Bold steps needed to support Indigenous participation at the Arctic Council

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For the Indigenous people of the circumpolar North, the Arctic Council represents an unprecedented opportunity to influence policy and have a role in directing research, monitoring, and assessment activities in the Arctic. However, the ability of Indigenous people to influence the work of the Council is tied directly to the capacity of Indigenous organizations to participate fully in its activities. Under the Canadian chairmanship, the Council must not be reluctant to recommend bold initiatives to support active Indigenous participation in Arctic Council affairs, nor should it hesitate to take determined measures to improve the lives of the people of the North.

The Arctic Council is an intergovernmental forum consisting of the eight circumpolar countries. Within the Council, this Indigenous influence is carried out by the Permanent Participant organizations or PPs. In 1996, the Inuit Circumpolar Council (ICC), the Russian Association of Indigenous Peoples of the North (RAIPON) and the Saami Council were the first PPs recognized in the Ottawa Declaration, the founding document of the Arctic Council. Two years later, the Aleut International Association (AIA) became the fourth Permanent Participant, and two years after that the final two PPs — the Arctic Athabaskan Council (AAC) and the Gwich'in Council International (GCI) — joined the Council.

AIA represents the Aleut people of the United States (the Aleutian and Pribilof Islands of Alaska) and the Russian Federation (the Commander Islands). The Aleuts have inhabited their island homes for at least 8,000 years, but since first contact in 1741 the times have been turbulent. Hostility, disease, forced relocation, war, and nuclear testing on their lands have all tested the resilience and adaptability of the Aleut People. It is fitting then that AIA has been involved in projects with the Arctic Council including *The Arctic Resiliency Report* and *Adaptation Actions for a Changing Arctic*, which address the challenges facing Arctic peoples in a period of unparalleled change.

The Arctic Council's work on marine shipping has yielded positive results for the region's Indigenous peoples. As an island people, the Aleuts have deep ties with the marine environment and depend on the ocean as a major source of subsistence. Due to geographic coincidence they also live on one of the busiest shipping routes in the world. There are about 3,000 westward transits each year passing within 75 miles of the Aleutian shores, and an equal number of eastward transits passing within 200 miles. This enormous amount of traffic combined with the region's notoriously bad weather has resulted in numerous accidents and near misses over the years. In 2004, a freighter named the Selendang Ayu lost power and ran aground on the Northern shore of Unalaska Island, home to the community of Dutch Harbor and one of the largest fishing fleets in the world. The ship broke apart in a storm, dumping 328,000 gallons of heavy fuel and other petroleum products in a disaster second only to the wreck of the Exxon Valdez in severity.

Shipping in the region is about to get busier. As sea ice retreats and ice free summers become a reality, the Northern sea route between Northern Europe and Asia will see more traffic, posing additional risks to coastal peoples. Unfortunately, since the foreign-flagged vessels traveling this route are entitled to "innocent passage" through the Aleutian Islands, they are not bound by the regulations of the U.S. Oil Pollution Act of 1990 (OPA 90) or other Federal or State of Alaska regulations. This compounds the risks indicated by studies pointing out that the equipment and materials needed to assist a large ship in trouble, or to respond to a major release of hazardous material, are not consistently available in the area.[1]

This is why the shipping-related work of the Arctic Council has been particularly important to the Aleut people. In 2009 the Arctic Council released the Arctic Marine Shipping Assessment (AMSA), which provides seventeen recommendations aimed at reducing impacts from marine shipping at current and potentially increased levels of future activity.[2]These recommendations include support for the development of a Polar Code for ships operating in Arctic waters, surveys of Indigenous marine use to fill knowledge gaps about subsistence use and to assess the impacts from Arctic shipping on such activities, and identification of areas of heightened ecological and cultural significance in light of changing climate conditions and increasing multiple marine uses. Successful implementation of these recommendations would provide important safeguards, especially as shipping increases in the region.

