The Canary in the Coal Mine: Arctic Indigenous Peoples and the POPs Regime.

by

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A THESIS SUBMITTED IN PARTIAL FULFILLMENT OF
THE REQUIREMENTS FOR THE DEGREE OF
MASTER OF ARTS

In
THE FACULTY OF GRADUATE STUDIES
(Political Science)

THE UNIVERSITY OF BRITISH COLUMBIA
August 2006

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Abstract

This thesis examines the particular role played by Arctic Indigenous peoples in the formation of a regime to address Persistent Organic Pollutants (POPs). Starting with the premise that this non-state actor was influential enough to have its plight cited in the preamble of a global agreement on POPs, the thesis addresses the question of how and under what conditions this small group, devoid of any military, economic, or political power, could exert influence on the formation of institutions in international society. To do so, the thesis presents an argument based on regime analysis and norm dynamics that reveals the role played by norm entrepreneurs and lead states in the process of regime formation. This process is looked at in three stages: issue definition, fact-finding, and bargaining process. The thesis argues that following findings of POPs in their tissues, Canadian Arctic Indigenous peoples have voiced their concern in a way that evoked the norm of bodily harm to innocent. This allowed them to garner the support of Canada, and led Arctic Indigenous peoples to foster the development of and participate in key scientific research programs that provided the rationale for action on POPs at the international level. Canada then used the plight of Arctic Indigenous peoples as a conveyor belt between science and policy to convince other states in various international forums. During the negotiation of a global agreement on POPs, Canadian Arctic Indigenous peoples’ organizations also used norms to frame their concern in an attempt to increase the likelihood of regime formation. The thesis does not pretend to explain the formation of a regime on POPs. Rather, using a framework for analyzing NGO influence in international environmental negotiations, it presents evidence to map out the process through which Arctic Indigenous peoples eventually managed to have the Arctic and the effect of POPs on its people and wildlife recognized in a global convention. Furthermore, at each stage of regime formation the analysis is supplemented with alternative explanations that delineate the extent to which Arctic Indigenous peoples were influential. The thesis offers a contribution to our understanding of how Indigenous peoples’ organizations manage to persuade states to take action on transboundary environmental problems.
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Introduction

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Puzzle and research questions

This thesis is about the role of Arctic Indigenous peoples in the formation of a regime to address Persistent Organic Pollutants (POPs). More specifically, the thesis is about how this specific non-state actor managed to engage the participation of Canada as a lead state at the end of the 1980s by using a normative framework to support its advocacy efforts. The thesis is also about the influence of this group on the negotiations of a global environmental agreement that marked the end of the process of regime formation in 2001. It is thus ultimately a study on the role of a single actor in a single case situated in a specific time range.

This explicitly narrow focus is motivated by a puzzle. On May 22-23 2001, the Stockholm Convention on Persistent Organic Pollutants (POPs) was adopted by more than 100 countries. As expressed by Sheila Watt-Cloutier, president of the Inuit Circumpolar Conference (ICC) Canada at the time of the negotiations – the Stockholm Convention “singles out the Arctic and its Indigenous peoples in a specific reference in its preamble”¹:

“Acknowledging that the Arctic ecosystems and Indigenous communities are particularly at risk because of the biomagnification of persistent organic pollutants and that contamination of their traditional foods is a public health issue.”²

That the Indigenous peoples of the Arctic receive an explicit mention at the beginning of an international environmental treaty is unique. Considering the Inuit, the largest indigenous people in the Arctic, have a population of about only 150 000, this is puzzling. Indeed, how was it possible for such a small group, counting on limited economic resources, no military might, and no international recognition beyond their consultative status to the United Nations Economic and Social Council (ECOSOC), to influence the global agenda?

Arctic Indigenous peoples have been making their way into international politics since the 1980s. In a 1985 speech on the role of Inuit in international affairs, Mary Simon – soon to be President of the Inuit Circumpolar Conference and Canadian Arctic Ambassador – commented that too often, international or foreign policy was “perceived as the sole and sacred domain of national governments”. She then went on to explain how Inuit had a legitimate role to fulfill in international affairs. Since then, the Arctic indigenous peoples have had to deal with a variety of international regimes, most notably those concerning fur seal hunting and the Convention on International Trade on Endangered Species (CITES), whaling, climate change, and POPs.

