Polar Record

www.cambridge.org/pol

Do the cures match the problem? Reforming the Arctic Council

Malgorzata Smieszek

Arctic Centre, University of Lapland, P.O. Box 122, 96101 Rovaniemi, Finland

Research Article

Cite this article: Smieszek M (2019). Do the cures match the problem? Reforming the Arctic Council. *Polar Record* **55**: 121–131. https://doi.org/10.1017/S0032247419000263

Received: 17 January 2019
Revised: 2 May 2019
Accepted: 14 May 2019
First published online: 29 July 2019

Keywords:
Arctic; Arctic Council; Governance; Effectiveness; Institutional reform

Author for correspondence:
Malgorzata Smieszek,
Email: malgorzata.smieszek@ulapland.fi

Abstract

Despite its numerous valuable contributions to Arctic governance, throughout its history the Arctic Council (AC) has been subject to criticism and reform proposals from academic, non-governmental and practitioner communities alike. In order to inform this ongoing debate, the paper evaluates the proposals that have been presented for the AC thus far. The proposals are grouped into three clusters: legal reforms, organisational reforms and functional reforms. Each of them is examined in terms of its applicability and usefulness to the case of the AC, and specifically its suitability given the prevailing conditions in the Arctic. What the conducted analysis reveals is that the ideas regarding means to enhance the AC's effectiveness can be largely attributed to the assumptions their proponents make—oftentimes implicitly—about the nature of state actors and international relations more broadly, without attending to the particular conditions of the case study at hand. This is an important inference, given the unrelenting change happening in both Arctic and global socio-environmental settings that calls into question the usefulness of past modes of thinking and forms of international cooperation. Far from offering solutions, their continuous application in particular circumstances might even impede progress in addressing present and future challenges.

Introduction

Over its 20 years of existence, the Arctic Council (AC) in the evolution of its reach and stature has far exceeded the expectations of even the most astute observers present at its inception. It has become an important forum for creating a shared understanding of Arctic issues and challenges, raised the profile of the concerns of Arctic indigenous peoples, produced influential scientific assessments and contributed to international conventions affecting the region (Kankaanpää & Young, 2012). It has adapted to rapidly changing circumstances by accepting new official Observers and increasing its capacities with the establishment of a permanent secretariat (Graczyk & Koivurova, 2013; Sellheim, 2012). Finally, since 2011, it has provided a venue for the negotiations of the first legally binding agreements among the eight Arctic states, expanding the range of instruments at the AC's disposal (Arctic Council, 2011a; Molenaar, 2012) and provoking discussions about its policy-making potential (Spence, 2017).

Throughout the same period the AC has been subject to criticism and proposals for reform from academic, non-governmental and practitioner communities alike. The question of reforming the AC to increase its effectiveness and improve its fit with the biophysical and social setting in which it operates has always been relevant and is even more so today in light of the forces and processes that are fundamentally transforming the Arctic region. Not only climate change and globalisation but also the proliferation of mechanisms and institutions relevant to Arctic governance call for continuous evaluation and consideration of the form and role of the AC in this constantly changing landscape.

The aim of this article is to evaluate the proposals that have been presented thus far in order to inform an ongoing debate about AC reform. This discussion is particularly pertinent now, as the AC is working on its first strategic plan to prioritise its activities over the next decade (Arctic Council, 2017). Moreover, the scope of this evaluation makes it relevant well beyond those interested directly in the AC, given the centrality of interplay between the AC and broader institutions. For the purposes of description and assessment, the proposals in this paper are grouped into three clusters: legal reforms, organisational reforms and functional reforms. Each is examined in terms of its applicability and usefulness to the AC, specifically its suitability given the prevailing conditions in the Arctic and its potential to enhance the effectiveness of the AC, understood as the extent to which the AC is able to solve or alleviate the very problems that led to the institution's creation (see Stokke, 2007). In consideration of the above it is important to remember that the AC is a moving target, evolving over time and operating in a changing setting. The analysis presented here takes the dynamic nature of the system into account.

© Cambridge University Press 2019.

CAMBRIDGE UNIVERSITY PRESS

The Arctic Council and the transformation of the region

The AC was established in 1996 as a high-level forum to promote "cooperation, coordination and interaction among the Arctic states, with the involvement of the Arctic indigenous communities and other Arctic inhabitants on common Arctic issues, in particular issues of sustainable development and environmental protection in the Arctic" (Arctic Council, 1996). It broadened the scope of circumpolar cooperation from the environmentally oriented Arctic Environmental Protection Strategy (AEPS), which was signed by the eight Arctic states in 1991, to address issues of sustainable development in the north. Because the Arctic states never reached an accord regarding the meaning of the term "sustainable development", however, establishing a comprehensive sustainable development programme for the new institution was effectively impossible (Tennberg, 1999).

The AC, like the AEPS, was established by means of a declaration, not a treaty, reflecting the Arctic states' political, but not legal, commitment to circumpolar collaboration (Bloom, 1999). Opposition to transforming the AEPS into an international organisation in its own right came primarily from the USA, which rejected any notion of a fully fledged body with legal personality —the option proposed and strongly promoted by Canada (English, 2013). As a result of the US negotiating position, the founding document of the AC, the Ottawa Declaration, delineated a circumscribed institution without a stable funding mechanism and a permanent secretariat, and with a chairmanship rotating biennially among the eight Arctic states (Scrivener, 1999).

The Ottawa Declaration specified three categories of participants in the AC. The first, Members, was reserved exclusively for Canada, Denmark, Finland, Iceland, Norway, the Russian Federation, Sweden and the USA (Arctic Council, 1996). The second category, Permanent Participants, was an innovative arrangement for the participation of selected organisations of Arctic indigenous peoples to ensure their "active participation and full consultation" in all AC activities (Arctic Council, 1996; Bloom, 1999; Koivurova & Heinämäki, 2006). Representatives of these groups sit alongside Arctic Ministers and Senior Arctic Officials (SAOs)—the high-ranking diplomats designated by each Arctic state to oversee the work of AC's Working Groups and its other subsidiary bodies to ensure the implementation of the mandates that are issued every other year by Arctic Ministers at the AC's Ministerial Meetings. A third category, Observers, was created for non-Arctic states, non-governmental organisations and global and regional intergovernmental and interparliamentary organisations, based on an assessment of their suitability and capability to contribute to the AC's work (Graczyk, 2011). As stipulated by the Arctic Council Rules of Procedure, the primary role of participants in this category is to observe the work of the AC, and they are expected to contribute and engage primarily at the level of the AC's Working Groups that perform the majority of the AC's technical and scientific work (Arctic Council, 2013a). Fourteen observers were present at the signing ceremony of the declaration in Ottawa in 1996. Today there are 39. In addition, the European Union (EU) is recognised as a de facto Observer of the AC. All decisions of the AC and its subsidiary bodies are taken by consensus of all eight Arctic states. Although only the agreement of the eight Arctic states is required for a consensus on a given matter, the status and moral authority of Permanent Participants has granted them participation in most discussions on a footing equal to Members (Fenge & Funston, 2015).

For the first decade of its existence, the AC operated more as a science than as a policy forum, and it concentrated predominantly on the conduct of scientific assessments and the production of technical guidelines and recommendations (Fenge & Funston, 2015) as well as capacity-building and realisation of practical problem-solving projects (Stokke, 2011). In 2004/2005 the AC published the Arctic Climate Impact Assessment (ACIA), its most influential report to date, which identified the manifestations of global climate change in the Arctic and to a large extent set the priorities and shaped the evolution of the AC's substantive agenda (Fenge, 2013; Koivurova, 2009). It also drew attention to the emerging economic opportunities and challenges as the north becomes increasingly accessible for exploitation of energy resources, shipping and other ventures (ACIA, 2005). Those observations were confirmed in September 2007 when a report of Arctic sea-ice shrinkage broke records for the first time, and again with the release of projections that the Arctic Ocean could become ice-free in the summer sometime between 2030 and 2100 (NSIDC, "Arctic Sea Ice Extent"). Estimates released in 2008 that the region might hold up to 13% and 30% of the world's undiscovered oil and gas reserves, respectively, further opened the door to discussions of emerging commercial possibilities (United States Geological Survey, 2008). Those events, together with the widely reported planting of the Russian flag on the seabed of the North Pole in August 2007, drew an unprecedented surge of interest in the region. This interest escalated amid media speculation about potential jurisdictional conflicts, rising geopolitical tensions and the prospect of armed clashes over Arctic resources (Borgerson, 2008; Graff, 2007).

