

The Arendal Seminar on multilateral environmental agreements and their relevance to the Arctic Arendal Norway, 21-22 September 2006



A. Introduction

The Arendal Seminar, organized by UNEP/GRID-Arendal and the Standing Committee for Parliamentarians of the Arctic Region (Arctic Parliamentarians) and co-funded by the Nordic Council of Ministers, built on the 7th Conference of the Parliamentarians of the Arctic Region held in Kiruna, northern Sweden, August 2006. The Conference Statement¹ from Kiruna included requests to governments in the Arctic region and institutions of the European Union: “In light of the impact of climate change, and the increasing economic and human activity, [to] initiate, as a matter of urgency, an audit of existing legal regimes that impact the Arctic and to continue the discussion about strengthening or adding to them where necessary,” and to “Propose to the United Nations that the scope of the Annual Treaty Event in 2007, or at the earliest possible time, should be UN Treaties relevant to the Arctic.”

Participants at the Arendal seminar included parliamentarians and representatives of secretariats of 13 multilateral environmental agreements (MEAs), UNEP, environmental non-government organizations, national governments, private sector, Indigenous Peoples organizations and research institutions. The seminar participants examined opportunities for improving the effectiveness of MEAs for addressing issues of Arctic sustainable development and conservation. The objective was to identify gaps, challenges, and steps that can be taken to make the global MEAs more relevant to the Arctic and more useful in ensuring sound environmental governance and sustainable development.

The outcome of the Arendal seminar was the following set of recommendations to be submitted to the United Nations Environment Programme (UNEP), the Arctic Parliamentarians, the Arctic Council, the Nordic Council of Ministers, and the governing bodies and secretariats of MEAs, and distributed widely to Arctic stakeholders.

The question put to the participants of the Arendal Seminar:

What needs to be done to improve the effectiveness of the MEAs for the Arctic

- **by the Arctic community?**
- **by the MEAs?**

¹ Kiruna conference statement:

http://www.arcticparl.org/resource/static/conf7_conference_statement_final_draft.pdf

B. Arendal Seminar recommendations

1. Overall recommendation

The participants of the Arendal Seminar recommend that UNEP, the Arctic Parliamentarians, the Arctic Council, the Nordic Council of Ministers, and Contracting Parties, governing bodies and secretariats to the MEAs support and cooperate on an audit to assess the effectiveness and relevance of MEAs in the Arctic and to examine the need and options for improving the existing regime as well as the need and options for developing an Arctic Treaty or Arctic Framework Convention. The audit should take into account recommendations from the Kiruna Conference of the Parliamentarians of the Arctic Region and the Arendal Seminar.

2. Key recommendations directed to

2.1. the United Nations Environment Programme (UNEP)

- 2.1.1. Recognizing that making MEAs more effective in the Arctic is a cornerstone of implementation of Governing Council decision 22/11² on sustainable development, cooperation and assessment in the Arctic, take a leading role in facilitation of
 - 2.1.1.1. an evaluation of effectiveness of MEAs in the Arctic (see overall recommendation)
 - 2.1.1.2. continued discussion and cooperation among the governing bodies and secretariats of the MEAs, and Arctic stakeholders, building on the recommendations of this Seminar.

2.2. the Standing Committee for Parliamentarians of the Arctic Region

- 2.2.1. Present the recommendations from the Arendal Seminar together with those of the Kiruna Conference to the 5th Arctic Council Ministerial meeting in Salekhard, Russia, 26 October 2006.
- 2.2.2. Raise awareness among parliamentary colleagues in each Arctic State on the environmental, social and economic consequences of climate change.
- 2.2.3. Urge governments of Arctic States to do more to reduce emissions and implement the measures of the Kyoto Protocol.

2.3. the Arctic Council

- 2.3.1. Consider the recommendation from this Seminar and those of the Kiruna Conference to prepare an Arctic MEA audit (see overall recommendation) and request results from this audit be submitted to the 6th Arctic Council Ministerial meeting in 2008.

