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# Has the Arctic Council Become Too Big?

Indeed, following the admission of six non-Arctic observer states to the Arctic Council last year, is a bigger Council necessarily a better one? For Andrea Charron, as long as the Arctic littoral states retain control over the Council's decision-making machinery, the number of observers is relatively insignificant.

By Andrea Charron for ISN

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Established in 1996 to promote sustainable development (which is not specifically defined) and to ensure environmental protection, the Arctic Council has grown dramatically over the years. This growth, while well intentioned, is potentially problematic.

## The expansion of the Council

Of the three distinct groups that constitute the Arctic Council, referred to as Members, Permanent Participants and Observers, it is the Observers group that has [increased](#) the most. Originally there were six non-Arctic state observers (France, Germany, United Kingdom, Netherlands, Poland, and Spain). On 15 May 2013, the Arctic Council admitted six new, non-Arctic states as observers: China, Japan, India, South Korea, Singapore, and Italy, thus raising the number to 12. In addition, there are 20 organizations with observer status. However, there are only eight Member States and six Permanent Participants. This ratio of 4 observers for every Member State with decision-making clout is where the potential problem lies.

The eight Arctic Member States (the so-called Arctic 5 or coastal states: Canada, Russia, the US, Norway, and Denmark – via Greenland and the Faroe Islands – and Finland, Sweden and Iceland) have voting privileges, the ability to determine policy and the power to make project-related decisions.

The indigenous groups (Aleut International Association or AIA; Arctic Athabaskan Council or AAC; Gwich'in Council International or GCI; Inuit Circumpolar Council or ICC; Saami Council and Russian Arctic Indigenous Peoples of the North – RAIPON) have been granted the status of "Permanent Participants". Their role is more significant than is typically afforded them at other UN or multilateral meetings and conferences. While they do not have a vote, their status as Permanent Participants is meant to ensure their full consultation prior to the forming of decisions. Their number, however, will remain fewer than the number of Members.

While Arctic States and Permanent Participants may participate in all meetings and activities of the Arctic Council, Observers can participate upon invitation from the Chair (which rotates every two years among the eight Arctic states. Canada was the first Chair in 1996 and main sponsor of the

Arctic Council). Observers may make statements at meetings but it is “at the discretion of the Chair” (emphasis added – [see](#) paragraph 38 of the Rules of Procedure).

The inclusion of the six new, major economic powers in 2013 enhances the reputation of the Arctic Council; now all of the Permanent Members of the UN Security Council are either Members or Observers, without diluting (in theory) the status of membership due to the strict criteria governing admission. It also means potentially new sources of revenue assistance for the Permanent Participants to allow their members to travel to the various Arctic Council meetings; Observers are expected to support financially the work of the Arctic Council and aid Permanent Participants when possible.

Although listed in the Yearbook of International Organizations for 2012-2013 as a “limited or regionally-defined” organization with intergovernmental and international organizations as members, the Arctic Council lacks the ability to make binding decisions. While not definitive criteria, international organizations that can take binding actions, and therefore, provide governance direction generally possesses three “elements”: 1) a hard law instrument of establishment; 2) at least one subordinate unit (or an organ) that can operate independently; and 3) establishment and recognition under international law (see [§29–47](#)). The Arctic Council, however, cannot operate separately from the eight Arctic states that created it, nor can it obligate other states or organizations to take specific measures because of the soft-law nature of the Declaration. The Arctic Council, therefore, is more akin to the Asia Pacific Economic Cooperation (APEC) forum. Both are important and have laudable aims, but both lack international legal personality.

The work of the Arctic Council is done in six working groups, expert groups and task forces. Decisions are made by consensus but have no binding effect on any of the states or organizations. While the eight Arctic states have a vote, it is rarely exercised. The Arctic Council now has a standing secretariat (in Tromsø, Norway), but its mandate and function are relatively modest – mostly administrative in nature. There is no Board of Directors/Council or Assembly per se which makes the Arctic Council unique as an organization.

Regardless of the soft legal status of the Arctic Council, its scientific and policy work are well respected. The environmental and other assessments, recommendations and policy prescriptions of the Arctic Council are drawn from the research conducted by its six working groups, namely: Arctic Contaminants Action Program (ACAP), Arctic Monitoring and Assessment Programme (AMAP), Conservation of Arctic Flora and Fauna (CAFF), Emergency Prevention, Preparedness and Response Working Group, Protection of the Arctic Marine Environment (PAME) and Sustainable Development Working Group (SDWG). The Arctic Council has also established additional task forces to investigate institutional issues (such as improved and expanded communication about the work of the Arctic Council), Arctic marine oil pollution preparedness and response, and search and rescue – all areas of concern that, while important, are directed to supporting non-inhabitants rather than the four million inhabitants of the Arctic region.

### **More members, more resources?**

The reasons for accepting more members are clear – increased financial contributions to the working groups, more collaboration and cross-pollination of ideas. This is perhaps why more states than organizations have been admitted, despite the Council receiving a number of applications (for example, from Greenpeace (rejected) and the European Union (deferred)). States bring money whereas organizations are dependent on member states to exist and are unlikely to be able to finance a third organization. Therefore, with more states come more and varied opinions, not to mention financing which, in theory, can ensure that all angles of any issue are considered. In the case of the environment, this is surely to be lauded.

