

The Arctic Council after Kiruna

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Abstract

This note considers the latest iterations to the Arctic Council following the May 2013 ministerial meeting in Kiruna, Sweden. While new state observers including China and Japan were admitted, the European Union's application was deferred and the entire slate of non-governmental and intergovernmental organization applicants was rejected. Although time-based pressures may have been a factor, the failure to consider the non-state entities' applications has the effect of reinforcing the impression that the Arctic Council is and will remain a state-centric body.

Introduction

After weeks of anticipation and speculation by journalists and Arctic watchers, the foreign ministers of the eight Arctic states met on 15 May 2013 in Kiruna, Sweden and admitted six new states – China, India, Italy, Japan, Singapore, and South Korea – to join the six states, nine intergovernmental organizations, and eleven non-governmental organizations that already had permanent observer status. As Swedish Foreign Minister and meeting host Carl Bildt told *The New York Times* (16

May 2013), the expansion “strengthens the position of the Arctic Council on the global scene.”

Other commentators inferred more nefarious motives behind the new entrants’ desire to increase their Arctic presence. Implicitly fusing the perspectives of two early-twentieth century thinkers, Vilhjalmur Stefansson and Halford Mackinder, Mika Mered of the Washington-based Polariis consulting firm opined, “The Arctic in the 21st century will be the center of the world. If you control the Arctic, you control the world...That is the real issue around the Chinese application to the Arctic Council” (Deutsche Welle 16 May 2013). But this was countered somewhat by Linda Jakobson’s analysis in the London *Financial Times* (19 May 2013), where she noted, “China’s motives in the Arctic are perfectly comprehensible. First, melting Arctic ice will have a profound effect on northeast Asia’s climate, perhaps harming agriculture. China is one of the most susceptible countries to rising sea levels because of its low-lying coast. Second, within 20 years the Northern Sea Route across the northern coast of Russia could offer an alternative way to transport goods from northeast Asia to Europe during summer. No country dependent on trade can ignore the possibility that traffic along the Arctic sea routes will increase substantially.”

In fact, enlargement of the Arctic Council to include the six new permanent observer states – and, in particular, the four Asian shipping states – occurred only because it was understood that it would likely benefit the new entrants, the Arctic Council itself, *and* the eight Arctic Council member states. China, Japan, Singapore, and South Korea are well aware that the opening of Arctic sea lanes may some day

transfigure commercial relations among the world's trading powers, and they have been positioning themselves accordingly, from making financial investments in icebreaking technology to making political investments in diplomatic fora. Although the International Maritime Organization is probably the most important institution for the promulgation of rules that will govern Arctic shipping, it seems likely that the Arctic Council, which has now adopted two binding resolutions on Arctic activities, will remain involved as well, and these major trading nations have an interest in being in the room, even if not at the table, when the rules are discussed. Conversely, any subsequent use of Arctic sea-lanes by Asian shippers would benefit the Arctic states, every one of which exports or seeks to export minerals, oil, or gas. Enhanced Arctic involvement by Asian shipping states also has the potential to bring new revenues to states such as Iceland that seek to become Arctic transshipment centres and to those such as Russia and Canada that seek to manage coastal portions of Arctic sea lanes. And, as Foreign Minister Bildt noted, the involvement of key users (or potential users) of the Arctic, as well as those who control its land (the eight member-states) and live there (the six indigenous organization permanent participants), would bolster the Arctic Council's status as *the* forum for working through issues pertaining to the region's environmental stewardship and economic development.

In short, while the admission of China and the other states as permanent observers has made for eye-catching headlines that play on popular notions of the Arctic as an *exceptional* space -- the site of an anachronistic, and potentially explosive "great game" in which states compete in a "race for the riches" (e.g.

Howard 2009) -- it seems to us that the main impact of Arctic Council expansion has been to make the Arctic *less exceptional*. That is, the Arctic is increasingly a region that, like other regions, has an institutional structure that encourages cooperation and consultation among states so as to facilitate commerce, and increasingly the Arctic Council is a crucial component of that institutional apparatus. Therefore, from our perspective, the most notable outcome of Kiruna was neither the admission of the six new permanent observer states nor the deferral of permanent observer status for the European Union nor the signing of the Agreement on Cooperation on Marine Oil Pollution Preparedness and Response. Rather, we focus here on an event that attracted almost no media attention: the Arctic Council's failure to act on the permanent observer status applications filed by seven non-governmental and intergovernmental organizations.