2.4. the Nordic Council of Ministers

- 2.4.1. Consider the recommendation from this Seminar and those of the Kiruna Conference to prepare an Arctic MEA audit (see overall recommendation) and request results from this audit be submitted to the Nordic Council of Ministers.
- 2.4.2. Promote understanding within the UN Framework Convention on Climate Change to

² UNEP Governing Council decision 22/11:
<http://www.unep.org/GC/GC22/Document/GC22-E-N0330285.pdf> (page 59)

- recognise vulnerability of the Arctic region and especially Arctic indigenous communities; and
 - recognise the importance of the Arctic as a global indicator of climate change.
- 2.4.3. Support the recommendation from the Nordic Council³ asking the Nordic Council of Ministers to strengthen legal research pertaining to the new opportunities and challenges that are opening up in the northern seas.
- 2.4.4. Encourage a discussion on MEAs in relation to the Arctic at the upcoming Nordic consultations at UNEP.

2.5. the Contracting Parties, governing bodies and secretariats of multilateral environmental agreements

- 2.5.1. Review and enhance current outreach and communications activities with Arctic stakeholders as target audiences.
- 2.5.2. Explore how participation of Arctic Indigenous Peoples can be enhanced in development, implementation and monitoring of MEAs.
- 2.5.3. Work to improve communication among secretariats of related MEAs and together look at opportunities for more effective division of labour and increased collaboration on consultation, implementation, reporting and outreach⁴.

3. Recommendations related to the audit (see overall recommendation)

- 3.1. Assess the effectiveness and relevance of the current MEAs and identify gaps in the agreements and their implementation that are of particular concern to the Arctic.
- 3.2. Include an evaluation of whether or not a unified legal regime, such as a Treaty or a Framework Convention (along the model of the Caspian Framework Convention) would be appropriate for the Arctic and the various options that could be pursued.
- 3.3. Include consideration of
- 3.3.1. trade agreements, both existing and upcoming, in terms of how they interact with the MEAs as barriers and as incentives, and in terms of what can be learned from trade agreements about how to improve compliance regimes
 - 3.3.2. human rights conventions and related considerations of the social dimensions and implications of MEAs
 - 3.3.3. development and use of indicators and other tools for monitoring and measuring effectiveness of MEA implementation
 - 3.3.4. use of the ecosystem approach in implementing MEAs in the Arctic
 - 3.3.5. measures to encourage ratification of MEAs by all Arctic States

³ Nordic Council recommends to the Nordic Council of Ministers:

- that legal research pertaining to the Arctic waters will be consolidated in view of the new possibilities and challenges
- that, together with the Arctic Council, the aim is to create a legal system pertaining to the Arctic

⁴ including through established liaison groups and ongoing joint initiatives among the MEAs, such as the Biodiversity Liaison Group (involving the five biodiversity-related conventions) and the comprehensive cooperative arrangements among the three Rio conventions on climate, biodiversity and desertification.

- 3.3.6. status of co-operation between MEA secretariats and between the Contracting Parties to MEAs on addressing Arctic issues at Meetings and Conventions of the Parties.
- 3.4. The scope of this audit could include all Arctic States independent of whether they have ratified an MEA or not.
- 3.5. Through the process of conducting and reporting, serve to increase awareness among representatives of the Arctic Council, Arctic Parliamentarians, Nordic Council of Ministers, and others, of the MEAs' scope, opportunities and limitations.
- 3.6. The scope of the next UN Annual Treaty Event could be UN Treaties relevant to the Arctic, as was recommended by the Kiruna Conference.

4. Recommendations related to strengthening cooperation and increasing stakeholder involvement to improve effectiveness of MEAs

