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THE ARCTIC COUNCIL'S ROLE IN THE REGION AND ON THE INTERNATIONAL ARENA

Summary: The Arctic Council is the most important forum of cooperation in the Arctic and an excellent example of regional cooperation, both at the intergovernmental and social level. Moreover, its importance for the region must be appreciated through the change in the image of the Arctic brought about by the Council, and drawing attention of the international community to the Arctic's problems, with a special emphasis on climate changes. Through organizations and institutions dealing with the Arctic matters, it has been trying to secure for the North an order based on sustainable development, environment protection, and a stable social system

Keywords: The Arctic Council, environmental protection, sensitive ecosystem, sustainable development, indigenous communities.

The impact of the Arctic Council on the change of image of the Arctic

In order to illustrate the functioning of the Arctic Council, it seems necessary to present at least a shortened evaluation of its seventeen years of existence (1996–2013, i.e. from the moment of the proposal to establish cooperation in the Arctic Region to the contemporary times, when the number of observers increased), describe its place and role in international relations and voice an opinion regarding the ongoing debate on the future of the Council.

The Arctic Council is the most important forum of cooperation in the Arctic and an excellent example of regional cooperation. The other international organizations acting in the subregion are the Barents Regional Council within the Barents Euro-Arctic Region, and the Council of Baltic Sea States. Those organizations share similar features, i.e. all of them are multidimensional (regional and transnational, as well as international), they are not a subject to international law, and all share the foundation based on the post-Cold War logic of cooperation (Osica, 2010, pp. 33-34). In this company, the Arctic Council is superior in the sense that all of the Arctic Eight are its permanent members. The Arctic Council is not a fully-fledged international organization as it is based on "soft" international law. Therefore, in view of the lack of legal international foundation, it is an institution of limited possibilities. Nevertheless, it undertakes efforts to strengthen its importance in the region and its position in international relations which was recently reflected in the actions of the Danish Presidency affirmed in the Nuuk Declaration. One more limitation of the Council is that its foundation charter forbids the Arctic Council to deal with the matters related to military security (see: Ottawa Declaration, p. 2).

The practice of its actions, however, allows to state that although the Arctic Council does not possess such organization, decision-making and financial possibilities like other international organizations, it has managed to create an effective platform and forms of cooperation for dealing with Arctic problems on a high political level. The council is a very important factor in strengthening cooperation in the region, both at the intergovernmental and social level. Moreover, its importance for the region must be appreciated through the change in the image of the Arctic brought about by the Council, and drawing attention of the international community to Arctic's problems, with a special emphasis on climate changes.

The Arctic Council to a large degree has contributed to the perception of the Arctic as a precisely delineated region which is very important as it strengthens its position on the global arena. On the basis of region building, through organizations and institutions dealing with Arctic matters (Heininen and Southcott, 2012, p.277), it has been trying to secure for the North an order based on sustainable development, environment protection, and a stable social system (Kesiktaalo, 2012). It is of utmost importance that this idea in terms of realization gained the support of the Arctic countries and organization of the indigenous peoples since the Arctic becomes a phenomenon as regards the geographic and political rapprochement of the Northern states whose decisions are to be made jointly and be of the pan-Arctic range (Heininen and Southcott, 2012).

Hence, the Arctic Council has managed to change the image of the Arctic from the frozen desert to the Arctic in change, as defined by Timo Koivurova (Koivurova, 2009, pp. 3-4). The Arctic Environmental Protection Strategy (AEPS) used to work on the basis of the traditional perception of the Arctic as a *frozen desert*, i.e. a sensitive ecosystem, constantly exposed to danger due to the difficult conditions in the region, and requiring proper actions (*Arctic Environmental Protection Strategy*, pp. 6-7). It never dealt with the issue of the region undergoing intensive transformations.