Another argument for enlarging the membership of the Council is concern about the impact of climate change. Newly appointed State Observers, like low-lying coastal Singapore, cite climate change as a key impetus for application to the Arctic Council. Environmental protection and sustainable development, however, are not just trans-regional issues, but international ones. And if climate change is a universal problem, does a regional organization draw attention away from collective action? Perhaps, but if the International Panel on Climate Change (IPCC), with near universal membership, [cannot agree on solutions](#), maybe any focus on environmental protection, regional or otherwise, should be welcomed.

Increased membership may compromise the ability of the Arctic Council to arrive at decisions via consensus (although technically, the number of consents required remains eight, representing the Arctic states). The real threat of enlargement, however, is not to the Arctic Council as a whole or to the eight Arctic states but to the Permanent Participants. Logistically, holding meetings in Arctic hamlets, as has been done in the past, becomes complicated – in fact, eye-wateringly expensive. Furthermore, the Permanent Participants are most likely to lose their voice in the cacophony of opinions and state-based interests. Can a small organization, like the Gwich'in Council International (GCI) for example, which is mostly volunteer-run, hope to compete with the likes of China, the second richest state in the world?

Indeed the issue may not be the increasing number of disparate contributions but the unevenness of membership rights. The eight Member states still have a vote but prefer decision-making by consensus. The eight Arctic states clarified the criteria for admitting Observers in 2013 to include “demonstrated political willingness as well as financial ability to contribute to the work of the Permanent Participants and other Arctic indigenous peoples” and “recogniz[ing] Arctic States’ sovereignty, sovereign rights and jurisdiction in the Arctic” to name just two. [See](#) Annex 2 of the Updated Rules of Procedure. This suggests that there is little appetite to change the decision-making status quo. The Permanent Participants, therefore, are wholly dependent on the eight states to continue to solicit their opinion. Will the 32 other members of the Arctic Council continue to be satisfied with such a loose decision-making arrangement that excludes them? It may depend on the issues up for discussion.

Up until now, there is one issue area the Arctic Council has chosen to omit from its mandate. The Declaration establishing the Arctic Council specifically states that the Council “should not deal with matters related to military security” ( [See footnote for Article 1a](#) of the Declaration.) This is a disappointment to many, especially indigenous peoples, who saw the Arctic Council as a means to further the spirit of cooperation, especially between the two former superpowers that had emerged in the immediate post-Cold War years. The focus would be on making the Arctic a zone of peace and a nuclear-free-zone; in other words, it would establish negative peace via the demilitarization of the Arctic. This would involve a ban on nuclear weapons, delimitation of a denuclearized zone, a system of verification and control and the inclusion of all circumpolar states (especially those with nuclear weapons). Given today’s geopolitical realities, especially post 9/11, the US and Russia have no appetite to discuss denuclearization of the Arctic. (Canada, for its part, objects to North Atlantic Treaty Organization (NATO) exercises in the Arctic but for control reasons). Increased membership, therefore, has not affected this omission.

## **The future of the Council**

In almost twenty years the Arctic Council has achieved several modest successes. Its main achievements include scientific assessments; policy statements; guidelines; recommendations; best practices; and the forum for the creation of new instruments for the eight Arctic states including a [marine Arctic Search and Rescue Agreement](#) and an [Agreement on Cooperation on Marine Oil Pollution, Preparedness and Response in the Arctic](#). The Council’s many reports and studies are

widely read and respected and were written in consultation with aboriginal groups. For example, the 2004 Arctic Climate Impact Assessment (a collaborative project led by a steering committee of members from CAFF, AMAP, the International Arctic Sciences Committee – an Observer, and experts from around the world) and the 2009 Arctic Marine Shipping Assessment (produced by the PAME group) are referred to often by NGOs and academics around the world.

Will Arctic Council momentum slow down? Have the ‘low-hanging fruit’ issues (i.e. problems that are easily identified and fixed with minimal requirements from states) all been tackled? There is no guarantee that the Arctic Council can deal with contentious issues that require serious compromises and/or resources of states. Indeed, there is every reason for especially the five coastal states, to control discussions and decisions of high politics. For example, the issue of fishing quotas is of particular interest to the Permanent Participants and the coastal Arctic states but is discussed with caution and many caveats. In other words, the Arctic Council can gather information and reach consensus on status quo issues, but can it govern and promote issues of urgent, long-term national interest?

National and aboriginal interests are the most reliable determinant of the Arctic Council’s size of membership. While some of the Nordic states may want the Arctic Council to be able to take binding decisions on some very important, but nationally contentious issues (like security and fishing), the US, Canada and Russia are happier with the current, constrained decision-making model. So long as the Arctic states have control over the direction and scope of the decisions, and the recommendations remain voluntary ones, the size of the Arctic Council is of secondary importance. As soon as Observers (or Permanent Participants or Members) seek more leverage in the decision-making machinery of the Arctic Council, the size of the Council will be limited.

Perhaps this is why organizations like the International Maritime Organization have not sought membership (nor has the Arctic Council sought membership in the IMO). While this would make infinite sense since the Arctic Ocean is germane to their mandates, Member States of both organizations want to control messaging and discussions for both organizations (especially if made in the context of different fora). Cross-organizational pollination, although helpful for a variety of reasons, risks diluting direct state input.

The next opportunity to accept new Observers to the Arctic Council will come in May 2015 when Canada hands over the Chair of the Arctic Council to the US. The likelihood of new non-Arctic State Observers (for example Mongolia and Turkey) being accepted is low and even lower for organizations – governmental or nongovernmental. Whether the Arctic Council should reduce the number of members is not up for discussion although the Declaration does state that Observers must outline, in writing, their contributions and must state their continued interest in Observer status every four years. These are additional reminders that the eight Arctic states and their national interests are paramount.

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