- 4.1. Establish a joint secretariat, an office or a service through an existing programme to
 - 4.1.1. foster and strengthen synergies among MEAs to ensure the effective application of instruments relevant to the Arctic
 - 4.1.2. coordinate joint Arctic reporting on the implementation of MEAs
 - 4.1.3. conduct outreach and awareness raising
 - 4.1.4. support a regional network for information dissemination, discussion of issues and development of initiatives.
- 4.2. Develop a calendar of events and opportunities for the use of all the MEA secretariats and the Arctic community (governments, scientists, and indigenous and non-government organizations). Upcoming opportunities for raising awareness globally on Arctic issues related to MEAs include: International Polar Year 2007-2008, International Day for Biological Diversity 22nd May, World Environment Day 5th June 2007, hosted by Norway and with a polar focus.
- 4.3. Encourage Arctic governments, where they have agreement, to coordinate their positions for Meetings and Conferences of the Parties to the MEAs, as well as at UNEP's Governing Council, with the aim of increasing the Arctic focus.
- 4.4. Develop a joint Arctic MEA implementation strategy through a consultative process and recommend its adoption by the Arctic Contracting Parties of each relevant MEA. Include in this consultative process an assessment of how each MEA applies to local communities.
- 4.5. Directly involve Arctic institutions in the implementation of the MEAs, especially through Arctic Council programmes dealing with monitoring, assessment and environmental protection like the Arctic Monitoring and Assessment Programme (AMAP) and the Circumpolar Biodiversity Monitoring Programme (CBMP).
- 4.6. Encourage the Contracting Parties to include a broader range of partners and stakeholders.
 - 4.6.1. Involve industry in development of conventions as well as in decisions about their implementation.
 - 4.6.2. Involve organizations dealing with bilateral and regional cooperation, such as the Barents Euro-Arctic Council, who could contribute to MEAs implementation through information provision and specific projects.
 - 4.6.3. Invite stakeholders to establish cooperative initiatives within the frameworks of MEAs, such as the Energy and Biodiversity Initiative that involves petroleum companies and conservation organizations, and proposed initiatives for development of protocols that will speed up the use of clean technology vehicles

- 4.6.4. Use the knowledge of communities and regional institutions in identifying what needs to be done locally to support national implementation of the MEAs.
- 4.7. Build capacity to enable Arctic stakeholders to take a more active role in MEA implementation through the Contracting Parties and through international processes by
 - 4.7.1. improving access to information on the scope of the MEAs relevant to the Arctic and status of States' implementation of the agreements
 - 4.7.2. offering training and awareness raising about how the MEAs are related to people's food, culture and livelihoods, thereby linking the real and urgent issues affecting Arctic people today to the MEAs
 - 4.7.3. identifying funding for civil society involvement in implementation processes.
- 4.8. Consider initiating a project that examines how to enhance linkages among MEAs, Arctic Indigenous Peoples and human rights, including consideration of the comprehensive approach to sustainability taken by Saami Parliaments and indigenous governments and agreements in Alaska, Greenland and Canada.

5. Recommendations for addressing gaps in MEAs and implementation of MEAs

- 5.1. The Arctic States to continue to take a leading role in addressing gaps in regulation of global emissions of persistent pollutants
 - 5.1.1. through coordinated screening campaigns, especially in Arctic animals, to identify emerging issues and set priorities for regulation of new persistent organic pollutants
 - 5.1.2. through field research on vulnerability of Arctic biota and on population impacts of pollutants, this information being needed to establish requirements for regulation of specific pollutants
 - 5.1.3. through supporting the Nordic initiative underway in collaboration with UNEP to regulate mercury globally through enhancement of existing MEAs, development of a new treaty and/or implementation of UNEP's new chemical action plan.
- 5.2. Arctic States to consider the need for an instrument to govern increased Arctic shipping and related pollution threats (in relation to the Arctic Council's Arctic Marine Shipping Assessment). This instrument could be linked to the UN Convention of the Law of the Sea (UNCLOS) and other relevant agreements.
- 5.3. Effectiveness of the implementation of MEAs to be improved through existing and new regional initiatives with a focus on the Arctic, for example
 - 5.3.1. continued, coordinated and enhanced monitoring of pollutants in Arctic ecosystems to assess the effectiveness of regulatory measures and to detect emerging issues
 - 5.3.2. assessing the feasibility of instituting regional reporting for emissions within or impacting the Arctic to measure the effectiveness of MEAs and to use as a tool to reduce emissions of pollutants. This requires the development of further public national or subnational Pollutant Release and Transfer Register systems and capacity building in the Russian Federation;
 - 5.3.3. introducing coordinated reporting by chemical MEAs as the current systems of reporting are confusing and overlapping and do not promote good awareness and understanding of the effectiveness and the scope of the MEAs

- 5.3.4. enhancing international and regional cooperation on reducing emissions and adapting to climate change.