It must be stressed that the change in the perception of the region into *Arctic in change* was not a direct consequence of founding the Arctic Council. It appeared together with undertaking work on the project named Arctic Climate Impact Assessment (ACIA), implemented by the Arctic Monitoring and Assessment Programme (AMAP) and the Conservation of Arctic Flora and Fauna (CAFF), and realized jointly with the International Arctic Science Committee (see: *Strategy for the preparation of the ACIA Policy Document*). Throughout the 1990s, analyses regarding climate change focused on mitigating, or even stopping, climate change from taking place. Neither the political discourse nor the media even considered adaptation to the ongoing changes. The rapid increase in the interest of the international community in climate issues happened only due to the stormy negotiations connected with the Kyoto Protocol, where the United States was one of the main players. This can explain, to a degree, the important role the US was willing to play, at the time of its presidency, in producing ACIA within the Arctic Council (Koivurova, 2009, p.4).

The goals and principles of ACIA were defined in the Implementation Plan approved at the ministerial meeting in Barrow in 2000. According to the Plan, the main goals of AMAP are (see: *Barrow Declaration*, 2000):

- to evaluate and synthesize knowledge on climate variability and change and increased ultraviolet radiation, and the consequences resulting from these phenomena;
- to provide governments, organizations and the inhabitants of the Arctic reliable and useful data to support policy-making processes and the work of the Intergovernmental Panel on Climate Change.

In 2004, an extensive ACIA document was published, called *Impacts of a Warming Arctic: Arctic Climate Impact Assessment*, which contains the main observations on climate change in the Arctic. The Report presents the following findings (see: ACIA, 2000):

- Arctic climate is now warming rapidly and much larger changes are projected;
- Arctic warming and its consequences will have worldwide implications;
- Arctic vegetation zone is very likely to shift;
- diversity, ranges, and distribution of animal species will change;
- Many coastal communities and facilities face increasing exposure to storms;
- Reduced sea ice very likely to increase marine transport and access to resources in the Arctic;
- Thawing ground will disrupt transportation, buildings, and other infrastructure;
- Indigenous communities are facing major economic and cultural impacts;
- Elevated ultraviolet radiation levels will affect people, plants, and animals of the Arctic;
- Multiple influences interact to cause impact on people and ecosystems in the Arctic.

The program ACIA made the first analysis of climate changes in the region, which also focused on the consequences for the local community. The report has drawn attention of the public opinion to the fact that in the Arctic climate warming happens at twice the global rate and some of its consequences are irreversible and already pose a serious problem for society and ecosystems. By virtue of the activities of the Arctic Council, the sphere of its interest has become perceived as a region in which a process of major transformation has already begun. (see: Hassol, 2004, pp.16-17).

Ecological cooperation

The aforementioned limitations of organizational and regulatory nature have not managed to stop the Council from registering multiple accomplishments mainly in the fields of environment protection and sustainable development.

In this context, it seems that it is never enough to emphasize that the Arctic is an area characterized by rich biological diversity where many endangered species protected by special laws exist. The fundamental goals of the Arctic Council assigned to it by the Ottawa Declaration are closely related to the issue. They are environment protection and sustainable development realized by the Council at its operational level mainly through working groups and their programs supported by scientists, experts and researchers

from all over the world. They work mostly within the fields of measuring the levels and assessing the effects of anthropogenic pollutants in all compartments of the Arctic environment, to which a series of reports pertains (see e.x.: *Arctic Pollution Issues: A State of the Arctic Environment Report* of 1997), controlling and eliminating marine pollution from land-based activities (see: *Arctic Regional Programme of Action*), climate changes in the Arctic (see: *Arctic Climate Impact Assessment*), protecting the Arctic from the environmental effects caused by offshore oil and gas activities (see: *Arctic Offshore Oil and Gas Guidelines*, 2009), monitoring and assessment of Arctic biodiversity (see: *Circumpolar Biodiversity Monitoring Program; Arctic Biodiversity Assessment*) and maritime navigation (see: *Arctic Marine Shipping Assessment*), as well as assessing human well-being covering the entire Arctic region. Data gathering and generating information on the environment by the Arctic Council are very significant accomplishments of that body, which significantly impact international negotiations and even global treaties on environment protection. The attempts of the Council's members brought success in the form of signing the Stockholm Convention on Persistent Organic Pollutants (POPs) of May 2001. The Council has also significantly contributed to the research on climate changes in the Arctic which, as said before, occur in this region much faster than in other parts of the world. These instances of accomplishments of the Arctic Council in the fields of environment protection shed some light on the magnitude of its contribution into the development of research and ecological cooperation in the region and justify the statement that the Council is truly an effective forum of intergovernmental cooperation in environmental protection and sustainable development of the Arctic. The council provides promotion and coordination of ecological research, and constitutes a platform for a dialogue grouping all the Arctic states, representatives of indigenous peoples, non-Arctic actors and NGOs. Moreover, the effects of the Council's work on the level of working groups credit it with rich scientific and research achievements based on knowledge, experience and the best practices.

