

**Europe and the Arctic: A View From the Arctic
Athabaskan Council**

Ilulissat, Greenland

Nordic Council of Ministers

Arctic Conference: Common Concern for the Arctic

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Introduction

The Arctic Athabaskan Council (AAC) represents internationally Athabaskan peoples and communities in sub-Arctic Alaska and northern Canada. Formed in 2000 and with a head office in Whitehorse Yukon, AAC is a “permanent participant” to the Arctic Council. Details about AAC are posted at www.arcticathabaskancouncil.com

Traditionally, Athabaskan peoples have used and occupied up to 3 million kms² of territory in North America. While undergoing significant social and economic change, particularly since the second world war, Athabaskan peoples remains closely tied to the land and wildlife. Land claims agreements—modern treaties—in northern Canada and the 1971 Alaska Native Claims Settlement Act provide a basis for Athabaskan peoples to own land and natural resources and to chart their own paths in the two nation states in which they reside. AAC participates in the Arctic Council where it emphasizes biodiversity conservation and climate change, and intervenes in implementation of the global Convention on Biological Diversity (CBD), the UN Framework Convention on Climate Change (UNFCCC) and the Stockholm Convention on Persistent Organic Pollutants (POPs). From our perspective environmental issues are very much matters of public health and culture.

The Changing Arctic

It has been clear for many years that decisions made outside the Arctic have a significant bearing on what takes place within the region, for both good and ill. World prices for oil, gas, and minerals have largely determined the scale and pace of industrial development in the region—a very high cost environment in which infrastructure is poor or often lacking. The 2004 Arctic Climate Impact Assessment (ACIA), to which AAC contributed traditional knowledge case studies and assisted in drafting accompanying policy recommendations, concludes that the impacts and effects of climate change have emerged as the key driver of social, economic and cultural change and development in the circumpolar world. Easier access to natural resources, particularly by sea, at a time of buoyant and rising world prices for hydrocarbons and minerals, is a recipe for rapid industrial development in the region in a world increasingly hungry for energy and natural resources.

A February 2003 resolution of the Governing Council of the United Nations Environment Programme (UNEP) effectively characterized the Arctic as the world's barometer of environmental change and urged states worldwide to heed the reading on the barometer. The governing council's February 2008 resolution—Sustainable Development of the Arctic Region—urges deeper and broader co-operation among and between states and non-governmental stakeholders to ensure that development in the region accords with principles of sustainability. These resolutions illustrate growing global interest in the region. Adapting and adjusting to the impacts of climate change is an abiding concern for Athabaskan peoples as is persuading countries in the developing and developed worlds to lower their emissions of greenhouse gases (GHGs) to slow the pace of climate change which would give Athabaskan peoples and other northerners time to adapt to the changing reality.

Circumpolar Co-operation and the Arctic Council

The eight-nation Arctic Council, of which four European states (five if Russia is considered to be European) are members and seven are official observers, is the key intergovernmental forum for co-operative action in the circumpolar Arctic and in conveying Arctic perspectives to international and global bodies. A “high level” forum but rarely a political decision-making body, the council does excellent technical work and informs and enables states to adopt progressive and environmentally and socially responsible policies, if they wish. That six Indigenous Peoples' Organizations (IPOs,) including AAC, are “permanent participants” to the council—a status unique in intergovernmental relations—enables the region's permanent residents to contribute traditional knowledge as well as policy and political perspectives to circumpolar debate.

The council has had important successes. For example, the assessment of persistent organic pollutants (POPs) and other contaminants completed by the council's Arctic Monitoring and Assessment Programme (AMAP) in 1997 had a marked influence on negotiation of a POPs protocol to the UN/ECE Convention on Long-range Atmospheric Pollution, completed in Summer 1998, and UNEP's global POPs convention, completed in 2001. Preambular clauses to these international conventions single out the Arctic and its Indigenous inhabitants and are important precedents. Neither the UNFCCC or the CBD—two global conventions of considerable importance in the circumpolar world—mention the Arctic. Similarly,

the ACIA has significantly influenced the climate change mitigation and adaptation positions of some non-Arctic as well as Arctic states. The 2005 G8 closing statement on climate change also singles out the Arctic and stresses the need for adaptation in the region; another example of the influence of the ACIA. Moreover, this assessment has encouraged Arctic interests and the Small Island Developing States (SIDS) to explore how they may work together on climate change adaptation and resilience building through UNEP's Many Strong Voices (MSV) programme, which is financially supported by the Government of Norway.