All of those developments raised questions about the adequacy of existing Arctic governance arrangements and posed new challenges to Arctic states and the AC (Young, 2009b). The AC launched numerous initiatives in response: it elaborated on the criteria for admission of new Observers in Nuuk in 2011, accepted new Observers at the Ministerial Meetings in 2013 and 2017, opened a permanent secretariat in Tromsø in 2013 and facilitated the creation of new regional bodies, including the Arctic Economic Council (AEC), the Arctic Offshore Regulators Forum and the Arctic Coast Guard Forum. Moreover, it served as a venue for the negotiation of the first legally binding circumpolar agreements—on search and rescue, signed in conjunction with the AC's Ministerial Meeting in 2011; on marine oil pollution, concluded in 2013; and on enhancing international Arctic scientific cooperation, signed in 2017. Since the AC has no independent legal personality, none of these agreements are attributed to the AC itself. Instead, they were concluded among the eight Arctic states, with a focus on a particular aspect of cooperation in the circumpolar region. Yet even though the official function of the AC was to serve as a catalyst for their launch and a forum for their negotiation, the agreements also triggered discussion about the AC moving from a policy-shaping towards a policy-making body, a development praised by many and further reaffirmed by Arctic Ministers in their statement "Vision for the Arctic" (Arctic Council, 2013c).

All three agreements originated from the respective Task Forces, a new element in the institutional architecture of the AC that was established for the first time by Arctic Ministers in 2009 to target specific issues and deliver concrete results within a set timeframe. In order to enhance the ability of the AC and its bodies to work together as a coherent whole, the AC embarked in 2017 on the development of its first strategic plan, which was originally expected to be delivered to Arctic Ministers at their meeting in Rovaniemi, Finland, in 2019 (Arctic Council, 2017).

Over the course of its 20-year lifespan the AC, while largely retaining the format put in place in 1991, evolved significantly

https://doi.org/10.1017/S0032247419000263 Published online by Cambridge University Press

in its stature and reach (Exner-Pirot, 2016). In 2013 Arctic Ministers gathered in Kiruna, Sweden, acknowledged "the leadership of the AC in taking concrete action to respond to new challenges and opportunities" (Arctic Council, 2013b), and in 2017 they celebrated the emergence of the AC as the "preeminent intergovernmental forum for the Arctic Region" (Arctic Council, 2017). Observers of Arctic affairs widely view the AC as the centrepiece of modern Arctic governance. Yet most recent developments point to the proliferation and sectoral fragmentation of instruments and arrangements for governing Arctic issues. They include, among others, the emergence of the Arctic Science Ministerial Meetings (2nd Arctic Science Ministerial, 2018), the recent adoption of an agreement on unregulated fishing in the Central Arctic Ocean (CAO) by the so-called Arctic Five—Canada, Denmark (Greenland and the Faroe Islands), Norway, Russia, the USA—and five major distant fishing powers—China, Iceland, Japan, South Korea and the EU, further work of the International Maritime Organization (IMO) on the Polar Code and a growing number of bilateral contacts between Arctic states and non-Arctic states interested in economic cooperation in the region (TASS, 2018). The question of how the AC can adapt to emerging and evolving circumstances has become one of its most critical and complex problems (Young, 2009a). Resolving this issue requires close consideration of the position and role of the AC in the growing panoply of Arctic arrangements, and of how to improve the fit and build the resilience of the AC in this new context. The examination in the next section of the reform proposals put forward for the AC seeks to inform this debate.

Reform proposals for the Arctic Council

The catalogue of problems impeding the work of the AC is well known and has remained relatively constant over most of the AC's lifespan (Graczyk, 2012). Since the start it has included questions related to the AC's legal basis, its limited and obfuscated mandate, its lack of institutional memory and secretarial services, its unstable project financing systems and the overlapping mandates and activities of the Working Groups (Conley & Melino, 2016; Haavisto, 2001; Supreme Audit Institutions of Denmark, Norway, the Russian Federation, Sweden and the United States of America, 2015). Moreover, the AC has been regularly criticised for its restricted visibility among northern residents, national agencies and a broader international audience; its insufficient communication and outreach; and the absence of mechanisms for monitoring the implementation of the voluntary recommendations and guidelines produced by the AC and its subsidiary bodies (Koivurova, 2003; Turunen & Kankaanpää, 2002; WWF Arctic Programme, 2017).

Academics and practitioners have floated numerous proposals to address these deficiencies, whose effects have been exacerbated by rapid transformation in the Arctic and by the international community's steadily growing interest in the north. For the purpose of this analysis, those proposals are divided into three categories: legal reforms, organisational reforms and functional reforms. The discussion of each category includes both a description of the proposals included therein and an assessment of their merits.

Legal reforms

Proposals for strengthening the AC and Arctic governance by means of an overarching, legally binding treaty have been put forward since the time of the AC's establishment. Arguably, many of these suggestions are rooted in a widespread tendency to think of regimes primarily in regulatory terms. Following this line of reasoning, legally binding solutions appear as the best way to assure actors' compliance with prescribed norms and requirements.

Description of legal reform proposals for the Arctic Council

The first phase of circumpolar cooperation between the eight Arctic states focused on the protection of the natural environment with the formation in 1991 of the AEPS. In the eyes of many legal scholars and conservationist non-governmental organisations, this effort rendered valid comparisons between the two polar regions, the Arctic and Antarctic, and their respective governance arrangements (Nowlan, 2001). These comparisons have continued since the founding of the AC. Even recognising the key differences between the two poles in terms of population, sovereignty and military and industrial activity, the Antarctic Treaty System (ATS)—the Antarctic Treaty and its related agreements that regulate international relations with respect to Antarctica—appealed to those Arctic observers who viewed the weak legal basis of the AC as one of its most significant shortcomings (Koivurova, 2003). Even if some of the AC's work was useful—such as its role in reviewing international environmental regulations and treaties applicable to the Arctic and producing environmental protection guidelines—obtaining the authority to impose binding international obligations appeared to many to be the only credible route for the AC in light of new environmental and social problems in the region (VanderZwaag, Huebert, & Ferrara, 2001). With environmental regulation within the sole jurisdiction of individual Arctic states, it was hard for some to see "how much sustainable development … [the Council] could bring to the resource-rich Arctic region" (Koivurova, 2003, p. 187). Specific proposals put forward to formalize the functions of the AC were enmeshed in discussions about a comprehensive, legally binding agreement for the Arctic region, even if opinions varied among the reforms' proponents regarding the viability of any major renewal of the AC (Koivurova, 2003; Nowlan, 2001).

The discussion of the adequacy of existing Arctic governance arrangements became particularly heated in 2007–2008 (Young, 2009c). This period coincided with the 10th anniversary of the AC, which presented an occasion for an assessment of its contributions to environmental protection and sustainable development in the north. Despite noting the AC's success in sponsoring scientific assessments, bringing Arctic perspectives to international negotiations and providing a new model for the participation of indigenous peoples in intergovernmental initiatives, some scholars did not view the AC's overall accomplishments favourably. In their evaluation, the AC had found limited success in pursuing its objectives of the AEPS at the national level, conceivably due to the body's soft-law basis and resulting lack of a legal mandate (Koivurova & VanderZwaag, 2007). Koivurova and Vanderzwaag argued that "in order for the Arctic Council and its participants to make *management* impacts" (emphasis by this author) (Koivurova & VanderZwaag, 2007, p. 157), they need to be able to influence the content of national environmental laws and the implementation of relevant regulations in the Arctic region. Accordingly, to remedy the situation, the AC would need a firm legal foundation, as well as structural and financing reform. Such changes would allow the AC to respond to looming developmental challenges and would represent a maturation of regional cooperation (Koivurova & VanderZwaag, 2007). Notwithstanding the strong arguments they identified in favour of such a solution, Koivurova and Vanderzwaag did not consider such prospects

https://doi.org/10.1017/S0032247419000263 Published online by Cambridge University Press

likely and instead expected the AC "at least in the near term … to continue soft sledding, flexibly and opportunistically moving ahead without a binding, region-wide agreement" as a discussion and catalytic forum with a " 'study and talk' mentality" rather than a regulatory or decision-making entity (Koivurova & VanderZwaag, 2007, p. 191). Furthermore, in Wilson's view, not pursuing a treaty-based AC has been a demonstration of weak levels of cooperation among Arctic states with respect to the AC (Wilson, 2016).