The participation of the indigenous people

It is important to note that many actors grouped in the Arctic Council participate in the development of the concept of *region building* in the Arctic. Among others, these are politicians, officials, scientists, and NGOs, mainly those representing the indigenous peoples. The autochthons play a very significant role as they cement the building of an Arctic identity in the region.

One of the main differences between AEPS and the Arctic Council was placing the organizations of the indigenous peoples in the structure of the latter (Koivurova, 2009, pp. 2-3). In AEPS, such representations had only observer status, equally with non-Arctic countries and other organizations. The Ottawa Declaration assigned to the organizations of the indigenous peoples a unique status of Permanent Participants which obligates member countries to consult fully with them before making a decision on the consensus principle (see: Ottawa Declaration, point 2).

The true sign of the Council's desire to significantly involve the autochthons in its work was placing the Indigenous Peoples Secretariat (IPS) under the auspices of the Arctic Council. IPS supports indigenous peoples in their actions and coordinates meetings of their representatives. Autochthons have a strong representation in the working groups of the Council and their activities are mostly visible in initiatives pertaining to climate change. They participate in various entities at a global level, as well as in high-level meetings such as those organized by the UN Secretary General, or the dialogue on climate changes at the Aspen Institute led by Madeleine Albright (Somby, 2008).

A joint presence of the indigenous peoples in the Arctic Council helped to strengthen the feeling of common identity, both for various indigenous groups and their common identification as the indigenous peoples of the North. Permanent participants cooperate in the work to prepare political projects and present a common stand in international negotiations e.g. the coalition of the indigenous peoples at the negotiations on POPs. Another important undertaking to support culture of the indigenous people is the Arctic Indigenous Languages Symposium organized within the Arctic Council and fitted into the plan of action of SDWG. (see: *Sustainable Development Working Group 2011–2013 Work Plan*, 2011).

The Arctic Council has certainly played a significant role in engaging the aboriginal population into decision-making processes in the Arctic. Obviously, as regards this issue there are also critical voices. Many organizations of indigenous people do not have their representation in the Council and the number of permanent Participants cannot be enlarged as the letter of the Ottawa Declaration says that the number of permanent Participants should at any time be less than the number of member states which means that there is only one more place in the Council for a Permanent Participant (see: Ottawa Declaration, point 3). In addition, indigenous peoples have voiced their dissatisfaction as regards limited involvement of their representatives in the work of ACIA where the autochthons' knowledge and experience could be put to a good use (Kankaanpaa, 2012, pp. 100-102).

The Arctic Council: its future and forthcoming challenges

If to measure the effectiveness of an institution in terms of its ability to prevent problems, one could say that the Arctic Council realizes a political mobilization through actions undertaken by member states in response to recommendations made by the working groups. Their reports often influence decisions made by the Arctic countries, pertaining to the region. The Arctic Council's effectiveness can be proved by its successful attempt of including indigenous people in the consultations regarding the Arctic Region. The status of Permanent Participants, enjoyed by organizations representing indigenous peoples, has contributed to the development of cooperation not only among the Arctic states but also among autochthons and all people inhabiting the Arctic (Ronson, 2011, pp. 99-100).