It is a fundamental premise and goal of AAC that the Arctic Council be strengthened to take a "hands on" role in conveying Arctic perspectives, concerns and interests on climate change, contaminants, biodiversity conservation and other issues to international and global bodies. We hope the European observer states and the EU support this goal. However, in discussing responses to climate change, the Airoldi report prepared for this conference notes:

...the EU's leading role in climate change mitigation efforts—whether in international negotiations or by domestic action—is of significant value to the Arctic. Where some circumpolar countries are reluctant or outright opposed to take the necessary commitments, **the EU may even become the main interpreter of Arctic concerns** (emphasis added).

This statement is quite correct when it claims that the EU's efforts on climate change mitigation both nationally and internationally are of considerable importance to the Arctic, but we strike a real note of caution about who is best positioned to be the "main interpreter of Arctic concerns" to the broader international community. This is not to defend the undeniably weak positions on climate change mitigation taken, in particular, by the governments of Canada and the United States. Rather than assuming the burden of interpreting Arctic concerns we suggest that Europe continue to engage Arctic countries on a broad suite of climate change issues and engage with those who live in the region, particularly its Indigenous peoples, and help them interpret and convey Arctic concerns to the world. The Airoldi report countenances just such a position:

Looking ahead to the great challenges to be faced in the Arctic—such as adaptation to climate change, conservation of resources, oil and gas exploitation—it is clear that the empowerment and awareness-raising of

indigenous peoples are crucial to their ability to effectively participate in decision-making processes which will directly affect them. Greater political representation in regional and international bodies should be encouraged and facilitated. The EU can continue to play a role in this respect.

Attached to this note is a discussion paper presented by AAC to the Arctic Council in 2007 evaluating the council's strengths and weaknesses and suggesting how the council might usefully evolve. Our discussion paper welcomes deeper engagement by European states in the Arctic Council, particularly in the programmes implemented by the council's working groups. We are well aware, for example, of the significant contribution of Germany, France and the UK to polar science. Of the European observer states, the United Kingdom and the Netherlands have been particularly engaged in the council. China is now a formal observer to the council, the only developing country to enjoy this status. We believe strongly that member and observer states use the Arctic Council as a forum in which to engage China and we welcome ideas from European states and the EU about how best to do so.

Importantly, strengthening the Arctic Council may require giving it a more formal, authoritative, and legally-binding foundation. Of interest may be the draft Arctic convention prepared by Donat Pharand and published by the Canadian Arctic Resources Committee (CARC) in 1991.

It must be understood that there is a strong connection between the aspirations of Europe to be a more visible and important player in the Arctic and Europe's attitude to the wildlife-based renewable resource economy which remains important in many northern communities and to Arctic Indigenous Peoples. Many northerners will evaluate a future EU Arctic dimension or northern policy based on what it proposes regarding trade in wildlife products. Exempting Indigenous peoples from broader restrictions in trade on wildlife products has not and will not work and, as Ms. Airoidi correctly concludes:

risks fostering negative attitudes towards the EU among the Arctic populations neutralizing recognition of positive EU action.”

New Treaties and UNCLOS

The rapid decline in recent years of multi-year sea ice in the Arctic Ocean has attracted considerable attention worldwide. It seems that the Arctic Ocean is destined soon to become like North America's Great Lakes—frozen over in winter and completely thawed in summer—further “opening” the region to oil, gas and mineral development and intercontinental shipping. The impacts of such development will not be confined to the coast, but will reach deep into Eurasia and North America, including areas used and occupied by Athabaskan peoples.