The melting of Arctic sea-ice and the 2007 planting of a Russian flag on the Arctic seabed gave many the impression—incorrectly—that an international law vacuum existed in the Arctic, in particular with respect to the Arctic Ocean. The response of scholars and practitioners took two general forms. On the one hand, some noted that the real problem was not a lack of relevant international regulation but "the gaps and shortcomings in adherence to global instruments and their implementation at the national and regional levels" (Corell, 2006; Molenaar, 2012, p. 556). Moreover, at a meeting in Ilullisat, Greenland, in 2008 five Arctic littoral states asserted that there is "no need to develop a new comprehensive international legal regime" to deal with emerging issues of governance relating to the Arctic Ocean (Ilulissat Declaration, 2008; see also Pedersen, 2012). On the other hand, a flood of proposals were put forward for "an international treaty for the protection of the Arctic, having as its inspiration the Antarctic Treaty" (European Parliament, 2008), various legally binding regional agreements (Casper 2009), the Arctic Ocean Framework Convention (Koivurova & Molenaar, 2010) and turning the AC into "a fully-fledged international organization through a treaty sanctioned by its member states" (Conference of Parliamentarians of the Arctic Region, 2012, p. 9).

The signing of the first legally binding agreement negotiated under the auspices of the AC at the Ministerial Meeting in Nuuk, Greenland, in 2011 put the discussion about strengthening the AC by means of a treaty more or less on hold. The Agreement on Cooperation in Aeronautical and Maritime Search and Rescue in the Arctic represented a new approach to responding to regional challenges associated with climate change, particularly those related to commercial shipping and the exploitation of offshore oil and gas deposits (Arctic Council, 2011b). Concurrently, while the agreement raised expectations about the AC moving from a policy-shaping to a policy-making role, the Arctic states have been adamant in rejecting any proposals for an overarching treaty, and nor has the AC engaged so far in any serious examination or reconsideration of its organisation. All changes to the AC's institutional structure have been made within its existing soft-law framework (Kao, Pearre, & Firestone, 2012; Koivurova, 2009).

Analysis of legal reform proposals for the Arctic Council

For the time being, the debate over a comprehensive Arctic Treaty and providing the AC with a treaty foundation appears to be largely resolved: Arctic pundits and practitioners agree that neither is desirable nor politically feasible in the current context. Yet it is important to consider arguments that question the usefulness of legally binding solutions as the primary means for the AC to address the challenges ahead. Importantly, it should be noted that this discussion does not serve as a critique of legal proposals in general, but rather it considers their usefulness in the case of the AC.

As the preceding section illustrates, proponents of a treaty basis for the AC largely thought of the role of the AC in regulatory terms (Koivurova, 2003) and in terms of making management impacts (Koivurova & VanderZwaag, 2007). There are, however, serious arguments against the AC taking on a regulatory role. Such arguments are based on three aspects of international norms—actor coverage, applicability and substantive strength—that are critical to any evaluation of their problem-solving potential. Whereas the criterion of applicability combines external coherence with other norms acknowledged by the international community and internal determinacy, the aspect of actor coverage concerns the involvement of those states whose participation is most important for solving the problem at hand. The third aspect, substantive strength, refers to the level, or standard, of contribution that a given norm can make to problem solving (Stokke, 2011, 2013). As argued, "[o]ther things being equal, opting for a norm-building niche makes good sense in effectiveness terms if an institution provides a more promising venue than others for raising the applicability, actor coverage, or substantive strength of normative commitments" (Stokke, 2013, p. 69) First, considering the nature of major issues on the Arctic agenda interconnected between regional and global levels, the AC's membership is not an optimal grouping for negotiating international norms with respect to those issues. Second, with regard to applicability, assuring the coherence of new regulations and norms with existing international regulatory frameworks presents a challenge: the dense network of arrangements relevant to the Arctic oftentimes does not leave much leeway for states to take unilateral action. A useful example here is shipping in Arctic waters that are covered by the United Nations Convention on the Law of the Sea (UNCLOS) and law of the sea, whose provisions allow coastal states only a fairly narrow regulatory competence beyond their territorial waters. Third, even if a lack of mandate to adopt binding rules does not prevent the AC from becoming a venue for states willing to negotiate and adopt a free-standing treaty to raise regional regulatory standards, the reality that the AC's members consist of states with varying interests restricts its potential to significantly elevate the substantive strength of any new regulations (Stokke, 2013). Such was the case with the Arctic Offshore Oil and Gas Guidelines: the strategic importance of hydrocarbon resources to certain Arctic states and the fact that new norms would have an asymmetrical effect on states endowed with petroleum reserves prevented the idea of binding regulations even from entering the agenda (Nilsson & Meek, 2016; Offerdal, 2007). Similarly, the two first legally binding agreements negotiated under the auspices of the AC, on search and rescue and on marine oil pollution preparedness and response, did not add much substantive strength to the commitments of Arctic states already codified under, respectively, the 1979 International Convention on Maritime Search and Rescue, the 1944 Convention on International Civil Aviation ("the Chicago Convention") and the 1990 International Convention on Oil Pollution Preparedness, Response and Co-operation. Accordingly, they were qualified by some scholars as capacity-enhancement, more than norm-creation, instruments, seeing they concern provision of relevant infrastructure, not the operation of vessels (Stokke, 2013).

Moreover, it is worth noting that most of the Arctic issues that arise and require governance solutions belong to the category of collaboration problems, not coordination problems—in the case of the latter, no actor would have any serious incentive to cheat on the clearly defined and adopted rules of behaviour (Snidal, 1985; Young, 1999). Instead, for most of the challenges facing the Arctic, various actors would in theory gain from violating the agreed rules of the game, as long as others did not make the same violations. Addressing collaboration problems in the context of an international body necessitates a permanent administrative

https://doi.org/10.1017/S0032247419000263 Published online by Cambridge University Press

apparatus to monitor the actions of all members, a mechanism for settling disputes over alleged violations and a coordinated response to violators. Moreover, it demands an authoritative interpretation of agreed rules on a regular basis (Young, 1999). Seeing how far the AC is, as of today, from any of these requirements, it is fair to conclude that it is poorly suited to effectively exercise a regulatory function or to occupy a norm-building niche with respect to most of the issues on Arctic agenda. Rather than providing a venue for binding negotiations, the AC is better positioned to support regulatory advances in broader issue-specific institutions such as the IMO (Stokke, 2013) or the United Nations Framework Convention on Climate Change. It is not through elaboration of new norms, but through development of reporting mechanisms and review procedures that the AC's capacity for problem solving could be enhanced (Dubois, Eichbaum, Shestakov, Sommerkorn, & Tesar, 2016; Supreme Audit Institutions of Denmark, Norway, the Russian Federation, Sweden and the United States of America, 2015).

Finally, it is worth reiterating that in recent years the setting in which the AC operates has been undergoing fundamental changes, many of which are expected to continue transforming Arctic landscapes and societies in the coming decades. It is important to develop tools that remain flexible enough to adjust to rapidly evolving circumstances and steadily advancing science. Laws typically "reflect the current needs and recognize the present values of society. As such, legal regulation is almost inevitably responsive; it can rarely anticipate or imagine future problems" (Shelton, 2000, p. 7). This does not need to be the case: the CAO fisheries agreement signed in October 2018 presents an excellent example of a precautionary approach to management in the area. Aside from a few exceptions, however, the feature of legal regulation as responsive rather than anticipatory strongly undermines the default argument that legally binding instruments and institutions are superior to non-legally binding ones.

Organisational reforms

Optimising the AC's institutional structure to improve its performance has always been high on the AC's agenda. As reported in the Norwegian audit of the AC, since 1996 there has been an ongoing discussion about the need to change the organisational structure of the AC and ways to improve its effectiveness (Supreme Audit Institutions of Denmark, Norway, the Russian Federation, Sweden and the United States of America, 2015). Proposals for reforming the AC's structure have come predominantly from Arctic state officials who, in accordance with the prevailing logic of national administration, have paid close attention to getting the AC's procedures "right" and operationalizing them in a manner that would allow countries to derive benefits from international collaboration, while still retaining full decision-making power and undertaking a minimal commitment. Such adjustments would not lead to the emergence of a new international body with independent personality and leeway to act unilaterally.