As a region of rapid changes and transformations, the Arctic has become an important place on the map of our globe. Therefore, it definitely requires an efficient and effective management. The Arctic Council, grouping the major players, both regional as well as non-Arctic ones, appears to be an institution best suited to tackle the task. Although by such actions as establishing a Permanent Secretariat and signing the first legally binding agreement the Arctic Council seems to present all the features of an international organization, still it is a long road ahead before a full transformation becomes a reality. The Arctic Council has to face such problems as lack of cohesive communication between the Council's components, clear identification on the international arena, or defining precisely the roles of its separate members. The evolution of the Arctic Council appears to be inevitable but the question is what it is going to evolve into? This is bound to happen as the level of cooperation reached so far does not seem to be satisfactory for all involved parties. .

At the Arctic Council's 7th Ministerial Meeting, the Nuuk Declaration was signed (in the capital of Greenland on May 12, 2011). Overall, the Danish Presidency brought forth many significant changes which may be perceived as an attempt at a gradual reform of the Arctic Council. Among others, the most important ones seem to be: a decision on establishing the Permanent Secretariat of the Council in Tromsø and acceptance of the Agreement on Cooperation In Aeronautical and Maritime Search and Rescue in the Arctic, which was the first legally binding agreement prepared under the auspices of the Arctic Council (*Nuuk Declaration on the occasion of the Seventh Ministerial Meeting*, p. 2). Another important step was taken at a meeting in Kiruna in May 2013, which was the second legally binding agreement, according to which the members would prepare and coordinate a response to potential spills that could result from increasing oil and gas exploration.

The Nuuk Declaration called to life the Task Force for Institutional Issues (TFII) to implement decisions pertaining to the strengthening of the Council, including all the decisions necessary to create the Permanent Secretariat. TFII is responsible, among others, for the revision of the Rules of Procedure, development of administration for the Secretariat, defining the scope of its cooperation with the host country, budget preparation, and human resources issues.

Since the Arctic Council is not an international organization in the understanding of international law, but only an institution based on soft law, the establishment of the Permanent Secretariat has opened up possibilities of deepening the cooperation above all on the intergovernmental level (Sellheim, 2012, pp. 62-77).

Together with the Secretariat, for the first time in history a budget was established as well as the rules of financing. Is that a significant step towards institutionalizing the Arctic Council? Undoubtedly, it is an important element but not entirely constitutive. Practically, it makes the Council something more than a high-level forum of cooperation, but still not quite yet an international organization. Hence the question whether the Secretariat is to be a managing body or only a tool strengthening the dialogue among the states of the Arctic Eight?

The acceptance of the first and second legally binding agreement under the auspices of the Arctic Council combined with the efforts of non-Arctic states to gain the status of observer at the Council certainly prove the growing importance of the Council on the international arena. It is undoubtedly perceived by state governments as well as the public opinion as the most important forum of cooperation in the region. This breeds another question: Will the Secretariat service the states of the observer status, particularly in view of possible enlarging the Council by the non-region countries, or will it be an exclusive organ of the Arctic states? The Secretariat's relationship with the Permanent Participants and their Indigenous Peoples Secretariat (IPS) is far from clear. Although the role of the Arctic Council's Secretariat is not yet fully defined, its establishing is a form of an institutional security measure in the very complex and rapidly changing reality of the Arctic Region. Furthermore, it is a very important step, if the Arctic Council is to be transformed into a full-fledged international organization.

Established in 1996 as a body to coordinate Arctic policies, the Council had been perceived for many years as a platform for scientific research. It grew in importance together with the increase in expectations that the melting ice will open access to the deposits of resources (including the inshore large deposits of oil) and make many maritime routes fully available (see: Jervell, McDonald, 2013). Today, the following countries and organizations belong to this regional forum or await to be accepted.

