

The 2013 Arctic Council Kiruna Ministerial Meeting. Report for Advisory Committee on the Protection of the Sea

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Summary of proceedings:

On the 13-14th of May 2013, the eight Arctic Council (AC) states, the six permanent indigenous representatives, the twelve observer and two ad-hoc observers states, and non-governmental observers (including ACOPS) gathered for the biennial Arctic Council Ministerial meeting in Kiruna, Northern Sweden.² This event saw the first full cycle of the Arctic Council chairmanships, with Canada now chairing the council for the next two years.

The Arctic is one of the most rapidly warming places on the planet. CO2 emissions and associated warming is shifting the region into a new and unpredictable territory characterised by huge reductions in summer sea ice extent and thickness, snow cover, and extensive melting of the Greenland ice sheet. Arctic summer sea ice distribution has been on a downward spiral since satellite records begin in 1978, and in recent years has suffered from unexpected and severe declines. The September 2012 minimum set a new and disturbing record at 3.29 million square kilometres (1.27 million square miles) or 49% below the 1979-2000 average. The US National Oceanic and Atmospheric Administration (NOAA) recently commented that it is not a case of 'if' but 'when' the Arctic will be ice free in summer, likely in the next few decades.

In terms of the institutional infrastructure and role of the AC, it appears the Council is strengthening its position and viewing itself as a global institution. It has established a permanent secretariat in Tromsø and reformed its procedures for the participation of observers. This was reinforced by the sense of anticipation and one of the dominant themes of the meeting - the entry of new permanent observers, alluded to, and eventually announced by the Arctic nations. At the conclusion of the meeting China, India, Japan and South Korea, all major importers of minerals and key interests in developing shipping and maritime trade through the Arctic, have been admitted as permanent observers. The bid by the EU to become a permanent observer was 'affirmed' but a final decision deferred. This decision is observed in the context of the on-going debate and trade conflict over imported seal products from Canada, which highlights differences between the Arctic and non-Arctic States, and is a key determinant of the eventual acceptance of the EU into the Arctic tent.

The meeting confirmed that the Council is embracing a new role as a policy making rather than policy shaping organisation. This will likely with the Canadian chairmanship with the priorities of sustainable circumpolar communities, responsible resource development and

¹ Dr Potts is employed by the Scottish Association for Marine Science and represented ACOPS at the Ministerial Summit. A commentary on the summit is available from: <http://theconversation.com/all-eyes-turn-to-the-prize-as-the-arctic-opens-for-business-15116>

² A web cast of the proceedings is available from: <http://www.arctic-council.org/index.php/en/events/meetings-overview/kiruna-ministerial-2013>

safe Arctic shipping topping the agenda.³ The Council emphasized repeatedly the increasing threat of climate change and appears unified on increasing the focus on the issue within fora such as the UN Framework Convention on Climate Change. There is a clear mandate for the Arctic Council to be more aggressive on the international stage, in particular with a commitment for all Arctic states to work together with other countries to secure a legal agreement on climate change no later than 2015.

The Council is continuing to develop legal 'teeth' and act as a broker between Arctic States concerning binding treaties over Arctic relevant issues. The Kiruna meeting signed off on a (2nd) legally binding Agreement on Cooperation on Marine Oil Pollution Preparedness and Response.⁴ This framework agreement, while still lacking many details on operational mechanisms, will build capacity across the Arctic states to prevent spills from occurring and to coordinate in the case of a spill. There is some way to go to develop this capacity across Arctic countries and significant technical and political work is needed before this is an effective response to potential oil spills. This new agreement is shadowed by the increasing dialogue over the access and development of Arctic resources. The Canadian chair intends to establish a Circumpolar Business Forum to foster circumpolar economic development – an issue that will be watched closely by the permanent participants and non-state observers. The recent US National Strategy for the Arctic Region makes it clear that development for the region and harnessing energy resources is the long term priority, which states that the US must "respond effectively to challenges and emerging opportunities arising from significant increases in Arctic activity due to the diminishment of sea ice and the emergence of a new Arctic environment." What remains to be seen is how the priorities for sustainable Arctic communities, climate mitigation and adaptation and resource development can be reconciled in the Arctic context.

Key points made by Ministerial Meeting Participant statements:

Canada

- Key focus will be the people of the north, integrating environmental protection and sustainable development with an emphasis on opportunities;
- Integration of traditional knowledge with scientific research;
- Continuing to clarify the role of observers - observers have value and their policies have an impact on northern peoples. The core permanent member's work should not be diluted by the inclusion of more observers;
- Cultural social and economic well-being of Arctic peoples is tied to the health of the environment.

Denmark (representing Greenland)

- Arctic is now tied to global politics;
- **Welcomes the contribution by** China, India, Republic of Korea and the EU to the Arctic council;
- Denmark to host oil spill response meeting and exercise in 2013;

³ The Canadian program and objectives are available from: <http://www.arctic-council.org/index.php/en/document-archive/category/425-main-documents-from-kiruna-ministerial-meeting#>

⁴ Ibid.