Description of organisational reform proposals for the Arctic Council

The first in a series of internal deliberations regarding AC reform came at the request of Arctic Ministers at the second Ministerial Meeting of the AC in Barrow, Alaska, in 2000. The main reason behind the Ministers' appeal to SAOs was that Working Groups established under the AEPS were folded into the AC, which led to some overlapping functions. To address the issue, the Finnish AC chair commissioned a study to "consider and recommend as appropriate ways to improve how work is structured in the Arctic Council" (Arctic Council, 2000). The report was prepared by Finland's former minister of environment, Pekka Haavisto, with assistance from the chairs of the AC Working Groups, and it concentrated on how to solve the AC's administrative problems. While recognising that the AC is "only a forum for governments and permanent participants, not a true international organization", which "make it sometimes more difficult to solve the problems", the study identified deficiencies in the body's structure and work (Haavisto, 2001). These included a lack of clear priorities within the AC, the ambiguous role of Observers, a gap between the scientific work carried under the Working Groups and the political guidance provided to them by SAOs, poor communication both among the Working Groups and between them and SAOs, the absence of institutional memory, the AC's vulnerable voluntary funding structure and inefficiencies resulting from the lack of a permanent secretariat.

Albeit outside of the direct mandate from the Arctic Ministers, Haavisto also raised in his report the inadequacy of the AC's response as international processes brought Arctic issues onto the global stage. In his view, the AC could be developed as "a powerful mouthpiece for the Arctic" (Haavisto, 2001, p. 25), but improvements to its administrative structures and internal coordination processes would first be needed in order to facilitate cooperation with other Arctic stakeholders. Among the major changes he proposed was to organise Ministerial-level meetings from relevant branches of national governments in an effort to ensure the long-term political commitment of Arctic countries, to elevate the role of SAOs who should "think how the Arctic Council could become a real mouthpiece for Arctic issues" (Haavisto, 2001, p. 40), and to create an equivalent of the Agenda 21 for the region—a comprehensive plan for sustainable development of the Arctic, combined with a financial plan for delivering it. With respect to the structure of the AC, Haavisto proposed a short-term solution—merging the existing five Working Groups and an Action Plan into four broad-based groups to avoid overlapping and optimise the use of resources—and a long-term solution: establishing a permanent secretariat. The secretariat's tasks would include assisting the rotating AC chair, coordinating Arctic projects and funding, managing an Arctic databank, negotiating with financing institutions and maintaining contacts with other organisations. The report argued that, in such a form, a permanent secretariat would help to strengthen the AC and its capacity to deal with new challenges facing the region (Haavisto, 2001).

Most of the ideas put forward by Haavisto were disregarded by SAOs in their report to Arctic Ministers in 2002. Pointing to a lack of consensus among Arctic states on the suggestions presented, the SAO report included neither the proposal for changes to the Working Group structure nor support for the establishment of a permanent secretariat with obligatory funding. The SAOs did, however, note that they needed to more carefully prepare and coordinate the mandates given to the Working Groups (Arctic Council, 2002).

The next time the Arctic states examined the organisation of the AC with a view to improve its effectiveness and efficiency was in 2006. The request for this review was included in the Salekhard Declaration issued by Arctic Ministers at the 10th anniversary of the AC, and commitments to initiate a restructuring process were part of the objectives issued jointly by Norway, the Kingdom of Denmark and Sweden for their AC Chairmanships from 2006 to 2012 (Arctic Council, 2006; Norwegian Chairmanship, 2006).

https://doi.org/10.1017/S0032247419000263 Published online by Cambridge University Press

The first step was the establishment of a joint secretariat in Tromsø, Norway, led by the Chair of SAOs. One could argue that it was during Norway's term at the helm of the AC that the Arctic experienced the transformative change to which Arctic states felt pressured to respond. These developments were noted by the SAOs in their report to the ministers meeting in Tromsø in 2009, where they wrote that "[i]n a relatively short period of time fundamental changes have occurred in relation to the circumpolar North. Since the Arctic Council Ministerial Meeting in Salekhard, Russia in 2006 the perception of the Arctic as a globally important region in biophysical and geopolitical terms has taken hold", which called "for more vigorous forms of leadership from the Arctic Council" (Arctic Council, 2009a, p. 2). As a result, in 2009 Arctic Ministers acknowledged "the leadership of the Arctic Council on Arctic challenges and opportunities" (Arctic Council, 2009b) and decided to strengthen the political role of the AC by holding a deputy minister-level meeting to discuss issues emerging between the regular biennial Ministerial Meetings. They also committed to continuing the discussion of how the AC could best be structured to fulfil its objectives, what the role of AC Observers should be and how to develop the AC's communication and outreach plan. Finally, taking advantage for the first time of a clause in the AC Rules of Procedure (Arctic Council, 1998), Ministers approved the establishment of two task forces, one on short-lived climate forcers and the other on search and rescue (SAR) (Arctic Council, 2009b).

International interest in the Arctic was visible in the pronounced increase in the number of applications for Observer status to the AC since early 2007—a development for which the AC was unprepared (Graczyk, 2012; Graczyk & Koivurova, 2013; Young, 2009b). The problem came to a head during the Danish Chairmanship (2009–2011), and at the 2011 Arctic Ministers meeting in Nuuk the representatives approved a more detailed set of criteria for the admission of new Observers to the AC, as well as the evaluation of previously admitted ones. Following from earlier discussions, it was at this meeting that the AC approved the decision to establish a permanent AC Secretariat in Tromsø, Norway and form the two new task forces (on institutional issues and Arctic marine oil pollution preparedness and response) and instructed SAOs to develop a strategic communications plan for the AC. Last but not least, in conjunction with the meeting the Arctic Ministers signed the Agreement on Cooperation in Aeronautical and Maritime Search and Rescue in the Arctic, the first legally binding treaty negotiated under the auspices of the AC, and they confirmed the AC's commitment to address emerging challenges in the Arctic "utilizing a wide range of approaches" (Arctic Council, 2011a).

The decisions made at the Ministerial Meeting in Nuuk in 2011 were implemented during the Swedish Chairmanship (2011–2013). The standing AC Secretariat with a stable budget shared by Arctic countries opened in January 2013, and in May of the same year Arctic Ministers gathered in Kiruna and signed their second legally binding agreement, the Agreement on Cooperation on Marine Oil Pollution Preparedness and Response in the Arctic. They also adopted the revised AC Rules of Procedure, approved six new Observers to the AC (including China, India, Japan, Singapore and South Korea) and established task forces to create a circumpolar business forum, to address black carbon and methane emissions reductions in the Arctic, and to work towards an arrangement on improved scientific research cooperation among the eight Arctic states (Arctic Council, 2013b). Simultaneously, in their "Vision for the Arctic" the Ministers announced that economic cooperation would be at the top of their agenda and that they would pursue an expansion of the AC's role from policy-shaping into policy-making (Arctic Council, 2013c). Two of the task forces that came out of the meeting in Kiruna completed their work by the end of the second Canadian Chairmanship (2013–2015) and precipitated the establishment of the AEC and the adoption of the Framework for Action on Enhanced Black Carbon and Methane Emissions Reductions, another novel instrument in the AC's portfolio, at the Ministerial Meeting in Iqaluit in 2015 (Khan, 2017; Shapovalova, 2016). At the same meeting, Arctic Ministers affirmed "the important leadership role of the Council in taking concrete action through enhanced results-oriented cooperation" (Arctic Council, 2015), which manifested in the third legally binding agreement, the Agreement on Enhancing International Arctic Scientific Cooperation, signed in conjunction with the 10th Ministerial Meeting of the Council in 2017 in Fairbanks, Alaska. In Fairbanks the AC also accepted seven new Observers (six international organisations and one state, Switzerland); updated its Communications Strategy; adopted the Communications and Outreach Guidelines that specify the roles of the AC's Chairmanship, Member States, Permanent Participants, Subsidiary Bodies and the AC Secretariat when communicating externally on the AC; and approved the Working Group Common Operating Guidelines framing and standardising their working procedures. Finally, the Fairbanks declaration included a request to SAOs to develop a strategic plan for the AC (Arctic Council, 2017). Finland has taken this on as one of its main tasks during its second AC Chairmanship (2017–2019), and while the plan was originally expected for approval by Ministers in 2019, negotiations over its final text broke down in the end and instead the Rovaniemi Chairman's Statement instructed SAOs to continue strategic planning for the AC.