While this thesis focuses on Arctic Indigenous peoples and POPs, the reader might be interested to know that at a broader level the involvement of Indigenous peoples’ organizations in the global political arena is a relatively recent phenomenon. Beginning in the 1980s, Indigenous activists worldwide and environmental organizations started working together; while the first framed their struggles for land rights and self-determination in environmental terms that made sense to northern publics, the others used the image of the “victimized ecological native” to give their critique of industrialization a sharper edge. In one of the best-known cases of transnational environmental networking, Amazonian Indigenous peoples were able to assert their presence in previously inaccessible political arena by bonding with NGOs, scientists and policymakers in the 1980s and 1990s to address the deforestation of the Brazilian Amazon. In another case, Indigenous peoples from around the world managed to have the cultural importance of subsistence whaling recognized by the International Whaling Commission.

By looking at the role of Arctic Indigenous peoples in the single case of the formation of the POPs regime, the thesis offers a contribution to two broader sets of questions in political science. The first are found at the core of the research on norms and normative issues: Where do environmental norms come from? How do they make a difference in politics? What role do they

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3 Simon 1985, 33.
5 Creason 2004.
6 Watt-Cloutier 2004.
7 Downie and Fenge Editors 2003.
8 Pieck 2006, 309.
9 Keck and Sikkink 1998, 133.
11 Creason 2004, 86.
play in political change? More precisely, my project is directed at improving our understanding of how environmental norms affect state behavior at the international level and how ideas influence the global environmental agenda. The second set includes questions about international regimes: What conditions are favorable to the emergence of rule-based cooperation in the international system under the influence of Indigenous peoples’ organizations? What is the role of their influence in explaining how international institutions that affect state behavior come to be? What is the role of the Indigenous peoples’ organizations in international environmental negotiations and what accounts for their success and failure in addressing transboundary problems?

The Argument
To answer the puzzle concerning the mention of the Arctic Indigenous peoples in the preamble of the Stockholm Convention, I make an argument about the role of norm entrepreneurs and lead states in the formation of global environmental regimes. Indeed, I argue that the findings of POPs in the bodies of Canadian Arctic Indigenous peoples and their participation to certain key research programs in the 1990s was a defining component of what convinced Canada to put POPs on the international agenda. Once the international negotiating process was under way, I hold that Canadian Arctic Indigenous peoples were able to exert influence beyond their number by making use of a normative framework to support their claims. That being said, it is important for the reader to understand that I am not saying that the POPs regime owes its formation to the advocacy work of Canadian Arctic Indigenous peoples. Rather, starting with the premise that Arctic Indigenous peoples had enough influence to have their plight cited in the preamble of the Stockholm Convention, the thesis examines the various instances where it was possible for this group to influence the formation of the POPs regime. At every one of these stages, the thesis considers a variety of alternative explanations to account for the behavior of Canada as a lead state, and to explain the formation of the POPs regime. It does not matter so much that these explanations at times contradict the purported influence of the Canadian Arctic Indigenous peoples because in the end the objective of the thesis is to understand how and under what conditions it was possible for Canadian Arctic Indigenous peoples – a group that, I recall, is

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12 Finnemore and Sikkink 1998, 888.
15 Hasenclever et al. 1996, 177.
16 Betsill and Corell 2001, 97.
17 Young 1989, 349.
small, has no military, and has little economic and political power – to exert influence on the formation of the POPs regime.

The core of my argument hinges on the scientific findings that revealed high concentrations of POPs in the environment, the wildlife, and the tissues of Canadian Inuit people, far away from the nearest source of emissions. It was already suspected that these chemicals could travel over long distances and work their way up the food chain but for Arctic Indigenous peoples’ organizations, scientists, and governments, these results were unexpected. Highly relevant for the purpose of my argument is how these findings and subsequent research programs brought a new normative dimension to the POPs regime that highlighted both the transboundary nature of the problem and the fact that people were harmed by chemicals they had never used. I will later explain how it is possible to trace the emergence and the influence of this norm but for the time being let me just outline the rest of my argument.