A recent and very widely referenced article in **Foreign Affairs** suggests that “anarchy” lies ahead in the Arctic as countries vie for its natural resources. The broadly publicized planting on the floor of the Arctic Ocean of a titanium Russian flag in Summer 2007 and comments on this incident by other Arctic states has been interpreted—misinterpreted in our view—as a sign of coming conflict. Certainly the region will be increasingly subject to developmental pressures from outside, but this is nothing new. It is important, however, that maritime boundary disputes for example, between Canada and the US in the Beaufort Sea, be resolved, so as to ensure that these “irritants” do not become something larger as development gathers steam. Furthermore, all five Arctic Ocean rim states need to apply the science-based UNCLOS process to determine the geographical extent of national rights to the offshore seaward of exclusive economic zones (EEZ). Fortunately, this is exactly what the five rim states agreed in Ilulissat only a few months ago. At the end of this process, admittedly still many years hence, only a small zone around the North Pole will remain “common property.”

The legal status of the Northwest Passage is an issue of the first political importance, particularly in Canada. Is the passage now or might it become an “international strait,” or is it Canada's “internal waters?” Athabaskan peoples live far to the south of Davis Strait, Lancaster Sound, and Barrow Strait, key components of the Northwest Passage. Transcontinental shipping through the passage will, however, inevitably lead to additional development with impacts further South. It is for this reason that our views are similar to those of Canadian Inuit articulated by Inuit Tapiriit Kanatami (ITK) and Nunavut Tunngavik Incorporated (NTI), that the Northwest Passage is “internal waters” to Canada. This position makes sense from a practical, environmental management and regulatory perspective—applying Canadian rules and regulations to access and use of the passage is the best means to protect the area's fragile natural environment.

The Ilulissat statement issued by the five Arctic Ocean states earlier this year rejects the need for new international environmental law in the Arctic at least in the near to medium terms, and confirms the need for states to use UNCLOS to sort out the geography of competing national claims to continental shelf rights in the Arctic Ocean. AAC is committed to the principle that development in the Arctic be environmentally, socially and culturally sustainable no matter how the UNCLOS process unfolds. It is our view that the need for additional legal instruments, and the application of global agreements in our region, be evaluated from this perspective.

We believe that a good case can be made to amend the UNFCCC to embed the Arctic-as-global-barometer principle, perhaps using language already adopted by UNEP in its 2003 and 2008 Arctic resolutions. Additional Arctic amendments to the UNFCCC might deal with adaptation for, as the ACIA and 2007 IPCC reports conclude, widespread adaptation in the North is required a result of climate change. Much of the Arctic is essentially a developing region and needs still to develop tools for adaptation. As such, AAC suggests that a formal adaptation protocol to the UNFCCC be considered which references the Arctic as well as other vulnerable regions of the globe.

An EU Arctic Policy

The title of this conference mentions “common concern” for the Arctic. It is important, however, that as European states and the institutions of the EU develop a policy or dimension for the Arctic that “common concern” is not confused with “common property.” As Athabaskan peoples acquired legally recognized property rights in 1971 through the Alaska Native Claims Settlement Act and more recently in Canada through various modern treaties, AAC is well aware of the difference.

The Airoldi report usefully calls for:

a more systematic, proactive EU approach [to the Arctic] rather than the attitude of relative indifference which has often been the case in the past.

Rather than commenting upon where an Arctic policy might best fit within the EU we offer seven ideas/initiatives for your consideration as policy priorities:

1. Encourage Arctic states and permanent participants to strengthen the Arctic Council, enabling more active engagement with observer states;
2. Use the Arctic as a “bridge” to engage the Government of China on environmental protection, research, and sustainable development issues;
3. Acknowledge the Northwest Passage to be Canada’s “internal waters;”
4. Refrain from placing barriers on the import of Arctic wildlife products as long as harvests accord with principles of conservation and sustainability;
5. Consider the case for amending the UNFCCC to embed the concept of the Arctic-as-global-climate-change-barometer;
6. Consider addressing Arctic concerns on adaptation to climate change through amendments to the UNFCCC and/or an adaptation protocol to the convention; and
7. Support the conclusion and adoption by UNEP of an Indigenous Peoples Strategy that, referencing the “permanent participant” status of Arctic Indigenous Peoples in the Arctic Council, gives Indigenous peoples a seat on UNEP’s Governing Council;