- Advocating that Greenland play a more prominent role in the AC. Faroe Is. Indicate that they have a major role to play in terms of the NSR, port development, and with exploitation of oil resources. Back the signing of the SAR and Oil response agreement.

Finland

- Oil and gas development is a great challenge. More research is needed on how Arctic marine systems respond to a potential oil spill.
- Oil agreement needs to be complimented by agreement on prevention and IMO code for ships operating in the Polar Regions.
- Increasing international role for the Arctic Council – what does this mean in practice?

Iceland

- UNCLOS the dominant instrument for the Arctic, also strengthening the role of AC with formalising the functions;
- Oil spill agreement is a first but necessary step and a starting point. Substantial technical work to be done on oil pollution response and impact;
- Climate change is the most significant threat to the region and underpins AC engagement in the international system.

Norway

- Reiterated the strengthening role of the AC. Has established 2 legal agreements, a permanent secretariat and is the primary body for cooperation in the Arctic.
- The involvement of observers is an important step and considerable effort has been to clarify the role of observers within the council. Principles set out for observers including involvement with permanent participants, respecting the environment and endorsing the principles of the AC.

Russia

- Did not capture extensive comments due to the headset malfunctioning.
- Russia emphasised the North pole as a pole of peace, sustainable development and cooperation. The number of issues is diminishing and the international framework is the way to resolve issues.

USA

- Overlapping interests and priorities. Northern regions are critically important for the earth, threat of climate change is ominous, tangible, and the AC must face up to this change.
- Noted that fisheries issues are still important with too many boats chasing too few fish. Indiscriminate development, ocean acidification, climate change, pollution all undermine the sustainability of the region.
- Need shared partnerships and guidelines for an oil spill – need to prevent crisis from happening in the first place.
- US Government is concerned over the new 400ppm CO2 emissions levels and the impacts of emissions on habitats and marine environments. The erosion of natural

barriers that protect communities from the sea and permafrost melting is affecting coastal Arctic communities.

- US confirms that it is committed to being a productive and engaged partner, that it needs to address climate issues, that it respects the culture and knowledge of indigenous people who should be involved in all aspects of decision making.
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Permanent Observers

Aleut International Association

- The Aleutian people are resilient and adaptable and wholly reliant on marine environment;
- The AC is unique because the AC brings together indigenous people at the same table as nation states. This is unique and is what distinguishes the AC from other intergovernmental forums. This should continue to be strengthened within the AC under the Canadian chairmanship;
- Permanent participants can bring new ideas and perspectives and strengthen the role of indigenous people and bring sound science to the table.

The Arctic Athabaskan Council

- Strongly encourages US to ratify the Convention on Biodiversity and supports the findings of the completed Arctic Biodiversity Assessment;
- Emissions of black carbon should be regulated and are a serious threat to the Arctic. Supports action under Canadian chair to develop an agreement to regulate black carbon. Cites Russia as delaying progress on this issue.
- AAC concerned about the integrity of the Council as the result of new permanent participants. However, new observers offer opportunity to address pollution issues that arise from non-Arctic states.

Gwich'in Council International

- Highlights that education is a key goal for people of the north to manage their own resources.
- Flagged issues over how to involve the next generation in the work of the Arctic Council.

The Inuit Circumpolar Council

- ICC supports resource development that is sensitive and involves indigenous and northern people.
- Further work needed to reduce contamination, implement the marine oil spill agreement, implement the recommendations of the Arctic shipping assessment, and understand the marine environment through traditional knowledge.
- Supports Danish moves to raise the profile of Greenland in AC.

Saami Council

- Conduct business in the right way that respects indigenous peoples human rights. Increasing focus on human rights by private sector should not diminish State

practice on human rights. The State has the legal responsibility to uphold human rights.

- Highlighted mining impacts in Sweden on local reindeer herders. Stated the emphasis is on investing in mining and minimal investment in Saami development.
- The Saami council looks forwards to the Canadian chair and is optimistic over Canada involving the Saami from the outset.

Emerging issues that are relevant for ACOPS

- The signing of the Agreement on Cooperation on Marine Oil Pollution Preparedness and Response is a key opportunity for ACOPS to expand involvement in Arctic Council affairs. ACOPS experience in OSPAR and in the offshore maritime industry would be useful as independent observers of the progress and performance of the Agreement.
- ACOPS is a valued member of the Arctic Council and is increasingly invited to meetings such as the Senior Arctic officials meetings (next meeting is October 2013 in Canada). Further resourcing of capacity is necessary to maintain ACOPS valued independent position in Arctic affairs.
- In light of capacity and resources ACOPS should identify the priority Arctic issues that are of interest to the organisation and focus ACOPS science capacity on them.