Above all it is important to appreciate that hunting and fishing is still today the source of a substantial part of Arctic Indigenous peoples’ diet. Because of the properties of POPs that I explain later, the food on which these peoples thrive is contaminated. When the findings came out, Arctic Indigenous peoples’ organizations and scientists quickly understood this was posing a threat to the food chain, the health of the Inuit people, and their very cultural survival. I argue that that this concern called forth the norm of bodily harm to innocent. In Canada, such an ideational concern could be seen in the way the news media started propagating the vision that the pristine arctic had become a dump for toxic chemicals, and the Inuit people were being harmed without having ever created any pollution in the first place or deriving any benefits from the use of these toxic chemicals. In response to these concerns, the Canadian government set up the Northern Contaminants Program in 1991. It produced key reports on the science of POPs.

The issue was then addressed in a variety of international forums including the Arctic Council, where states declared their concern for pollution in the Arctic. This regional organization took on the task to research the issue by adopting the Arctic Environmental Protection Strategy (AEPS) and mandating the Arctic Monitoring and Assessment Program (AMAP) with the study of POPs as one of its priorities. Arctic Indigenous peoples were heavily involved in the process all the way from the beginning. The AMAP produced reports that significantly enhanced the knowledge on POPs. These reports also recommended that the Arctic states work for the
addition of a POPs protocol to the Convention on Long Range Transboundary Air Pollution (CLRTAP) and the development of a global agreement on POPs.\(^\text{18}\)

Finally, as these events were unfolding certain states picked up the POPs issue and started playing the role of leaders at the international level. Canada and Sweden were particularly important in that respect. Not only were they both affected by POPs because of their situation as sinks for these chemicals, but Canada also had to consider the mounting advocacy work of its Arctic Indigenous peoples, with the Inuit Circumpolar Conference demanding a global agreement on toxic chemicals as early as 1988. In the thesis, I hold that it was partly as a result of that pressure that the Canadian government repeatedly used the plight of Arctic Indigenous peoples as a rationale to negotiate a POPs treaty during its crusade for an international binding agreement. When the negotiations of the Stockholm Convention on POPs started in 1998, Canadian Arctic Indigenous peoples were able to exert influence in a number of ways ranging from pressure on the Canadian government to direct interventions during the plenary sessions to shape perception of the POPs issue.

Before moving on to the next section, it is important to recognize both the limits of my analysis and my argument. First, as the reader might have noticed already I make extensive use of the expression "Arctic Indigenous peoples". My analysis on the role played by these peoples is generally limited to a Canadian perspective. Although I understand that it would have been interesting and methodologically preferable to study the role played by other Indigenous peoples in other states and at the international level, two reasons justify my choice. For one thing, considering the complexity of the process of regime formation, limiting my analysis to one set of Indigenous peoples, namely those from the Canadian Arctic, helps me keep a narrow focus on the specific mechanisms and processes through which they attempt to influence regime formation. Additionally, although I have to say that language is a constraint to study the role of, say, the Saami People of Fennoscandia, my focus is partially justified considering the coalition of Canadian Arctic Indigenous peoples that was formed to influence the negotiations of the POPs treaty eventually "assumed the mantle of a circumpolar coalition of Indigenous peoples."\(^\text{19}\) Second, it is important not to overstate the influence of Arctic Indigenous peoples. As the reader will understand, I am not saying they directly created the need for an international

\(^\text{18}\) AMAP 1997, xii.
\(^\text{19}\) Fenge 2003, 204.
treaty to address POPs. I rather argue that their organizations played an important role only in certain circumstances – at the domestic level in Canada, at the Arctic Council, and during the negotiations of the 2001 Stockholm Convention on POPs – and not always directly, but through lead states. In the course of this involvement in the POPs issue, the bulk of Arctic Indigenous peoples’ influence was in changing the way POPs were perceived as well as in using the science coming out from the country where they are physically present and the Arctic Council to push more vocal advocates, like Canada, to campaign for a POPs ban at the international level. Lead states, most notably Canada, then used the plight of the Indigenous peoples as a conveyor belt between science and policy. In the end, my argument is that although other forces might have been pushing in the same direction as Canadian Arctic Indigenous peoples, the development of an international treaty on POPs was facilitated by the fact that the findings of these chemicals in the tissues of Inuit people emphasized the transboundary nature of the problem and the idea that these substances could harm people who had never used them and who derived very little benefit from their utilization in other places.

