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Arctic Ironies: American Shaping of an Arctic Regime

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In May 2019, US Secretary of State Mike Pompeo delivered a speech in Finland that “stunned” his audience of Arctic Council participants by directly contradicting thirty-years of American policy.² Stating that “the world has long felt a magnetic pull towards the Arctic, but never more so than today,” Pompeo went on to assert that the Arctic had “become an area for power and competition.” He then controversially suggested that the mandate of the Arctic Council – which prohibits discussion of military security issues – could be expanded to do just that, helping to hold China and Russia “accountable” in the region. “We’re entering a new age of strategic engagement in the Arctic, complete with new threats to the Arctic and its real estate, and to all of our interests in that region,” he concluded.³

This is not the first time a US Secretary of State has surprised Arctic counterparts. In March 2010, Hilary Clinton complained at the end of a meeting hosted by Canada of the Arctic coastal states, known as the “Arctic-5,” that Indigenous groups and non-coastal Arctic states Finland, Iceland, and Sweden had not been invited. In response to international perceptions that a melting Arctic was threatened by border disputes and an absence of international law which could lead to conflict,⁴ the Arctic coastal

states of Canada, Denmark, Norway, Russia, and the United States issued the *Ilulissat Declaration*⁵ in May 2008. The Declaration pledged the Arctic-5 to settle their disagreements through international law by applying the United Nations Law of the Sea Convention (UNCLOS) and its ancillary agreements – an international regime⁶ – to the Arctic. At the conclusion of the follow-up meeting in Chelsea, Quebec, which sought to further operationalize UNCLOS in the Arctic, Clinton chided her Canadian hosts that “significant international discussions on Arctic issues should include those who have legitimate interests in the region.”⁷ These comments undermined the perceived legitimacy of the very processes her government was working towards at the Chelsea meeting: the rights of the coastal states to apply the UNCLOS to their own Arctic waters free from outside interference. You do not ask your neighbours for permission to cut your own lawn.

Canada had to defend the status-quo in the wake of both of these political statements. Ironically, the inclusion of military security into the mandate of the Arctic Council and greater indigenous international influence in the affairs of Arctic states were the two issues that caused American negotiators to hold up

the creation of the Arctic Council – the core of the region’s regime – nearly three decades ago.

Yesterday’s Enterprise

By the late 1980s, Canadian civil society groups like the Arctic Council Panel were lobbying for the establishment of a new and comprehensive polar regime along the lines of the Antarctica Treaty System. Picked up and spearheaded by the Canadian government in the early 1990s, the goal of the Panel was to promote “civility” in a region that had been largely frozen out of international politics by Cold War imperatives. According to the Panel, an Arctic Council should be built upon a foundation of active involvement by Indigenous peoples with a mandate to discuss a broad array of issues effecting the region, most importantly military security. Such a Council would help to emancipate the Indigenous peoples of the Arctic, forging a new and better relationship with Canada whilst mitigating the threat the strategic calculus of the superpowers and their nuclear arsenals posed to the country. Additionally, logic suggested that a regime of Arctic civility – institutionalized with “hard law” binding agreements negotiated through an Arctic Council – would create an avenue of cooperation with the then new Russian Federation to help draw it into the liberal international order.⁸

Military Security

The Panel’s security goal was to bind American and Russian strategic weapons stationed in the Arctic with multilateral arms control agreements to eventually demilitarize the region. Understanding the political difficulty of getting two superpowers to agree to surrender even a shred of autonomy over their ultimate line of defence, the Panel took an indirect approach to the matter, starting with a broad definition of security and arguing that

proscribing it from the mandate of the proposed Arctic Council would “do violence to the inherent interrelatedness of circumpolar issues.”⁹ Officials at the Department of Foreign Affairs and International Trade (now Global Affairs Canada) were lukewarm to pursuing arms control through an Arctic regional perspective, tamping down the goals of this indirect approach, but nevertheless pressed ahead with the security issue when opening negotiations to create an Arctic Council.