In addition to changes debated and undertaken within the AC, the scholarly and NGO communities have also made proposals for restructuring the AC. Some of these proposals involve realigning and streamlining the working groups (Nilsson, 2012), greater participation of sub-state actors and regional governments (Kankaanpää, 2012) and expanding the role and capacities of the secretariat by elevating the position of executive director to one of secretary general (Conley & Melino, 2016; Graczyk, 2012). Others have put forward innovative ideas to enhance the existing architecture of the AC by adding subsidiary bodies tasked with knowledge generation, and issuing recommendations and operationalization and implementation of reforms (Dubois et al., 2016). Another study with input from individuals involved in AC operations proposed restructuring the AC to ensure the inclusion of relevant ministries and departments from Arctic states and elevating the Sustainable Development Working Group from one among six Working Groups to a body for promoting dialogue on sustainable development and managing interactions across different sectors and interest and knowledge groups like local and regional leaders, the business community and non-governmental organisations (Kankaanpää & Young, 2012). None of these suggestions, however, have been deliberated within the AC.

Analysis of organisational reform proposals for the Arctic Council

Thus far, reforms to the AC have been carried out under mandates to improve how work is structured in the AC and to examine the organisation of the AC with a view to improve its effectiveness and efficiency. Apart from considering an appropriate role for the AC in an early work by Haavisto, however, little consideration has been given by SAOs to enhancing the functions of the AC in areas where it has been most successful: "improving the knowledge base for environmental measures; preparing practical guidance on how

https://doi.org/10.1017/S0032247419000263 Published online by Cambridge University Press

to reduce risks associated with activities that involve threats to the Arctic environment; highlighting in broader regulatory fora the Arctic dimension of problems; and supporting the capacity of Arctic states to implement existing commitments" (Stokke, 2007, p. 10). Overall the reforms in this category, rather than focusing on how the AC could best be positioned to respond to challenges in the region, predominantly aim to streamline the organisation of the AC's work, much in line with the logic of national administrations and bureaucracies. Consequently, one might argue that this cluster of reforms emphasises the efficiency, more than the effectiveness, of the AC. While efficiency is indisputably of great value to a forum whose financial basis has always been tenuous and whose workload has been steadily increasing since its establishment, the concept should not be conflated and confused with effectiveness.

Moreover, some of the advanced reforms and developments within the institutional architecture of the AC could even be seen as undermining both its efficiency and its effectiveness. Among other changes, the increasing use of task forces to address specific issues has raised questions about a fragmentation of the AC and competition within the body over limited human and financial resources. Permanent Working Groups and ad-hoc task forces and expert groups sometimes have overlapping mandates, and the division of work among them is not always clearly specified (Rottem, 2016; Supreme Audit Institutions of Denmark, Norway, the Russian Federation, Sweden and the United States of America, 2015). Thus, while many of the task forces have delivered concrete results, not least paving the way for legally binding circumpolar agreements and establishing satellite bodies such as the AEC, from the perspective of efficiency and effectiveness their roles might yet deserve further consideration. As some scholars have suggested, the increasing focus of Arctic officials on the AC's decision-making capacity—reflected in the growing number of task forces—might come at the cost of eroding the AC's processes for co-production of knowledge, which in the past have contributed to the AC's most notable successes (Spence, 2017). Finally, it is worth mentioning that there are limits to what any institution, regardless of how efficiently it is managed, can achieve with the funding it receives. From the outset, financial constraints have been a serious obstacle to realising the AC's full potential: this has undercut or delayed projects and made it difficult for Permanent Participants to be actively involved across the full spectrum of the AC's activities. The case for reforming the financial basis of the AC has been raised since the AC's inception, yet these arguments have so far fallen on deaf ears.

The recommendations put forward by experts and scholars on the matter of strengthening the AC's capabilities have been met with limited attention from the governments of Arctic states (Graczyk, 2012), which are typically more occupied with streamlining workflows and ensuring a clear division of roles and responsibilities than they are with optimising the resourcefulness and effectiveness of a flexible institution. This, however, should not excuse a critical observer of Arctic affairs from careful differentiation between streamlining the AC to boost its efficiency—covered mostly in this section—and measures that could make the AC more effective, especially in light of dynamic context in which the AC operates—as carried further in the subsequent part, on functional reforms.

Functional reforms

Proposals included in the category of functional reforms stem from considerations of the bigger picture of Arctic governance and the position of the AC within this institutional landscape. While they too include recommendations for organisational adjustments, they focus overall on the function that the AC is best made to serve given the present and emerging challenges in the region.

Description of functional reform proposals for the Arctic Council

Towards that goal, as early as 2000 Oran R. Young considered the role and development of the AC against the backdrop of institutional and international developments over the following 5–10 years. Like Haavisto, he recognised the AC's severe limitations—it had no organisational capacity (such as an administrative body endowed with personnel and offices), resources of its own or authority to make binding decisions. Yet where Haavisto focused on the AC in its existing shape, to Young, the AC at that time was more "a proto-regime that may or may not evolve over time into a fully-fledged regime for the circumpolar world" (Young, 2000, p. 6).

Consequently, rather than assessing its effectiveness, Young evaluated the performance of the AC in terms of what it could do to generate positive outcomes for the region. His 5–10-year strategy for the AC was built around four recommendations: to focus on region-wide issues, to concentrate on work in areas in which it has a distinct advantage, to devise a well-defined division of labour both within its programmatic activities and in its interactions with other Arctic-related bodies and to make a concerted effort to avoid the perception that the AC is an enterprise controlled by officials from national capitals (Young, 2000). With institutional interplay becoming more and more important in the increasingly dense landscape of issue-specific arrangements in the Arctic, the AC should supply evidence to and amplify the voices of Arctic stakeholders in all relevant global forums, as exemplified by the work of its Arctic Monitoring and Assessment Program and its contributions to the negotiations of the Stockholm Convention on Persistent Organic Pollutants. Moreover, in Young's view, the AC had a role to play in setting the policy agenda for the circumpolar north and in framing the issues deliberated by national policy-makers. Finally, while he did not exclude the possibility that the AC would develop a regulatory capacity over time, he did not foresee this in the immediate future and, perhaps more importantly, he did not regard the AC's informal character "as a defect to be remedied as soon as possible" (Young, 2000, p. 10).

The same points were reiterated by the Arctic Athabaskan Council, one of the Permanent Participants to the AC, in its discussion paper on improving the efficiency and effectiveness of the AC presented to the AC in 2007. The paper was generated in response to a request from the Arctic Ministers in the 2006 Salekhard Declaration, and it recalled both Young's and Haavisto's arguments for reforming the AC. From the Arctic Athabaskan Council (AAC). ALTERNATIVELY, the AAC can be introduced in brackets after the Arctic Athabaskan Council in lines 765–766, then here it could stay only as the AAC. AAC's perspective, as the world's interest in the region mounted, one of the most important questions to consider was the ability of the AC to communicate and interact with both Northern residents and non-Arctic states and global institutions, the latter of which have had a growing influence on the well-being of Arctic indigenous inhabitants (Arctic Athabaskan Council, 2007). Accordingly, the AAC saw the AC as "a good vehicle to articulate Arctic perspectives on issues to the international community"—a vehicle that needs, however, to improve its functional capacity in order to increase its global credibility and influence. To carry out this task, the AAC proposed the creation of a task force to discuss

https://doi.org/10.1017/S0032247419000263 Published online by Cambridge University Press

topics including the direction, structure, procedures, priorities, financing, relationships and communications of the AC (Arctic Athabaskan Council, 2007). It recommended two principles to guide SAOs in their decision whether to set up such a task force: "seeing the big picture" rather than "foundering on a narrow appreciation of national interests and a parochial attachment to the Council's institutional architecture", and allowing form to follow function, pointing out that "[i]t is all very well to rationalize and restructure the working groups, but if this exercise is to increase the Council's effectiveness as well efficiency … [f]ocusing on past overlaps and friction between the working groups is only a part, and a relatively small part, of a reform agenda" (Arctic Athabaskan Council, 2007, p. 9). The AAC's idea for a task force was not, however, picked up and taken any further, and the Task Force for Institutional Issues that was eventually established in 2011 has a much more limited and narrowed mandate.