Figure 1: A full list of participants and their status

| Participant | Country or Organization | Status | Year Joined |
|---|-------------------------|---|-------------|
| 1 | 2 | 3 | 4 |
| Canada | Country | Chair | 1996 |
| Denmark | Country | Member State | 1996 |
| Finland | Country | Member State | 1996 |
| Iceland | Country | Member State | 1996 |
| Norway | Country | Member State | 1996 |
| Russia | Country | Member State | 1996 |
| Sweden | Country | Member State | 1996 |
| United States | Country | Member State | 1996 |
| Arctic Athabaskan Council (AAC) | Organization | Permanent Participant of the Arctic Council | 1996 |
| Aleut International Association (AIA) | Organization | Permanent Participant of the Arctic Council | 1996 |
| Gwich'in Council International (GGI) | Organization | Permanent Participant of the Arctic Council | 1996 |
| Inuit Circumpolar Council (ICC) | Organization | Permanent Participant of the Arctic Council | 1996 |
| Russian Association of Indigenous Peoples of the North (RAIPON) | Organization | Permanent Participant of the Arctic Council | 1996 |
| Saami Council (SC) | Organization | Permanent Participant of the Arctic Council | 1996 |
| France | Country | Observer | 1996 |
| Germany | Country | Observer | 1996 |

| 1 | 2 | 3 | 4 |
|---|--------------|------------------------------|------|
| The Netherlands | Country | Observer | 1996 |
| Poland | Country | Observer | 1996 |
| Spain | Country | Observer | 1996 |
| United Kingdom | Country | Observer | 1996 |
| International Federation of Red Cross & Red Crescent Societies (IFRC) | Organization | Observer | 1996 |
| International Union for the Conservation of Nature (IUCN) | Organization | Observer | 1996 |
| Nordic Council of Ministers (NCM) | Organization | Observer | 1996 |
| Nordic Environment Finance Corporation (NEFCO) | Organization | Observer | 1996 |
| North Atlantic Marine Mammal Commission (NAMMCO) | Organization | Observer | 1996 |
| Standing Committee of the Parliamentarians of the Arctic Region (SCPAR) | Organization | Observer | 1996 |
| United Nations Economic Commission for Europe (UN-ECE) | Organization | Observer | 1996 |
| United Nations Development Program (UNDP) | Organization | Observer | 1996 |
| United Nations Environment Program (UNEP) | Organization | Observer | 1996 |
| China | Country | Observer | 2013 |
| Italy | Country | Observer | 2013 |
| Japan | Country | Observer | 2013 |
| South Korea | Country | Observer | 2013 |
| Singapore | Country | Observer | 2013 |
| India | Country | Observer | 2013 |
| European Union | Organization | Applying for observer status | NA |
| Oceana | Organization | Applying for observer status | NA |
| Association of Oil and Gas Producers (OGP) | Organization | Applying for observer status | NA |
| OSPAR Commission | Organization | Applying for observer status | NA |
| Greenpeace | Organization | Applying for observer status | NA |
| International Hydrographic Organisation (IHO) | Organization | Applying for observer status | NA |
| World Meteorological Organization (WMO) | Organization | Applying for observer status | NA |
| Association of Polar Early Career Scientists | Organization | Applying for observer status | NA |

Source: *Arctic Council*.

Among 14 states and organizations seeking the observer status at the latest meeting in Kiruna (in May 2013) was China, whose growing interest in the Arctic certainly emphasizes the geopolitical importance of the region. Admitting new subjects and granting them the observer status is the prerogative of the Council composed of eight permanent members: USA, Canada, Russia, and the five Nordic states.



Figure 2. Eight member countries have divided up the Arctic for certain responsibilities. See a map on their potential spheres of influence

Source: Emmerentze Jervell and MacDonald (2013).