The last thing I ought to mention concerns the Inuit people and the scope of my work. The reader might be aware that Inuit people are present in four countries: Canada, Russia, Denmark (Greenland), and the United States (Alaska). As the chapters unfold, the reader will notice that being the largest Indigenous people in the Arctic, much of my argument revolves around their situation, their concern, and their advocacy. Considering the role I attribute to Canada as a lead state, it would have been interesting to compare the politics of POPs in all four countries where Inuit are present in order to understand the resonance of norms in different polities. To limit the scope of my work, and to respect the principle according to which it can be methodologically more sound to use a more simple theoretical framework, I decided to focus on the international level and leave questions about the domestic politics of POPs in countries with Inuit population for further research. Regimes are already very complex objects of study, and I cannot see how it would be possible to account for the domestic politics of POPs without adding another complex set of variables to the theoretical framework.

**Outline of the thesis**

The thesis has four chapters. Chapter 1 presents the theoretical framework that constitutes the foundation of the analysis performed in subsequent chapter. Its core components are regime analysis and the study of norms in international relations. These lead into a discussion of the
role played by norm entrepreneurs and lead states in regime formation. The chapter also includes methodological considerations and introduces the framework for analyzing NGO influence in international environmental negotiations that I use throughout the thesis. Finally, Chapter 1 briefly states the hypotheses and alternative explanations tested in each chapter. Chapters 2 to 4 reflect the division of what scholars of regime analysis call regime stages: issue definition, fact-finding, and bargaining process. At each stage, I study how Arctic Indigenous peoples have sought to influence the formation of the POPs regime. Chapter 2 explains how the POPs issue initially emerged prior to the findings in the Canadian Arctic. It then turns to look at how the plight of the Canadian Arctic Indigenous people became a motivating factor for Canada to take the lead at the international level where a turning point occurred. This is done by analyzing the content of the Canadian news media and the discourse of actors involved in the POPs regime. This allows me to assess whether the norm referring to the Arctic Indigenous peoples is present and influencing the issue definition stage of the POPs regime. Chapter 3 explains how the science on POPs and a consensus around the need to take action came to be. It focuses particularly on the role of the Arctic Indigenous peoples at the Arctic Council but also includes an analysis of the role played by Canada in the CLRTAP Task Force on POPs as well as during the assessment process that took place at the United Nations Environment Programme (UNEP). Chapter 4 traces the influence of Canadian Arctic Indigenous peoples during the negotiation of two international agreements on POPs: the 1998 CLRTAP POPs Protocol and the 2001 Stockholm Convention on POPs. The chapter focuses more specifically on how Canadian Arctic Indigenous peoples’ organizations were able to gain influence in this setting by making interventions to increase the likelihood of regime formation and by pushing Canada to play the role of leader. Finally, the conclusion chapter summarizes the findings made in the thesis and points in the direction of further research on the role of Arctic Indigenous peoples in regime formation.