As discussed earlier, the events of 2007–2009 and the increasing accessibility of the Arctic Ocean occasioned proposals for legally binding solutions. International relations scholars, however, were largely sceptical of the political feasibility of these ideas. They also questioned whether these proposals could effectively address the major governance challenges in the Arctic, characterised by rapidly shifting circumstances and inevitably linked to the impact of outside forces on the region (Stokke, 2006; Young, 2009c). Nonetheless, they also saw the need to renew and enhance the role of the AC, building on its strengths and accomplishments: its influence in setting the Arctic policy agenda, its ability to amplify the voices of Arctic actors in various global settings and the opportunity it provided for indigenous peoples to engage in and shape policy discussions and decisions. According to those scholars, members of the AC should make a concerted effort to enhance the institution's role in raising awareness among outsiders to the region's vulnerability to stresses resulting from human activities far to the south. To that end, the AC should expand opportunities for certain non-Arctic states and non-state actors to participate in its activities, including representatives from lower levels of government, the business community and civil society (Spence, 2013; Young, 2009b). Finally, given the existence of various issue-specific regulatory arrangements relevant to the Arctic, the AC, rather than seeking regulatory capacities for itself, should play the role of facilitator, particularly at its biannual meetings, addressing any problems resulting from the interplay of those distinct arrangements and resolving any inefficiencies (Young, 2009b). This charge to "strengthen this complex by ensuring that all these entities are joined together in a mutually supportive manner to form an interlocking suite of governance systems for the Arctic in which the idea of stewardship is central" was also taken on in the Arctic Governance Project, an initiative of preeminent Arctic researchers, members of the policy community and representatives of indigenous peoples (Arctic Governance Project, 2010, p. 13). The strategy it proposed in 2010 for sustainability in the Arctic was based on a division of labor among individual bodies, UN agencies and programs engaged in activities relevant to Arctic governance, where "functional overlaps are addressed, and gaps in the existing architecture of governance are filled" (Arctic Governance Project, 2010, p. 10). In that context, the AC should act as a policy-shaping entity, providing support to decision makers at both national and international levels. Furthermore, recognising the inadequacy of sector-specific approaches to the increasingly interlinked components of marine and terrestrial systems, the project's contributors conceived of the AC's role as institutionalising integrative practices in Arctic policy-making such as ecosystem-based management and comprehensive impact assessments (Arctic Governance Project, 2010; The Aspen Institute, 2011). The same calls have been repeated by others who consider the AC to be particularly well suited to serve as a coordinating hub for a network of international agreements (legally and non-legally binding) and organisations related to the Arctic. In this scenario, the AC System, in its original or an adjusted form, would become the centre of the wheel of Arctic governance (Eichbaum, 2013; Molenaar, 2012).

Analysis of functional reform proposals for the Arctic Council

The authors considering functional reforms to the AC focused on identifying the optimal role for the AC and the framework under which the body can increase its effectiveness in promoting environmental protection and sustainable development in the Arctic. This is unsurprising, given that the main contributors in this cluster are also among the leading authors in the field of regime theory, looking particularly at international environmental regimes and their effectiveness. Accordingly, the proposals they have put forward for the AC rank high in terms of their potential to tailor the AC's function to the biophysical and socioeconomic context in which it operates. Those authors have also been attentive to the continuously shifting nature of circumstances in the Arctic and beyond, a reality that is unlikely to change in the coming decades. Many of the concrete measures they suggested have been adopted by the AC, though it should be stressed that many of these proposals have also been put forward by commentators not discussed as part of this category. The implemented measures have included, among others, the establishment of an explicit mechanism, in the form of the AEC, for the business community to provide regular input to the work of the AC, the creation of a permanent secretariat for the AC and the admission of key non-Arctic states as AC Observers. Other recommendations—such as securing a reliable funding mechanism or creating more systematic channels of communication and interaction with sub-state authorities—were not taken up by the AC, despite widespread support among Arctic scholars and practitioners.

The main issues raised among authors taking the functional approach have been, in accordance with recent findings in more generalised research on international regimes, questions of institutional complexes, institutional interplay and interplay management. Those questions have informed recommendations set forth by Young, Stokke, the Arctic Governance Project and, albeit implicitly, the AAC. Where those proposals seemed to fall short, however, has been occasionally in terms of their specificity; prescribed solutions have included insufficient levels of detail and practical guidance for implementation, for instance, on how the promoted constructive interplay among various bodies relevant to the Arctic could be achieved and enhanced. This deficiency could have compromised the relevance and applicability of the above recommendations to discussions among Arctic decision-makers and AC officials, despite offering the best chance to address emerging challenges in the evolving context of Arctic governance.

In sum, ideas to reform the AC have been floated in abundance from the body's inception. In addition to the ones presented earlier, voices proposing reform have regularly included those suggesting a broadened mandate to include in the AC's remit questions of military security (Huebert, 2016; Nord, 2016), even advising that the AC be turned into the equivalent of the Organization for Security and Co-operation in Europe (OSCE) for the Arctic (Conley & Melino, 2016), as well as those who caution against such an expansion of the AC's responsibilities (Byers, 2016). The discussion in this paper of three categories of reform served to elucidate their applicability to

https://doi.org/10.1017/S0032247419000263 Published online by Cambridge University Press

the case of the AC and their adequacy from the perspective of the challenges facing the Arctic, not as a broader critique of the major schools of thought behind them. This analysis of AC reform proposals reveals that certain ideas for strengthening the AC like providing it with a treaty foundation or streamlining its workflows have been systematically promoted from the outset, irrespective of changes in the international and Arctic natural environment. This indicates that, oftentimes, the ideas put forward by various authors stem predominantly from their general thinking about what constitutes an effective means of international collaboration and addressing environmental problems, rather than from a consideration of the specific conditions of the Arctic and the AC. This is an important inference, given the unrelenting change happening in both Arctic and global socio-environmental settings. This transformation calls into question the usefulness of past modes of thinking and forms of international cooperation. Far from offering solutions, their continuous application in particular circumstances might even impede progress in addressing present challenges.

Conclusions

The 20-year history of the AC represents a remarkable evolution of a body that, surpassing the expectations of some of its founders and most observers, developed into the primary forum for the discussion of Arctic issues. Throughout its existence the AC has provided valuable contributions to Arctic governance, advancing circumpolar diplomacy and the development of peaceful relations in the region. The list of proposals for reform of and adjustment to the AC has meanwhile been growing alongside the increasing number of issues and projects on the AC's agenda.

The paper examined those proposals grouped into three clusters: legal reforms, organisational reforms and functional reforms. From the analysis conducted here, a few conclusions become clear. First, the AC is not well suited to serve a legally binding regulatory function and instead of spending energy on legal hardening of states' commitments, it would benefit more from enhancing reporting and review procedures of existing soft norms and guidelines. Second, changes to streamline AC's work and structure, set forth much in line with the logic of national administrations and bureaucracies, should be viewed more as measures aimed to increase efficiency, not necessarily the effectiveness of the AC. Whereas enhancing efficiency is of unquestionable importance to a forum with a constantly tenuous financial basis, the two concepts—of efficiency and effectiveness—should not be conflated and confused. Finally, when it comes to functional reform proposals contextualised to Arctic political, environmental and legal realities, they have ranked the highest in terms of their potential to tailor the AC's role to the setting in which it operates and to the fluid nature of circumstances in the region and beyond. Where they seemed to have occasionally fallen short, however, is in terms of their insufficient level of details—the deficiency that, if addressed, could conceivably enhance them even further.

The persistence of the proposals and ideas discussed earlier—particularly with respect to legal and organisational reforms—can largely be attributed to the assumptions their proponents make about the nature of state actors and their motivations, as well as about what constitutes an effective measure or instrument in the realm of international relations, oftentimes implicitly and without attending to the particular conditions in the case study at hand (Hasenclever, Mayer, & Rittberger, 1996). The need to be aware of this tendency, and to pay careful attention to how well prescribed measures match the nature of the issues to be addressed, is the primary lesson one should take from this examination of past proposals for the reform of the AC.

Should the AC stay attuned to the shifting contexts likely to characterise the Arctic in the coming decades—and attentive to responding to them in an adequate and creative manner—it can once more stand at the forefront of innovative governance. Yet, the "(re)formation and implementation of institutions is a political process all the way down [and] ... there is no substitute for the exercise of political will" (Young, 2008, p. 125) by members of any social system. In that sense, the AC is no different from any other institution, and it remains an open question whether Arctic states will resist falling back into traditional patterns of behaviour and instead seek new and more effective responses to the region's rapidly changing circumstances.