It is exactly for the support of the “Nordic Five” that China had been so dynamically, if not aggressively vying, the more so as Canada voiced its reservation in fear of the expansion of the “Center of the World.” For a long time, the American position was not clear (see: Jarocki, 2013), while Russia agreed, “as they wake up to the increased economic, and perhaps military potential of the vast stretches of Arctic territory within and north of their borders.” Symptomatic is the opinion voiced by Malte Humpert, Executive Director of the Arctic Institute, who stated: “Joining the council is more a political statement from countries like China,” particularly when it concerns “the idea of having a seat at the

table in a region that is likely to become another realm of geopolitics.” (see: Jervel and McDonald).

Finally, the Arctic Council granted the observer status to six countries, including China, stating that the Council will concentrate mainly on research and its members, hoping to shape the growing perspectives of resources and trade development. Stressing that the region is an object of growing interest for business, the final declaration of the Council talks of “the central role of business in the development of the Arctic.” The decision was made in Kiruna, after long night discussions (in the small hours on Wednesday, May 15, 2013) with the participation of eight ministers of the Arctic states (the Arctic Council’s member states), including the US Secretary of State, John Kerry. Canada rejected the EU bid for the observer status because of a long-lasting dispute regarding seal hunting and the ban on trading seal products introduced by Brussels. Canada’s objection has been commented by Catherine Ashton, (EU foreign-policy chief) and Maria Damanaki (its fisheries commissioner), who said in a joint statement that the EU should act together with the Canadian authorities in an expedite manner “to address the outstanding issue of their concern.” (Jervel and McDonald)

The existing situation clearly shows the interest of non-Arctic subjects which in turn proves that the Council is perceived by the international community as the most important forum of cooperation in the region. In addition, there is a growing number of countries with no geographical or historically motivated interests in the region which are trying to gain observer status in the Council (see: Collins, 2012).

Considering the situation, what does the future look like for the Arctic Council? There is no doubt that the Arctic Council is the most competent and legitimate body to assume the role of a “quasi government of the Arctic.” But it must be fully emphasized that the member countries of the Arctic Council wish to decide about the future entirely and exclusively within their own group. In addition, they are afraid that admitting too many participants may eventually bring the danger of assigning the Arctic the status of “common heritage of mankind,” following the example of Antarctica. Such fears have been confirmed by the new and much stricter set of rules and regulations regarding the rights and obligations of observers accepted at a ministerial conference of the Council. The comment made by the Russian Minister of Foreign Affairs, Sergey Lavrov, dispels all illusions: “In the document accepted by us it has been pointed out that only the Arctic countries have prerogatives to conduct matters in our common home, and those interested in the cooperation within our region will have to act following the rules formulated by the eight Arctic states.” (Szypowski, 2011).

Hence a simple conclusion that Canada presiding currently in the Council has a huge challenge to face. The time has come for the discussions on the Council’s reform and they are to decide either to strengthen it, for example to transform it into an international organization, or allow it to erode. It is very difficult to predict which path the Canadian presidency will take.

It is absolutely certain that in view of the much intensified and dynamic international relations in the region, the Arctic Council will have to make a decision whether to preserve its original status of a forum dealing mostly with ecological issues, or following

the wishes and under the permission of the member states assume a more political role and engage in coordinating, for example, economic matters.

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ROLA RADY ARKTYCZNEJ W REGIONIE I NA ARENIE MIĘDZYNARODOWEJ

Streszczenie: Rada Arktyczna jest najważniejszym forum współpracy w Arktyce, stanowiącym doskonały przykład współpracy regionalnej, zarówno na szczeblu międzyrządowym, jak i społecznym. Jej znaczenie dla Regionu wyraża się również poprzez zmianę jego wizerunku i większe zainteresowanie społeczności międzynarodowej problemami Arktyki, szczególnie tymi dotyczącymi zmian klimatu. Poprzez organizacje i instytucje zajmujące się sprawami arktycznymi, Rada stara się zapewnić na Północy porządek oparty na zrównoważonym rozwoju, ochronie środowiska naturalnego i stabilnym systemie społecznym.

Słowa kluczowe: Rada Arktyczna, ochrona środowiska, wrażliwy ekosystem, zrównoważony rozwój, społeczności tubylcze.