What are POPs?
Before turning to Chapter 1, it is essential that the reader know what Persistent Organic Pollutants are. Although the thesis is not concerned with the science of these chemicals, a basic understanding is warranted precisely to grasp the general picture and avoid getting entangled in the complexity of the issue. It is estimated that approximately 100,000 anthropogenic chemicals
have been produced since the Second World War and are in commerce today.\textsuperscript{20} These synthetic chemicals are extremely useful and are used as food additives, medicines, agrochemicals, plastics, etc. For example, that DDT is now banned in most industrialized countries should not distract from the fact that a Nobel Prize was awarded to the man who discovered its insecticide properties in 1939. To understand its importance, suffice to say that the discovery that DDT could be sprayed to kill malaria-carrying mosquitoes was a miracle at a time when almost 50 million people died worldwide of this disease annually.\textsuperscript{21} However, these anthropogenic chemicals also have a wide range of deleterious effects on living creatures, including humans. Added to these effects, poor storage conditions, misuse and inappropriate labeling can cause severe harm to humans and the environment. For instance, in the 1970s approximately 1500 male workers on banana plantations became sterile after repeated contact with pesticides.\textsuperscript{22} It is currently estimated that 25 million pesticide poisonings occur each year.\textsuperscript{23}

One class of synthetic chemicals has been studied and classified by scientists as Persistent Organic Pollutants. POPs are organic (carbon-based) compounds and include substances such as pesticides, polychlorinated biphenyls (PCBs), and by-products of human activities, such as dioxins and furans. It is often said that POPs are among the most dangerous and the most toxic chemicals ever produced.\textsuperscript{24} They have been associated with a number of health hazards ranging from estrogenic effects, disruption of endocrine functions with observed impairments of immune system functions, generation of functional and physiological effects on reproductive capabilities, and reduced survival and growth of offspring\textsuperscript{25} to cancer and allergies as well as damage to central and peripheral nervous systems.\textsuperscript{26} The category of POPs and the term itself gained widespread international acceptance as a result of the process that led to the United Nations Economic Commission for Europe CLRTAP POPs Protocol, which I discuss later.\textsuperscript{27}

Like any issue with science at its core, there is debate on POPs. For example, not much is known about endocrine disruption, “and there is still no scientific consensus about how [it]
affects human health”. It should be clear to the reader that I am not going to perform an assessment of the scientific evidence that supports the actions taken to get rid of POPs. Although the question about which side prevails in the face of scientific uncertainty is an interesting one, it is beyond the scope of my work to answer it. That is why I am going to spend little time discussing the science of POPs and rather rely on the body of scientific knowledge that was used to convince the world that actions to address POPs were needed; I will focus on how science was translated into policy.

Before turning the page on the scientific debate, the reader should nonetheless know that while the vast majority of scientists and international organizations are seriously concerned with the presence of POPs in the environment and in the body of humans, this is by no mean the single view on the topic. For instance at least one scientist denies the deleterious effects of POPs and holds that “the Stockholm Convention is most aptly described as a betrayal of science and reason”. This polemic scholar also believes that “the exposure of anglers and Eskimos to DDTs in fish is not a serious problem and does not deserve a lengthy discussion.” While this should make the reader aware that the underlying science on which most of the rhetoric on POPs is based should not necessarily be taken at face value, to put this debate aside it should suffice to say that high level organizations such as the United Nations Environment Program acknowledge the significant threat posed by POPs to health and the environment, and very few scientists would deny it.

Beside their widely recognized toxicity, POPs can be described as possessing three other key characteristics. First, POPs are highly stable compounds difficult to break down. As a result they persist in the environment. Second, carried by air and water currents, POPs are subject to long-range transport. Most importantly for the purpose of the thesis is how strong south-to-north airflows and water currents move them from the place where they are produced and used to the Arctic. This allows scientists to say that POPs of concern in the Arctic originate in temperate and warmer areas of the world. These two properties of POPs are generally referred to as the “grasshopper effect”. The expression captures the process by which POPs evaporate and
condensate repeatedly while circulating globally. When they reach the circumpolar regions, POPs tend to stay and accumulate because evaporation rates in the Arctic cold are quite low. The need for concerted global action on POPs arises from these properties. Third, due to their chemical features, POPs have low water solubility but high lipid solubility. As a result, POPs bioaccumulate in the fatty tissues of animals. This characteristic of POPs gives them the ability to biomagnify. Biomagnification is the process by which animals consume the contaminants accumulated in their preys. With every step up in the food chain, animals are thus more and more contaminated.\(^\text{34}\)