References

2nd Arctic Science Ministerial. (2018). *Joint Statement of Ministers on the Occasion of the Second Arctic Science Ministerial*. Berlin: Federal Republic of Germany.

ACIA. (2005). *Arctic Climate Impact Assessment*. New York: Cambridge University Press.

Arctic Athabaskan Council. (2007). *Improving the efficiency and effectiveness of the Arctic Council: A discussion paper*. URL: http://www.arcticgovernance.org/getfile.php/953438.1529.pavwstvrfe/AAC+Arctic+Council+future+Dec+2006.pdf (accessed 12 January 2019).

Arctic Council. (1996). *Declaration on the Establishment of the Arctic Council*, Ottawa, Canada.

Arctic Council. (1998). *Arctic Council Rules of Procedure (as Adopted by the Arctic Council at the First Arctic Council Ministerial Meeting*, Iqaluit, Canada, 17–18 September 1998) (pp. 1–11).

Arctic Council. (2000). *Barrow Declaration on the Occasion of the Second Ministerial Meeting of the Arctic Council*, Barrow, Alaska, USA, 13 October 2000.

Arctic Council. (2002). *SAOs Report to Ministers on the Review of the Arctic Council Structures. Annex 1 to the SAO Report to the Ministers*. Ministerial Meeting of the Arctic Council, Inari, Finland, 9–10 October 2002.

Arctic Council. (2006). *Salekhard Declaration on the Occasion of the Tenth Anniversary of the Arctic Council. Fifth AC Ministerial Meeting*, Salekhard, Russia, 26 October.

Arctic Council. (2009a). *Senior Arctic Official (SA0) Report to Ministers*, Tromsø Norway, April 2009.

Arctic Council. (2009b) *Tromsø Declaration on the Occasion of the Sixth Ministerial Meeting of the Arctic Council*, Tromsø, Norway, 29 April 2009.

Arctic Council. (2011a). Nuuk Declaration on the Occasion of the Seventh Ministerial Meeting of the Arctic Council, Nuuk, Greenland, 12 May 2011.

Arctic Council. (2011b). Senior Arctic Officials (SAO) Report to Ministers, Nuuk, Greenland, May 2011.

Arctic Council. (2013a). Arctic Council rules of procedure. Revised by the Arctic Council at the Eight Arctic Council Ministerial Meeting, Kiruna, Sweden, 15 May 2013.

Arctic Council. (2013b). *Kiruna Declaration*.

Arctic Council. (2013c). *Vision for the Arctic*.

Arctic Council. (2015). *Iqaluit Declaration 2015 on the Occasion of the Ninth Ministerial Meeting of the Arctic Council*, Iqaluit, Canada, 24 April 2015.

Arctic Council. (2017). *Fairbanks Declaration on the Occasion of the Tenth Ministerial Meeting of the Arctic Council*, Fairbanks, Alaska, USA, 11 May 2017.

Arctic Governance Project (Ed.). (2010). *Arctic Governance in an Era of Transformative Change: Critical Questions, Governance Principles, Ways Forward*.

Bloom, E. (1999). Establishment of the Arctic Council. *American Journal of International Law*, *93*(3), 712–722.

Borgerson, S. G. (2008). Arctic meltdown. The economic and security implications of global warming. *Foreign Affairs*, *87*(2), 63–77.

https://doi.org/10.1017/S0032247419000263 Published online by Cambridge University Press

Byers, M. (2016). The Arctic Council: Maintaining peace through cooperation. *The UArctic Magazine Shared Voices*. Special Issue. Arctic Council at 20, 36–37.

Casper, K. (2009). Oil and gas development in the Arctic: Softening of ice demands hardening of international aw. *Natural Resources Journal*, *49*(3/4), 825–881.

Conference of Parliamentarians of the Arctic Region. (2012). *The 10th Conference of Parliamentarians of the Arctic Region*. Conference Report. Akureyri, Iceland.

Conley, H. A., & Melino, M. (2016). *An Arctic Redesign. Recommendations to Rejuvenate the Arctic Council*.

Corell, H. (2006). *Innovation in the Arctic Governance: The Possibilities and Limitations of a Binding Legal Regime for the Artic*, Kiruna, Sweden.

Dubois, M.-A., Eichbaum, B., Shestakov, A., Sommerkorn, M., & Tesar, C. (2016). Arctic Council upgrade : WWF Arctic programme policy note. Arctic Yearbook 2016. The Arctic Council: 20 Years of Regional Cooperation and Policy-Shaping, 103–108.

Eichbaum, W. M. (2013). Arctic stewardship: The evolution of a new model for international governance. *Environmental Law Reporter*, *43*(10), 10863–10868.

English, J. (2013). *Ice and Water. Politics, Peoples, and the Arctic Council*. Toronto: Penguin Group.

European Parliament. (2008). *Resolution of 9 October 2008 on Arctic Governance*. Brussels: European Parliament.

Exner-Pirot, H. (2016). The Arctic Council, a victory for soft law & soft security. *The UArctic Magazine Shared Voices. Special Issue*. Arctic Council at 20, 34–35.

Fenge, T. (2013). The Arctic Council: Past, present, and future prospects with Canada in the chair from 2013 to 2015. *The Northern Review*, *37*(Fall 2013), 7–35.

Fenge, T., & Funston, B. (2015). *The Practice and Promise of the Arctic Council. Independent Report Commissioned by Greenpeace*.

Graczyk, P. (2011). Observers in the Arctic Council—evolution and prospects. *Yearbook of Polar Law*, *3*, 575–633.

Graczyk, P. (2012). The Arctic Council inclusive on non-Arctic perspectives: seeking a new balance. In T. S. Axworthy, T. Koivurova, & W. Hasanat (Eds.), *The Arctic Council: Its Place in the Future of Arctic Governance* (pp. 261–305). Munk-Gordon Arctic Security Program.

Graczyk, P., & Koivurova, T. (2013). A new era in the Arctic Council's external relations? Broader consequences of the Nuuk observer rules for Arctic governance. *Polar Record*, 1–12. doi: 10.1017/S0032247412000824

Graff, J. (2007, September 19). Fight for the top of the world. *Time*.

Haavisto, P. (2001). Review of the Arctic Council Structures. Consultant's Study Prepared for the Third Ministerial Meeting of the Arctic Council, Inari, Helsinki, Finland, 9–10 October 2002.

Hasenclever, A., Mayer, P., & Rittberger, V. (1996). Interests, power, knowledge: The study of international regimes. *Mershon International Studies Review*, *40*(2), 177–228.

Huebert, R. (2016, September 19). Evaluating the Arctic Council at 20 (Or 27!). *World Policy Blog. Arctic in Context*. URL: http://www.worldpolicy.org/blog/2016/09/19/evaluating-arctic-council-20-or-27 (accessed 10 January 2019).

Ilulissat Declaration. (2008). *Arctic Ocean Conference*, Ilulissat, Greenland, 27–29 May 2008.

Kankaanpää, P. (2012). Knowledge structures of the Arctic Council: For sustainable development. In T. S. Axworthy, T. Koivurova, & W. Hasanat (Eds.), *The Arctic Council: Its Place in the Future of Arctic Governance* (pp. 83–112). Munk-Gordon Arctic Security Program.

Kankaanpää, P., & Smieszek, M. (Eds.). (2014). *Assessments in Policy-Making: Case Studies from the Arctic Council. Preparatory Action, Strategic Environmental Impact Assessment of development of the Arctic*. Arctic Centre, University of Lapland.

Kankaanpää, P., & Young, O. R. (2012). The effectiveness of the Arctic Council. *Polar Research*, *31*, 1–14.

Kao, S. M., Pearre, N. S., & Firestone, J. (2012). Adoption of the arctic search and rescue agreement: A shift of the Arctic regime toward a hard law basis? *Marine Policy*, *36*(3), 832–838. doi: 10.1016/j.marpol.2011.12.001

Khan, S. A. (2017). The global commons through a regional lens: The Arctic Council on short-lived climate pollutants. *Transnational Environmental Law*, *6*(01), 131–152. doi: 10.1017/S2047102516000157

Koivurova, T. (2003). The Limits of the Arctic Council, 186–188. URL: http://www.rha.is/static/files/NRF/OpenAssemblies/Oulu2006/project-legal_koivurova.pdf (accessed 12 December 2018).