To Observe or Not to Observe

15 May 2013 may have been the first (and last) time that Greenpeace and the Association of Oil and Gas Producers found themselves sharing a common fate, but they both were among the seven organizations whose applications for permanent observer status failed to gain the Arctic Council's approval. The organizations were a diverse group. In addition to Greenpeace and the Association of Oil and Gas Producers, the unsuccessful applicants included one other environmental organization (Oceana), three intergovernmental organizations (the International Hydrographic Organization, the World Meteorological Organization, and the OSPAR Commission, which oversees the implementation of conventions devoted to

environmental conservation in the Northeast Atlantic), and the Association of Polar Early Career Scientists. Greenpeace's failure to obtain permanent observer status obtained some press coverage, but only because Greenpeace called attention to it as part of its campaign to challenge the weakness of the Arctic Council's oil pollution agreement and to pressure Canada to adopt pro-environment positions in its new role as chair of the Arctic Council. Otherwise, the seven non-state organizations' applications faded into obscurity, overshadowed by the drama surrounding the applications filed by the six states and the EU.

The diverse nature of the seven non-state applicants suggests that the denial of their applications was not due to the specific groups' ideologies or programmatic agendas. Although it is possible that the blanket rejection of the seven petitions was a matter of political expediency – it may have been the politically “safest” way to deny the applications from one or two organizations whose applications were particularly problematic (e.g. Greenpeace) – reports from Arctic Council delegates suggest that this was not the case and that, in fact, the denial of the applications was unintentional. According to several delegates, after foreign ministers and their representatives worked late into the night to hammer out an agreement on the applications from the six states and the EU the ministers simply lacked the energy to attend to the remaining applications. One individual active in Arctic affairs who, although not present in Kiruna, was in touch with several delegates from both member-states' and observers' delegations reported, “Some rumours say that the ministers discussed the observer status for states until 1 am in the morning, then

just left the organisations in the air.” A delegate who attended as part of an observer delegation confirmed that there was ministerial fatigue.

While some might write this off as an example of benign neglect, it seems to us that the Arctic Council’s failure to consider the non-state entities’ applications symbolizes a more systematic transformation in the Council’s identity as it enters its second rotation of member state chairmanships. Member state officials involved in the Arctic Council have always been quick to point out that the Council is not an international organization (like a treaty organization or the United Nations) but rather a “high level intergovernmental forum” with three tiers of participants: members, the eight states with territory north of the Arctic Circle; permanent participants, the six groups representing indigenous peoples of the North; and observers, which, whether ad-hoc (admitted for each meeting) or permanent (admitted for multiple meetings, although still subject to review under the 2011 Nuuk Observers rules), represent states and organizations that, although lacking territorial roots in the North, have a discernible interest there.

In other world regions, states, whether or not they have sovereign authority over the territory in question, typically have a privileged role in mediating and facilitating commercial activity. When outside actors have an interest in investing in, or transporting goods through, another country’s territory or its sphere of influence, they typically turn to national governments to engage in bilateral or multilateral negotiations. The interests of non-state actors – whether environmental groups or business associations – are then channelled through state sanctioned representatives.

In the Arctic Council, however, the central factor that determines one's level of membership is not *statehood* but *localness*. Thus, the key divide in the Arctic Council is between states and permanent participants (both of which have local rootedness) and observers (which, while having interests, do not have roots). Within the observer category, there is no formal distinction made between state and non-state observers. Summing up these differences, whereas in most intergovernmental organizations the key divide is between states (which are members) and non-state entities (which are observers), in the Arctic Council it is between actors with a territorial stake and those that, although interested in the region's outcome, are fundamentally outsiders. Non-Arctic states may attempt to assert a degree of rootedness by calling themselves "near-Arctic" (as China does) or by establishing research stations on Svalbard, where the special conditions of Norwegian sovereignty permit a high level of international presence. However, these measured attempts at affecting a local presence only reaffirm that these non-Arctic states are more interested in establishing routes (to wealth, as well as through the Arctic's waters) than in building on existing roots in the region.

The Arctic Council's unique organizational structure, while granting an unusually high degree of legitimacy to permanent participants representing the region's indigenous peoples, creates a troublesome situation for the increasing number of actors from outside the region who are (or who wish to be) intensively involved in the region's economic development or its environmental stewardship. Unable to channel their views through a state with full membership in the Council,

such entities, whether states or non-states, are all jumbled together in the amorphous (and voiceless) category of “observer.”

A New Arctic Circle

It would be politically difficult to transform the underlying structure of the Arctic Council to better accommodate the voices of non-Arctic parties, whether directly or through non-Arctic states. This is especially the case under the current (2013-2015) Canadian chairmanship, as Canada may be the Arctic country that most frequently references its connections with local, territorially rooted indigenous peoples as a basis for its legitimacy in the Arctic governance arena. We wonder, however, whether the Arctic Council’s emphasis on the importance of local roots and its relative de-emphasis of statehood as a criterion for stature will be sustainable as the organization increasingly seeks to facilitate commercial opportunities, many of which will be undertaken by actors from outside the region who typically would expect their interests to be represented by states.