The reader should be aware that even if POPs reach the Arctic, concentrations of contaminants can be lower there than in regions where they are used,\(^\text{35}\) and scientists generally believe that POPs aside, the Arctic remains a clean environment.\(^\text{36}\) The concern for Arctic Indigenous peoples arise from their reliance on “country food”.\(^\text{37}\) It is important for southern dwellers to understand that to this day Arctic Indigenous peoples satisfy a substantial part of their diet by hunting, whaling, and fishing.\(^\text{38}\) In that context, the presence of contaminants in the Arctic environment essentially poses problem to the Indigenous people for two reasons. First, in a cold environment sea mammals need more body fat to protect them. Because of the previously mentioned property of POPs, these fatty tissues become reservoirs of contaminants. The second reason is that Arctic Indigenous peoples, and polar bears for that matter, sit at the top of the food chain, and thus at the end of the biomagnification process that takes POPs from the seaweeds on which they first settle through fish and sea mammals all the way to the ultimate predator. While the exact risk of their diet is still largely unknown, one could conclude that the contamination of the Arctic people does not necessarily occur because these chemicals are present in their environment more than anywhere else on earth, but because of their diet.

The reader might now be tempted to propose that Arctic Indigenous peoples should simply move away from this hazardous consumption of country food. As will be recalled later in the thesis, scientists and Native leaders have had to struggle with this option. However, three good

\(^{34}\) Reiersen et al. 2003, 69.

\(^{35}\) For instance, amounts of DDT in Chiapas peasants have been measured at 100 times that of Inuit.


\(^{37}\) I use “traditional food” and “country food” as synonyms meaning local fish or meat.

reasons stand against this viewpoint. First, “it is well established internationally that when
traditional lifestyles of Indigenous peoples give way to modern ways of living and industrial-
based diets, chronic diseases increase”. Although this shift has already partially occurred with
dramatic health consequences for Arctic Indigenous peoples, it is feared that worse could come
it these people were to move away completely from their traditional diet. Second, the “country
food” Arctic Indigenous peoples thrive on is of paramount cultural importance. As explained by
Sheila Watt-Cloutier, the issue is not just contaminants in peoples’ plates but an entire way of
life at stake. Third, while scientists cannot judge the cultural importance of “country food”,
they definitely can tell its nutritional value: traditional foods contain high levels of vitamin A
and E, several essential minerals, and fatty acids. Scientists have found correlation between the
traditional diet of Arctic Indigenous people and low cancer risk as well as low prevalence of
heart disease and neurodegenerative disorders.

The last thing I ought to mention is that hazardous chemicals are often divided in three
categories: pesticides, industrial chemicals, and unintentionally produced by-products of human
activity (UPOPs). Although the POPs category refers to hundreds of chemicals, in the context
of the Stockholm Convention the term generally refers to the twelve substances identified for
action by the United Nations Environment Program. These substances listed in Table 1 are also
known as the “Dirty Dozen”.

<table>
<thead>
<tr>
<th>Pesticide POPs</th>
<th>Industrial POPs</th>
<th>UPOPs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aldrin</td>
<td>Polychlorinated biphenyls (PCBs)</td>
<td>Dioxins</td>
</tr>
<tr>
<td>Chlordane</td>
<td></td>
<td>Furans</td>
</tr>
<tr>
<td>DDT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dieldrin</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Endrin</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Heptachlor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hexachlorobenzene (HCB)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mirex</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Toxaphene</td>
<td></td>
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</tr>
</tbody>
</table>

30 Kuhnlein et al. 2003, 24.
40 Watt-Cloutier 2003, 258.
41 Cone 2003, 47-49.
42 Krueger and Selin 2002, 323.
43 For a detailed substance profile of POPs, see Olsen 2003, 13-37; Tesar 2000, 2-5.
The table is now set to study the role of Canadian Arctic Indigenous peoples in the formation of the POPs regime. Now that the reader knows what to expect of the thesis, we can turn to the three chapters that delineate with more precision the arguments about the role of norm entrepreneurs and lead states at each stage of regime formation. However, before we delve in the core of the argument, Chapter 1 exposes the theoretical framework on which it rests.
Chapter 1: Regimes, Norms, and Indigenous Peoples in Global Environmental Politics

