arctic? Can Canada use observer membership on the Arctic Council to tackle other, more contentious issues, e.g., is the Arctic Council a backdoor to discussions with potential candidates, like China, on other geopolitical issues? Or does Canada suggest a freeze on all additional state observers in favour of organizations (like the IMO, for example). As chair, Canada will need to rediscover its diplomatic fortitude. This issue has the potential to divide the Arctic Council, which is antithetical to the whole purpose of the council mandated to create cooperation. Having a clear position before 2013 means Canada is less likely to make precipitous decisions and to be challenged while chair.

Regardless of these largely systemic debates, the business of the Arctic Council is practical. There are more than enough issues facing the Arctic on which Canada and the US can agree. The challenge will be not to find common issues but to focus the agenda.

Canada will be the first chair to have a permanent secretariat at its disposal. And while there will be an adjustment period as the secretariat settles into the day-to-day business of the council (not completely foreign, as a temporary secretariat has been in place for several years and the Swedish chair will develop operating procedures for the secretariat), it affords Canada and the US the opportunity to begin to tackle the list of "perennial" challenges to the council. To date, the working groups have set their own agenda and plans of action (with approval of the senior Arctic officials), and this has worked reasonably well. The communication among the working groups, however, can be hit or miss. The proposed "outreach" program of the council needs to continue, but not just via draft communication guidelines and with other international organizations (e.g., many of the environmentally focused UN organizations). Rather, 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)[31] and to continue to provide support to the sustaining Arctic observing networks initiative.[32] As well, the Arctic monitoring and assessment program working

31 Ibid. See "Communications and Outreach," section 2.2. Given the concentration of European Arctic states, European think tanks are generally better represented.

32 The Arctic Council created a sustaining Arctic observing networks steering group

group suggested that the Arctic Council work with the Association of Polar Early Career Scientists to involve their scientists in working group activities. Aboriginal youth should also be encouraged to participate in a similar and meaningful way.

The impact of climate change on the Arctic will continue to be an ongoing priority and concern and both Canada and the US support the council's Arctic change assessment due to begin in 2015. Endorsing, disseminating, and responding to the report (in the form of policy recommendations for Arctic states) will likely be on the agenda for the US from 2015 to2017.

But if Canada is to coordinate an agenda with the US, they should be singing from the same song book, if not the same page.

The US has traditionally seen the Arctic as a security buffer: it has forgotten in the past that it is an Arctic nation, but all indications suggest change. The US is starting to recognize that a broader idea of security in the Arctic espoused by Canada, and ultimately the Arctic Council, is in the interest of the US. The US is concerned with the dearth of infrastructure, supply problems, and a lack of equipment, personnel, information, and Arctic capabilities. While most are US domestic concerns, any opportunity for Canada and the Arctic Council to help the US work toward mutually beneficial and self-sustaining programs and policies is to the benefit of all. For example, the US is likely to champion further work and study on black carbon methane and tropospheric ozone as well as unmanned aircraft systems safety guidelines and a cross-jurisdictional flight pilot project. Given recent events such as the sinking of the MS Explorer in 2007 in Antarctic waters and the Deepwater Horizon oil spill in 2010 in the Gulf of Mexico, best operating practices for rescue operations and offshore oil and gas drilling will be priorities.

The senior Arctic officials recommended that the ministers mandate a task force to develop an international instrument on Arctic marine oil pollution preparedness and response and that the emergency prevention, preparedness, and response working group, in close collaboration with other relevant working groups, develop recommendations and best practices in the prevention of marine oil pollution. The results are due in 2013 and

composed of representatives from the Arctic Council, the International Arctic Science Committee, and the World Meteorological Organization. The steering group worked most closely with the eight Arctic countries and consulted with experts in community-based monitoring and in data management. It created a new website, www.arcticobserving.org, which houses some scientific data and inventories of networks, but the site still needs to be populated more fully.

will then need to be adopted and implemented. A similar agreement to the search and rescue agreement but focusing on Arctic oil spill cleanup efforts would be a useful and doable achievement of a "North American" agenda. (This is no comment on the capacity of the states to actually be able to clean up a spill—more to agree to look at collective capabilities and efforts.) In the same vein, an Arctic Protected Areas Network (focusing on areas of the Arctic of a particularly sensitive ecological nature) is likely to be the focus of the Inuit Circumpolar Council, which the Canadian NGO Inuit Circumpolar Council Canada chairs in 2014, and a decision on mandatory polar shipping code with the International Maritime Organization is due in 2013. Indeed, keeping track of the various initiatives and which organization is doing what will require constant tracking by the chair of the Arctic Council.

