

CHAPTER 6: INSTITUTIONS DEALING WITH ARCTIC AFFAIRS

6.1

The United Nations and the Arctic

Ebru Caymaz

The Arctic has long been a special region with a heightened focus in recent years. Being a prominent case owing to its abundant resources and diverse economic activities, it has taken growing attention accelerated further by the negative effects of climate change. Therefore, both Arctic states and non-Arctic states devote close attention to the region and the Arctic Ocean, since parts of the Arctic Ocean are open to all states of the world with its associated economic opportunities such as fishing and shipping. On the other hand, in addition to existing challenges, sustainability of the Arctic has been deeply impacted by increasing economic activities. Accordingly, intergovernmental organizations and forums such as the United Nations (UN) and the Arctic Council present commitment to develop suitable solutions for enhancing sustainability without compromising economic development of indigenous people.

The UN has developed many-sided relations with the Arctic which directly and indirectly affect the region. First of all, all eight Arctic states are the members of the UN. In addition, being adopted in 1982 as an incorporative body of treaties, customs and international agreements to maintain order, the UN Convention on the Law of the Sea (UNCLOS) provides a legal ground for the regulations governing the Arctic Ocean. Following the Ilulissat Declaration signed in 2008 by the five Arctic coastal states, UNCLOS provided an overreaching legal framework for the Arctic. Besides, in addition to the “Indigenous and Tribal People Convention” in 1989, the “Convention on Biological Diversity” (CBD) in 1993, and “Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond Jurisdiction” in 2023 stand out as the progressive steps adopted by the UN. Furthermore, as a milestone achievement in terms of increasing sustainability, the Polar Code was developed in 2014 by the International Maritime Organization (IMO). While its legal framework is still being enhanced, it is expected that the involvement of the UN will further continue. The Polar Code introduces

applicable solutions for ship owners while navigating through ice-covered waters, harsh weather conditions, and dark periods in the Arctic. In order to minimize the ecological footprint, it also prescribes limits on oil, sewage, and chemicals discharge as well as suitable ship designs for preventing accidents. Besides, the UN announced its voluntary measures to address black carbon emissions to strengthen the environmental governance in 2021. Under the umbrella of the UN, regulations of the IMO become highly significant in terms of environmental governance and climate change mitigation. Herein, the working group established under BBNJ is committed to develop suggestions for the conservation, as well as sustainable use of marine resources without compromising biological diversity beyond areas of national jurisdiction.

Moreover, collaborating with the Arctic Council, the UN has also developed several projects to enhance sustainable development, resilience, as well as the living standards of the indigenous people living in the Arctic. A Working Group on Sustainable Development (SDWG) was established in 1998. The working group's primary focus was determined as to advance sustainable development while promoting economic, social, and environmental conditions of Arctic communities. The Council also declared it would follow the sustainable development goals of the UN in 2017. In the same year, the Council's SDWG updated its agenda and activities to achieve the goals of 2030 Agenda. Therefore, the working group determined its priority areas for the Arctic as water, food, and energy. The numbers of the projects such as *Arctic Food Innovation Cluster*, *Arctic Resilience Framework*, *Improving Health through Safe and Affordable Access to Household Running Water and Sewer*, *On Arctic & One Health*, *the Arctic as a Food-Producing Region*, and as well as their scope and contents are expected to grow.

In addition, the Indigenous peoples of the Arctic are officially represented within the UN as well. There is a working group of the UN that focuses on the issues related to indigenous affairs. That Working Group of Indigenous Populations met in 1982 for the first time and August 9 was chosen as the annual meeting day for the remembrance of that meeting. The Inuit Circumpolar Council (ICC) started to work within the UN and received its consultative status 1983. The ICC's mission to advance human rights of the indigenous populations has been fulfilled since then. One of the major contributions of the ICC under the UN is to assist the process leading to

adaptation of the UNDRIP (UN Declaration on the Rights of Indigenous Peoples) in 2007. The involvement of the ICC is particularly significant since it represents Inuit in Greenland, Alaska, Russia, and Canada. Establishing the UN Permanent Forum on Indigenous Issues in 2000 is another milestone achievement to deal with indigenous rights and non-state actors also can become members. As a high-level advisory body including indigenous representatives, the Forum has the mandate to conduct discussions about economic, social, educational, cultural, environmental, public health, and human rights issues of the indigenous peoples.

Founded by the UN in 1988, the Intergovernmental Panel on Climate Change (IPCC) Reports aim to guide all stakeholders against the associated risks of climate change. Since mitigation of climate change is one of the major goals at a planetary level, there has been a special emphasis on the Arctic in IPCC Reports as the effects of human-induced changes now clearly be seen in glaciers and Arctic sea ice and thawing of permafrost. Also, being highlighted in the Paris Agreement, the term resilience is highly interconnected to the management and governance of resources as well as the people of the Arctic. Therefore, enhancing Arctic Ocean resilience has been added to the UN agenda.

Since achieving environmental sustainability necessitates a multi-lateral approach and governance, the UN has developed multiple projects that benefit from different disciplines ranging from physical sciences to social sciences. Accordingly, the UN Environment Programme has initiated six flagship projects to address major challenges affecting the Arctic. *Blue Economy, Gender Equality, Mainstreaming Arctic Biodiversity, Actions for Arctic Biodiversity, Contaminant Issues: Pops and Mercury, and Arctic Migratory Birds Initiative* have further strengthened the environmental governance in the region. In this process, the UN Human Settlements Programme also plans to conduct major projects to enhance the adaptive capacity of the cities that face with negative effects of climate change in the Arctic.

On the other hand, whether and how sustainable development (SD) goals of the UN can be achieved without compromising the Arctic resilience remains as a critical question. Expansion of economic activities, extracting and exploiting of resources, and transporting them through the emerging Arctic

Sea Routes poses serious risks to the fragile environment of the region. The region warms faster compared to the other parts of the world which also transforms ecosystems while indigenous and local cultures struggle to adapt to these changes. In addition to maritime activities, increasing tourism and mining activities have also sparked discussions pertaining to sustainability. Therefore, recent research focus on whether the UN SD framework would establish balance between development needs of the population and the Arctic resilience. While the UN Framework Convention on Climate Change emphasizes the prominence of risk framing, both resilience and vulnerability have been seriously impacted by the COVID-19 in addition to existing societal challenges. Furthermore, the Polar Code is also criticized due to its lack of mandatory measures especially in terms of pollution and shipping accidents.

To sum up, aside from critical perspectives, when the previous, current, and planned projects are taken into consideration, the UN has taken concrete steps to find the nexus between environmental governance, indigenous matters, water, food, and energy in the Arctic.

For more on this, read...

World Wide Fund for Nature (WWF), 'Sustainable Development Goals: Shaping the Future of the Arctic' (2018) The Circle 2
https://apiwwfarcticse.cdn.triggerfish.cloud/uploads/2022/04/28113853/thecircle0218_web_1.pdf

Clote P, 'Implications of Global Warming on State Sovereignty and Arctic Resources Under the United Nations Convention on the Law of the Sea: How the Arctic is no Longer Communis Omnium Naturali Jure' (2008) 8 Rich J Global L & Bus 195

'UN Permanent Forum on Indigenous Issues (UNPFII)' Website
<https://www.inuitcircumpolar.com/icc-activities/united-nations-and-human-rights/un-permanent-forum-on-indigenous-issues/>

Egeesiak O, 'The Arctic Ocean and the Sea Ice is Our Nuna' (UN Chronicle, May 2017)
<https://www.un.org/en/chronicle/article/arctic-ocean-and-sea-ice-our-nuna>