In the past, the Arctic Council has been a body

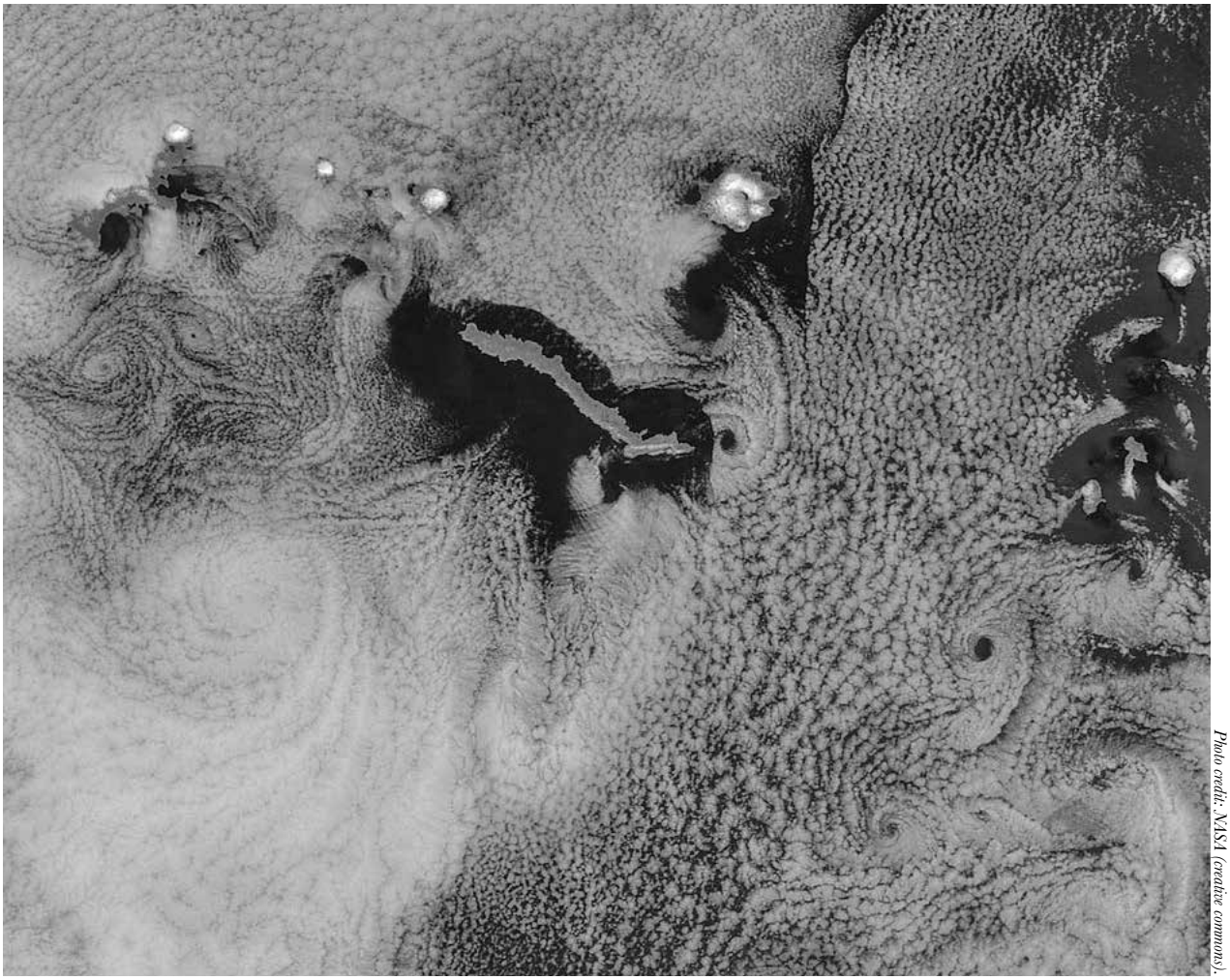

Photo credit: NASA (creative commons).

whose work influences policy. Now the Council is becoming a forum for policy-making. The Council has negotiated legally binding agreements on cross border search and rescue procedures (May 2011) and oil pollution preparedness and response (May 2013). Both of these agreements are based on recommendations made in the AMSA report. The negotiation of legally binding agreements between the Arctic states under the auspices of the Arctic Council ensures that Indigenous voices will be heard via the Permanent Participants. Negotiations among states outside the Council do not mandate any such Indigenous presence.

The level of international focus on the Arctic Council has been at an all-time high in the lead up to the start of the new Canadian chairmanship. This is partly because of the increased attention on the Arctic in general, but also because the preceding Swedish chairmanship was able to achieve significant advances despite relatively low expectations. Traditionally the Swedish government has not been the most actively engaged of the eight Arctic states in the work of the Council. However, through very efficient organization and some fairly bold initiatives, Sweden managed to achieve beyond what was expected.

Now the pressure is on the Canadian chairmanship. To its credit, Canada has come forward with some bold initiatives of its own including a task force to examine marine oil pollution prevention, another task force to potentially produce an instrument on the reduction of the emission of short lived climate pollutants (black carbon and methane), and the formation of a circumpolar business forum. These initiatives began as Arctic Council Initiatives often do, with rather forceful language directing the Council towards a specific goal. For political reasons, this language was toned down during the negotiation of the final text of the Kiruna Declaration and the accompanying Senior Arctic Officials Report to Ministers.