1. Regime analysis and norms
   1.1. Norm entrepreneurs and lead states

2. Stages of regime development

3. Methodology

4. Hypotheses

This chapter lays down the theoretical framework that supports the analysis performed in the thesis. It starts by explaining what regimes are and how they are used to understand the formation of institutions in international society. The first section also specifies the particular approach of regime analysis used in the thesis as well as how the study of norms can improve our understanding of regime formation. The discussion then moves on to consider the role of norm entrepreneurs and lead states in that process. These two concepts are very important because they are at the center of the analysis that considers the role played by Canadian Arctic Indigenous peoples and Canada. Next, the chapter gives a rationale for the division of the thesis by explaining that we can look at regime formation in stages. The chapter ends with methodological considerations and an outline of the various hypotheses tested in the next three chapters.

Regime analysis and norms

To address the questions stated in introduction to the thesis and to study the influence of the Arctic Indigenous peoples, I use regime analysis. A regime is defined as:

A system of principles, norms, rules, operating procedures, and institutions that actors create or accept to regulate and coordinate action in a particular issue area of international relations. Principles are beliefs of fact, causation and rectitude. Norms are standards of behavior. Rules are specific prescriptions or proscriptions for action. Operating procedures are prevailing practices for work within the regime, including methods for making and implementing collective choice. Institutions are mechanisms and organizations for implementing, operating, evaluating, and expanding the regime and regime policy.44

One of the main puzzles about regimes is why they form in the first place. Scholars of international relations have been addressing this question for a certain time now so that “a more accurate map of existing global arrangements is one of the main achievements of regime

44 Chasek et al. 2006, 17.
analysis in its twenty-five years of existence. Regime analysis focuses on explaining why cooperation occurs in an international environment. It thus provides an interesting way to look at how non-state actors manage to gain influence on states. Considering regimes are always created and operated through multilateral negotiations, it centers the analysis on the various instances where actors interact with each others and, by doing so, expose themselves to different types of influence. In the case of interest, looking at the POPs regime allows us to focus on the actors who have addressed the problem of toxic chemicals and the motivations behind their efforts. It also involves mapping the formation of the institutions created to regulate the behavior of states in this specific issue area.

The study of regimes is crossed by different streams of analysis. Following Hasenclever et al. in their review article, there are three schools of thought in the study of international regimes: neoliberalism, which focuses on interests; realism, which focuses on power relationships; cognitivism, which emphasizes the role of knowledge and communication processes. Oran Young argued a while ago that the first two approaches were unable to account for the record of successes and failures the world had experienced in regime formation. Following this accurate observation, I propose an understanding of regimes that flows from a synthesis of neoliberalism and cognitivism based on the complimentary nature of the two approaches.

First, cognitivism shifts the focus from states rational interests to “the origins of interests as perceived by states, accentuating the role of the normative and causal beliefs of decision makers.” Basically, this perspective enriches the analysis by proposing that without a reference to ideas, egoistic interests and power realities are not sufficient to account for the behaviour of states. In the case at hand, this approach will prove useful to look at the role of norms in the formation of the POPs regime. It will help us understand how ideas have affected the way actors think of or frame the issue in a way that shapes the perception they have of their interests during the ensuing negotiation process.

46 Hasenclever et al. 1998, 178.
47 Young 1989, 352.
50 Hasenclever et al. 1997, 207.
Second, neoliberalism assumes that states are selfish and act in their own interests. In that sense, they are “confronted with both the possibility of achieving joint gains through cooperation and the difficulty of settling on specific norms and rules.”\textsuperscript{51} My understanding of neoliberal regime analysis draws from Oran Young’s institutional bargaining model.\textsuperscript{52} As will be shown, Young’s model is interesting because it is not a perfect fit with the neoliberal mold. Indeed, his understanding of the role performed by institutional institutions and the process by which they form comes closer to those held by cognitivists.\textsuperscript{53} My analysis also borrows from Young’s co-edited volume on \textit{Polar Politics}.\textsuperscript{54} In this book, five cases involving the formation of international regimes dealing with Arctic issues are studied. The book focuses solely on regime formation and leaves questions of effectiveness aside. I take this opportunity to point out that I will also leave questions of regime effectiveness to further research. The main reason being that an assessment of the effectiveness of an international agreement is often complex and is usually only possible years after an agreement has been reached. Considering the entry into force of the Stockholm Convention is such a recent event (May 17, 2004), it is too early to study anything else than the likelihood that the convention will be effective.