Koivurova, T. (2009). Limits and possibilities of the Arctic Council in a rapidly changing scene of Arctic governance. *Polar Record*, *46*(02), 146. doi: 10.1017/S0032247409008365

Koivurova, T., & Heinämäki, L. (2006). The participation of indigenous peoples in international norm-making in the Arctic. *Polar Record*, *42*(221), 101–109.

Koivurova, T., & Molenaar, E. J. (2010). *International Governance and Regulation of the Marine Arctic: Overview and Gap Analysis*. Oslo: WWF International Arctic Programme. doi: 10.4337/9781781009413.00012

Koivurova, T., & VanderZwaag, D. (2007). The Arctic Council and 10 years: Retrospect and prospects. *University of British Columbia Law Review*, *40*(1), 121–194.

Molenaar, E. J. (2012). Current and prospective roles of the Arctic Council system within the context of the law of the sea. *The International Journal of Marine and Coastal Law*, *27*. doi: 10.1163/15718085-12341234

Nilsson, A. E. (2012). Knowing the Arctic: The Arctic Council as a cognitive forerunner. In T. S. Axworthy, T. Koivurova, & W. Hasanat (Eds.), *The Arctic Council: Its Place in the Future of Arctic Governance* (pp. 190–224). Munk-Gordon Arctic Security Program.

Nilsson, A. E., & Meek, C. L. (2016). Learning to live with change. In M. Carson & G. Peterson (Eds.), *Arctic Resilience Report* (pp. 147–161). Stockholm: Stockholm Environment Institute and Stockholm Resilience Centre.

Nord, D. C. (2016). *The Arctic Council. Governance Within the Far North*. London and New York: Routledge.

Norwegian Chairmanship. (2006). Common objectives and priorities for the Norwegian, Danish, Swedish chairmanships of the Arctic Council (2006–2012).

Nowlan, L. (2001). *Arctic Legal Regime for Environmental Protection*. IUCN Environmental Policy and Law Paper No. 44. IUCN Environmental Law Programme.

NSIDC. (2009, October 6). Arctic sea ice extent remains low; 2009 sees third-lowest mark. URL: https://nsidc.org/news/newsroom/20091005_minimumpr.html (accessed 10 January 2019).

Offerdal, K. (2007). Oil, gas and the environment. In O. S. Stokke & G. Honneland (Eds.), *International Cooperation and Arctic Governance. Regime Effectiveness and Northern Region Building* (pp. 138–163). London and New York: Routledge.

Pedersen, T. (2012). Debates over the role of the Arctic Council. *Ocean Development & International Law*, *43*(2), 146–156. doi: 10.1080/00908320.2012.672289

Rottem, S. V. (2016). *The Arctic Council: Vision, Structure and Participation*. Fridtjof Nansen Institute. FNI Report 4/2016.

Scrivener, D. (1999). Arctic environmental cooperation in transition. *Polar Record*, *35*(192), 51–58. doi: 10.1017/S0032247400026334

Sellheim, N. (2012). The establishment of the permanent Arctic Council Secretariat: Challenges and opportunities. In T. Axworthy, T. Koivurova, & W. M. Hasanat (Eds.), *The Arctic Council: Its Place in the Future of Arctic Governance* (pp. 60–82). Munk-Gordon Arctic Security Program.

Shapovalova, D. (2016). The effectiveness of the regulatory regime for black carbon mitigation in the Arctic. *Arctic Review on Law and Politics*, *7*(2), 136–151.

Shelton, D. L. (2000). Introduction. Law, non-law and the problem of "Soft Law". In D. L. Shelton (Ed.), *Commitment and Compliance: The Role of Non-Binding Norms in the International Legal System* (pp. 1–18). New York: Oxford University Press.

Snidal, D. (1985). Coordination versus prisoners' dilemma: Implications for international cooperation and regimes. *The American Political Science Review*, *79*(4), 923–942.

Spence, J. (2013). Strengthening the Arctic Council: Insights from the architecture behind Canadian participation. *Northern Review*, *37*(Fall 2013), 37–56.

Spence, J. (2017). Is a melting Arctic making the Arctic Council too cool? Exploring the limits of the effectiveness of a boundary organization. *Review of Policy Research*. doi: 10.1111/ropr.12257

https://doi.org/10.1017/S0032247419000263 Published online by Cambridge University Press

Stokke, O. S. (2006). The law of the sea convention and the idea of a binding regime for the Arctic Marine Environment. In Paper prepared for the 7th Conference of Parliamentarians of the Arctic region, Kiruna, Sweden, 2–4 August 2006.

Stokke, O. S. (2007). Examining the consequences of Arctic institutions. In O. S. Stokke & G. Honneland (Eds.), *International Cooperation and Arctic Governance. Regime Effectiveness and Northern Region Building*. London and New York: Routledge.

Stokke, O. S. (2011). Interplay management, Niche selection, and Arctic environmental governance. In *Managing Institutional Complexity: Regime Interplay and Global Environmental Change* (pp. 143–170). Cambridge, Massachusetts; London, England: MIT Press.

Stokke, O. S. (2013). Regime interplay in Arctic shipping governance: Explaining regional niche selection. *International Environmental Agreements: Politics, Law and Economics*, *13*(123), 65–85. doi: 10.1007/s10784-012-9202-1

Supreme Audit Institutions of Denmark, Norway, the Russian Federation, Sweden and the United States of America (2015). The Arctic Council: perspectives on a changing Arctic, the Council's work, and key challenges. A Joint Memorandum of a Multilateral Audit on the Arctic States' national authorities' work with the Arctic Council.

TASS. (2018, November 29). Russia, China may cooperate in Arctic energy projects — Rosneft CEO. *TASS: Business & Economy*. http://tass.com/economy/1033451 (accessed 12 January 2019).

Tennberg, M. (1999). *Arctic Environmental Cooperation. A Study in Governmentality*. Rovaniemi: University of Lapland.

The Aspen Institute. (2011). *The Shared Future: A Report of the Aspen Institute Commission on Arctic Climate Change* (Vol. *36*).

Turunen, M., & Kankaanpää, P. (2002). The visibility of the Arctic Council—Results of a background study. *Arctic Centre Report*, *37*. URL: http://arcticcentre.ulapland.fi/docs/ArcticCouncil-raportti2002.pdf (accessed 10 December 2018).

United States Geological Survey. (2008). Circum-Arctic Resource Appraisal: Estimates of Undiscovered Oil and Gas North of the Arctic Circle. URL: http://pubs.usgs.gov/fs/2008/3049/fs2008-3049.pdf (accessed 15 January 2019).

VanderZwaag, D., Huebert, R., & Ferrara, S. (2001). Artic environmental protection strategy, Arctic Council and multilateral environmental initiatives: Tinkering while the Artic marine environmental totter's. *Denver Journal of International Law and Policy*, *30*(1994).

Wilson, P. (2016). Society, steward or security actor? Three visions of the Arctic Council. *Cooperation and Conflict*, *51*(1), 55–74. doi: 10.1177/0010836715591711

WWF Arctic Programme. (2017). *WWF Arctic Council Conservation Scorecard*. Ottawa, ON.

Young, O. R. (1998). *Creating Regimes: Arctic Accords and International Governance*. Ithaca and London: Cornell University Press.

Young, O. R. (1999). *Governance in World Affairs*. Ithaca and London: Cornell University Press.

Young, O. R. (2000). The structure of Arctic cooperation: Solving problems/seizing opportunities. *A Paper Prepared for the Fourth Conference of Parliamentarians of the Arctic Region*, Rovaniemi, 27–29 August 2000.

Young, O. R. (2008). Building regimes for socioecological systems. In O. R. Young, L. A. King, & H. Schroeder (Eds.), *Institutions and Environmental Change. Principal Findings, Applications, and Research Frontiers* (pp. 115–144). Cambridge, Massachusetts; London, England: The MIT Press.

Young, O. R. (2009a). The Arctic in play: Governance in a time of rapid change. *The International Journal of Marine and Coastal Law*, *24*, 423–442.

Young, O. R. (2009b). Whither the Arctic? Conflict or cooperation in the circumpolar north. *Polar Record*, *45*(01), 73. doi: 10.1017/S0032247408007791

Young, O. R. (2009c). Whither the Arctic 2009? Further developments. *Polar Record*, *45*(02), 179. doi: 10.1017/S0032247408008061

https://doi.org/10.1017/S0032247419000263 Published online by Cambridge University Press