The Americans staunchly defended their core strategic interest from foreign interference. U.S. negotiators expressed concerns that military security discussions at an Arctic Council could produce disarmament measures that would harm their counter-force options in the very region where the bulk of Russian nuclear weapons are stationed. Ultimately American strategic plans then (as now) are global in nature and could not be separated from a regional, Arctic-specific arms control regime of the type that the Canadians aspired to create. With an Arctic Council of any form unable to proceed without U.S. support, American negotiators prohibited military security issues from the forum. To ensure that this agenda could not seep into future Council discussions, the American delegation insisted that a note be attached to the *Declaration on the Establishment of the Arctic Council* stipulating that the “Arctic Council should not deal with matters related to military security.”¹⁰

Indigenous Peoples

American reluctance surrounding Indigenous peoples and their status of Permanent Participants of the Arctic Council involved their congruency with domestic and international law. As a State Department position paper explained, the term “Indigenous peoples’ (in the plural) is construed in United Nations fora to reflect the right of self-

determination. This is not the intended usage of terms in this context for the United States.” Usage of the term could have setup unrealistic expectations which could have interfered with the autonomy of both the Alaskan and federal American states. The position paper went on to explain that American autonomy could have been further affected by draft declarations of the Arctic Council that implied that “indigenous groups enjoy legal rights additional to those of ‘other’ inhabitants.” The State Department argued that such additional rights were a domestic matter “and not subject to agreement with and interpretation by other Governments.”¹¹

While Canadian negotiators failed to obtain American support for including military security in the mandate of the Arctic Council, they were able to secure acceptance of Indigenous peoples as Permanent Participants. This was accomplished through another note in the *Declaration on the Establishment of the Arctic Council* which qualified that the term ‘peoples’ “shall not be construed as having any implications as regard the rights which may attach to the term under international law,” thus alleviating American concerns.¹²

Ironic Empathies

Ironically, the US rejected how Canada envisioned a regional regime because of state sovereignty concerns. While statements from Clinton and Pompeo – a Democrat and a Republican – do not reflect a revision of longstanding U.S. policy, they do encourage us to reconsider how the current Arctic regime developed. What the scholarly literature often casts as American resistance towards a more comprehensive regional regime might be better framed as foresight displayed in the 1990s that saved the Arctic Council from succumbing to the political stresses of today. One can easily envision a counterfactual history in which a “hard law” Arctic Council, with a mandate to discuss military security issues, imploded under pressure from events elsewhere such as Crimea, leading to a circumpolar rancor and hostility. Similarly, an Arctic Council with a mandate entangled with other international commitments by its Members could have ground its important agenda to a halt. Instead, what we have is a dynamic and flexible regional regime exemplified through an Arctic Council that bends with the times but does not break in its aspiration for a region of greater civility.

POLICY BRIEF



¹ The author would like to thank P. Whitney Lackenbauer for the discussions that led to the creation of this brief.

² Eilís Quinn, “U.S. stuns audience by tongue-lashing China, Russia on eve of Arctic Council ministerial,” *Radio Canada International*, 6 May 2019, <https://www.rcinet.ca/eye-on-the-arctic/2019/05/06/u-s-stuns-audience-by-tongue-lashing-china-russia-on-eve-of-arctic-council-ministerial/>.

³ Secretary of State Mike R. Pompeo, “Looking North: Sharpening America’s Arctic Focus,” *U.S. Department of State*, 6 May 2019, <https://www.state.gov/looking-north-sharpening-americas-arctic-focus/>.

⁴ See, for example, Scott G. Borgerson, “Arctic meltdown-The economic and security implications of global warming,” *Foreign Affairs* 87 (2008): 63.

⁵ Ilulissat Declaration, “The Ilulissat Declaration,” in Arctic Ocean Conference, Ilulissat, Greenland (2008): 27-29.

⁶ Regimes are defined as “principles, norms, rules, and decision-making procedures around which actor expectations converge in a given issue-area.” Stephan D. Krasner, “Structural causes and regime consequences: regime as intervening variables,” *International Organizations* 36:2 (1982): 186. For scholar studies of regimes using the Arctic as case study, see work by Oran Young, particularly: *Creating regimes: Arctic accords and international governance* (Cornell University Press, 1998).

⁷ Mike Blanchfield, “Clinton rebukes Canada on Arctic meeting,” *Globe and Mail*, 29 March 2010, <https://www.theglobeandmail.com/news/politics/clinton-rebukes-canada-on-arctic-meeting/article1210187/>.

⁸ Arctic Council Panel, *To Establish an International Arctic Council: A Framework Report* (Ottawa: Canadian Arctic Resources Committee, 1991).

⁹ Arctic Council Panel, *To Establish an International Arctic Council*, 27.

¹⁰ Arctic Council, “Declaration on the Establishment of the Arctic Council (The Ottawa Declaration)” 19 September 1996, 1n.

¹¹ US State Department, “United States of American Position Paper: Establishment of the Arctic Council,” 12 April 1996, 3.

¹² Arctic Council, “Declaration on the Establishment of the Arctic Council (The Ottawa Declaration)” 19 September 1996, 2n.