Of the initiatives now moving forward under the Canadian chairmanship, the new task force on short lived climate pollutants is a good example of a strong initiative that was weakened during the negotiating process. In the last two years, a previous task force on short lived climate forcers produced an excellent report which incorporated the very latest in scientific

Aleutian Islands, Alaska, seen from space. Photo captured by the Terra satellite, 2010.

understanding of how black carbon, methane, and tropospheric ozone affect the climate. This report recommended (among other things) that the Arctic states work towards reducing black carbon emissions, which are linked to climate impacts such as accelerated ice and snow melt and increased temperatures.[3] Black carbon cycles out of the atmosphere very quickly, so reductions in emissions today could have a significant impact in just few months or years. Arctic states could contribute substantially to mitigation efforts because the affect of black carbon is largely based on the source's proximity to the Arctic. Early drafts of the Kiruna Declaration directed the Task Force to propose specific steps to achieve black carbon emission reductions, with a view toward developing an instrument or other arrangement. The final text reads simply that the Task Force is to "develop arrangements on actions to achieve enhanced black carbon and methane emission reductions in the Arctic" and report at the next Ministerial meeting.[4]

Some might argue that an emissions reduction agreement is not really necessary. All Arctic states (except perhaps the Russian Federation) already have measures in place to reduce black carbon emissions, while some say reductions by the Arctic states may only amount to the proverbial "drop in the bucket" globally. However, for AIA the point of an emissions agreement is two-fold: to reduce emissions, and to show leadership on the world stage. After all, if the Arctic states themselves are unwilling to take bold measures to protect the Arctic, how can we expect non-Arctic nations to step up to the challenge?

Another Canadian initiative that was weakened during the negotiating process was the task force to develop an action plan to prevent marine oil pollution. Early drafts of the language establishing this task force would have directed it to pursue an international instrument on prevention, but final language merely directs it to develop an action plan or other arrangement on oil pollution prevention. The Arctic Council has extensively studied and documented best practices for oil pollution prevention, and we feel that the background work is in place for a legally binding agreement between the Arctic States. Again, this would provide important protection and show leadership globally in an area which is extremely important to the Aleut people.

While AIA is disappointed by the final language of this initiative, the possibility of a meaningful step forward still exists. In effect, the new language accepts a wider range of outcomes, but the strongest of those, such as a binding circumpolar agreement, is still possible. This means that what these new initiatives achieve depends largely on who is named to represent each Arctic State and Permanent Participant, which in turn depends on the political will of the states and PPs. With the right individuals and a willingness to move forward, significant accomplishments can still be made.

Looking back on the Kiruna Ministerial meeting, one source of frustration was the high level of focus on the observer issue. Early on, AIA developed the opinion that any state or organization who met the basic criteria for admittance established by the Nuuk Declaration should be accepted. Unfortunately, the amount of attention placed on this issue by the media may have distracted from the release of extremely significant scientific reports produced by the Council. Some of these reports were many years in the making and were initiated long before the Swedish chairmanship began. That the Arctic Ocean Acidification Assessment, the Arctic Biodiversity Assessment and other significant Kiruna deliverables received so little attention was truly unfortunate.

Despite these challenges, the Arctic Council remains the preeminent international forum for dialogue and action on Arctic issues, and the only forum to include the voices of the Indigenous Peoples of the Arctic in a meaningful way. The Permanent Participants make important contributions in the face of limited resources, which is why the pending examination by the Council's Senior Arctic Officials of ways to strengthen how the work of the Council is carried out, including approaches to support the active participation of the PPs, is so important. We look forward to the results of this review, which will be reported to the Ministers at the end of the Canadian chairmanship. ◉

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Footnotes

1 ERM-West, Inc. & Det Norske Veritas (U.S.A.), Inc. (DNV) (2011). Aleutian Islands Risk Assessment, Phase A -Preliminary Risk Assessment, TASK 6 & 7: Risk Reduction Options Evaluation Report. URL: http://www.aleutiansriskassessment.com/documents/2011_7_7_RROEvalReport_FINAL-wCovLtr.pdf. Accessed August 1, 2013

2 Arctic Council (2009). Arctic Marine Shipping Assessment 2009 Report. URL: http://pame.is/images/stories/AMSA_2009_Report/AMSA_2009_Report_2nd_print.pdf. Accessed August 1, 2013.

3 United States Environmental Protection Agency (2013). Effects of Black Carbon. URL: http://epa.gov/blackcarbon/effects.html. Accessed July 20, 2013.

4 Arctic Council (2013). Kiruna Declaration. URL: http://www.arctic-council.org/index.php/en/document-archive/category/425-main-documents-from-kiruna-ministerial-meeting. Accessed July 20, 2013