In this context, the first steps toward replacing the Arctic – non-Arctic divide with one that privileges states (regardless of their location) over non-state actors may well be occurring through the (unofficial) transformation of the Arctic Council’s practice. It appears that this is what occurred, *inter alia*, at Kiruna, where the prioritization of state permanent observer applicants led the Council to push aside, and ultimately abandon consideration of non-state entities’ applications.

In this privileging of states over non-state actors, the Arctic Council is becoming more like a “normal” intergovernmental organization. This, in turn, is

consistent with a general trend of the Arctic becoming more like a “normal” region: That is, a region in which states control land as sole sovereign authorities, the ocean is governed according to the state-centric principles of the United Nations Convention on the Law of the Sea, and non-state interests, whether associated with local residents, distant investors, or issue-oriented activists, are channelled through the states that have the authority to negotiate at international fora. This was the vision articulated by the five Arctic Ocean coastal states at Ilulissat in 2008 (Arctic Ocean Conference 2008), and it is increasingly also that of the Arctic Council, as seen at Kiruna, both in the admission of new, distant states as permanent observers and also in the denial of (or, to be precise, the refusal to consider) the seven non-state organizations’ permanent observer status applications.

Of course this transformation of the Arctic into a “normal” region within the world of states is not going unchallenged. Perhaps the loudest opposition to the Ilulissat Declaration was raised by the Inuit Circumpolar Council, with its Declaration on Sovereignty (2009). While the Declaration on Sovereignty recognized the role of states in Arctic governance and affirmed their legitimacy over Inuit people (“Inuit are citizens of Arctic states” (Article 1.6)), it asserted that the *practice* of state sovereignty demanded recognition of the specific needs and priorities of local residents:

As states increasingly focus on the Arctic and its resources, and as climate change continues to create easier access to the Arctic, Inuit inclusion as active partners is central to all national and international deliberations on Arctic sovereignty and related questions, such as who owns the Arctic, who

has the right to traverse the Arctic, who has the right to develop the Arctic, and who will be responsible for the social and environmental impacts increasingly facing the Arctic (Article 3.6).

More recently, this state-centric vision is also being challenged by the formation of the Arctic Circle, whose mission statement announces:

Participants in the Arctic Circle will include a range of Arctic and global decision-makers from all sectors, including political and business leaders, indigenous representatives, nongovernmental and environmental representatives, policy and thought leaders, scientists, experts, activists, students and media.

Within the Arctic Circle, organizations and individuals will be able to decide their own agendas and convene their own meetings, thus maintaining full institutional independence, identity and decision-making capabilities (Arctic Circle 2013).

The precise nature of the Arctic Circle, and its position relative to the Arctic Council, remains to be determined, but certainly in these paragraphs it appears to be conceived as a direct alternative to the state-centrism of the Arctic Council.

Conclusion

On 1 October 1987, the then Soviet leader Mikhail Gorbachev gave an important speech in the Russian city of Murmansk. Hailed as a harbinger of future circumpolar Arctic cooperation, President Gorbachev offered up a striking geographical imaginary: “The Arctic is not only the Arctic Ocean but also...the place where the

Eurasian, North American, and Asia Pacific regions meet, where the frontiers come close to one another and the interests of states...cross" (cited in Keskitalo 2004: 43). Acknowledging that the Arctic region was both terrestrial and maritime, Gorbachev also acknowledged that both geographical unity ("the place where...regions meet") and geographical difference ("[where] the interests of states...cross") might intermingle. For much of the Arctic Council's history, this intergovernmental forum has sought through its discourses and practices to produce an "Arctic region" that acknowledged, but also transcended, its location within the world of competing sovereign states that forms the foundation for modern politics.

Gorbachev's statement makes for an interesting contrast with a short document released at the Kiruna Arctic Council ministerial meeting entitled "Vision for the Arctic." Although this document applies a number of descriptors to the Arctic – peaceful, inhabited, prosperous, safe, healthy, scientific, and well organized - - it is not clear where the Arctic region begins and ends amidst this mosaic of terms. Haunting the text, and notwithstanding references to indigenous and northern communities living in the region, is a vision of sovereign states. The document concludes,

The Arctic Council is open to observers who can contribute to the work of the Arctic Council and share the commitment of the Arctic States to the peaceful resolution of disputes and abide by the criteria for observers established by the Arctic Council. (Arctic Council Secretariat 2013)

But as the ministerial meeting showed, some observers are much more welcome than others.

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