Canada could make a significant contribution with respect to the latest area to arrive on the Council's agenda—public health. This is especially the case given that Canada's chair is Canada's Minister of Health and the Minister of the Canadian Northern Economic Development Agency, Leona Aglukkaq. Via a series of task forces and special meetings the broad umbrella of human security issues is beginning to be addressed more directly by the Arctic Council. For example, an Arctic health ministers' meeting was held in Nuuk, Greenland, in February 2011. The meeting recognized the continued health challenges and noted the need to improve physical and mental health and well-being and empowerment of indigenous peoples and residents of Arctic communities. This is an area the US and especially Canada should set as an ongoing priority of the council, given that the health disparities between indigenous and non-indigenous populations and between population groups in different Arctic regions continue to be significant. An Arctic human health experts group led by Canada and Greenland[33] is in the works.

Studies on issues including telehealth and telemedicine, nutrition, the health and safety of children, and youth of the Arctic (a particularly vulnerable and expanding group), proper housing, sanitation, and food and water safety (the latter two being Swedish initiatives) are all priorities. The working groups are looking at the impact of environmental toxins and contaminants on human health (for example, a 2009 assessment of human

33 Canada and Greenland will conduct a comparative review of circumpolar health systems report. The purpose of this project is to highlight different responses to similar challenges and focus on the effects of differing governance and organization. The first phase of this larger, multi-year project entails assembling national and regional profiles of the different health systems in Arctic countries.

health in the Arctic and seminars on suicide prevention), but more focus needs to be placed on the nexus between human health and poverty in Arctic regions. The US launched the Arctic human health initiative during the international polar year, but the studies and journal articles amassed along with work completed by a survey of living conditions in the Arctic (a Danish/Greenland initiative) still need to be translated into policy-relevant recommendations.

Whether a new working group is needed (arguably the impacts on health is a related subject matter for many of the working groups and so perhaps an entirely new one is not needed) or an expanded, targeted task force, is yet to be determined. Certainly, there is research available on these issues, but it needs to be processed and acted upon. Canada would be a natural choice to heighten the profile of all of these initiatives, which have broad agreement among the council membership, during its chairship. There are other, related issues, such as reducing the loss of Arctic indigenous languages, strategies for Arctic waste management and advancing the socio-economic conditions of Indigenous Peoples and Arctic communities that are on the "to do" list (and on the Inuit Circumpolar Council's list too). Indeed, there is an argument to be made that the thematic areas of the sustainable development working group,[34] including: Arctic human health, Arctic socio-economic issues, adaptation to climate change, energy and Arctic communities, management of natural resources, and Arctic cultures and language are quintessentially Canadian issue areas. This is not to suggest that the projects of the other working groups are not important, but that the sustainable development working group represent the issues and priorities that are particularly important to aboriginal peoples and therefore, the natural choice of priorities for Canada's chairship.

DFAIT has been working to create broad consensus with Canadian stakeholders via meetings and many circulating documents to analyze the issues of importance for Canada: is it in Canada's national interest, does it match current government priorities, what are the risks and benefits to Canada and to Canada-US relations, etc.? DFAIT is gingerly reaching out to the US (and vice versa) to consider joint issues. But these efforts are well-kept secrets that can foster mistrust. Canadian academics, for example, are keen to see where they might contribute and benefit from research opportunities given Canada's chairship, for example, a potential Canadian research chair in Arctic governance and development. The Scandinavian

34 See "Senior Arctic Officials Report to Ministers."

partners, for example, had already articulated a common agenda prior to their assumption of the chairship by this point. The big question is where the money will come from to chair the council with reasonable distinction given this time of fiscal austerity?

CONCLUSION

A new cycle of chairs shall begin with Canada. The agenda of the chairs have stayed true to the joint priorities of environmental protection and sustainable development. The Arctic Council, through its working groups and task forces, has released a number of important assessments on the Arctic, and the eight Arctic states have agreed on recommendations and actions to take. The question is how Canada directs the council's priorities during its chairship. Given Canada was instrumental to expanding the purview of the council beyond the Arctic environmental protection strategy's mostly environmental focus, it is natural (perhaps even expected) that Canada focus on the Aboriginal peoples and the issues of particular concern to them in partnership with the US. Indeed, this theme was the focus of Graham White's presidential address to the Canadian Political Science Association in 2011.[35] No doubt Canada will be ready, but it is likely to be a rushed and hurried scramble that may miss opportunities and linkages with other Canadian and international initiatives. The hope is that Canada will pursue a limited but focused agenda in concert with the US, in keeping with its foreign policy tradition, that puts Aboriginal and northern peoples' needs first—a domestic imperative and an Arctic Council objective.

35 See "Go North, Young Scholar, Go North," *Canadian Journal of Political Science* (December 2011): 747-768.