It has been argued that neoliberalism might not be a suitable approach to study the influence of norms.\textsuperscript{55} This seems to be an accurate observation in a case where states renounce the use of weapons even before an international agreement is reached but the story of POPs is different. It is true that most Western countries have banned the domestic use of these chemicals starting in the 1970s.\textsuperscript{56} However, this was the result of a previous phase in the definition of the POPs issue in which the original environmental movement of the 1970s played a key role. I will say more about this further in the thesis but for the time being I simply want to make clear that the Arctic Indigenous peoples did not have the same kind of scope both in terms of organization and influence as, for instance, the transnational network to ban landmines. First, although Arctic Indigenous peoples created links with other NGOs in their struggle against POPs, they generally chose to maintain their independence.\textsuperscript{57} Therefore, they were never actually transnational in scope, except if one considers that the Inuit people from four Arctic countries share the same

\textsuperscript{51} Hasenclever et al. 1996, 193.
\textsuperscript{52} Young 1989.
\textsuperscript{53} Hasenclever et al. 1996, 193.
\textsuperscript{54} Young and Osherenko 1993.
\textsuperscript{55} Price 1997, 614.
\textsuperscript{56} Victor 1997, 221; Clapp 203, 11; Olsen 2003, 44.
\textsuperscript{57} Fenge 2003, 203.
organization. Alternatively, two actors in the POPs regime for who the adjective transnational is better suited are the Pesticide Action Network (PAN) and the International POPs Elimination Network (IPEN). Second, with the exception of certain key state actors that will be identified later, Arctic Indigenous peoples' organizations did not lobby government delegations in the same way as was the case for landmines or Trade-Related Intellectual Property rights.\textsuperscript{58} Rather I propose that the influence of Canadian Arctic Indigenous peoples was directed at setting the agenda in the state where they are physically present. Their influence became international after Canada picked up the POPs issue and used the plight of these peoples to convince other states of the need to pursue an international agreement. For these reasons, and because treaty-making is ultimately the domain of states, I hold that neoliberalism is a useful approach to study how norms affected the process through which self-interested parties engaged in interactive decision-making and sought to coordinate their behavior to reap joint gains in the POPs regime.\textsuperscript{59}

That being said, I agree with the idea that norms have an explanatory power that is not limited to the optimization of state behavior.\textsuperscript{60} That is why in this project I understand regimes as "mechanisms of governance, where consensus develops based on inter-subjective frameworks of meaning that draw on a shared narrative about the conditions that had made the regime necessary".\textsuperscript{61} In line with cognitivism, this constructivist approach makes regime analysis more amenable to the influence norms have on the outcome of bargaining processes among self-interested actors by stressing the intersubjective nature of international regimes and the principles and norms in which they are rooted.

**Norm entrepreneurs and lead states**

Much of the argument I make in the thesis rests on the importance of two types of leadership in regime formation: intellectual leaders and lead states. First, in a neoliberal perspective, an effective leadership increases the likelihood of success in institutional bargaining.\textsuperscript{62} More precisely, Young's model identifies three types of individual leaders.\textsuperscript{63} (1) "Entrepreneurs" or "brokers" use their skills and ingenuity to successfully present, negotiate, and build consensus around new institutional options, (2) structural leaders manage to transform an advantage based

\textsuperscript{58} Price 1997; Sell and Prakash 2004.
\textsuperscript{59} Young and Osherenko 1993, 11.
\textsuperscript{60} Raymond 1997, 205.
\textsuperscript{61} Coleman and Gabler 2002, 482.
\textsuperscript{62} Young and Osherenko 1993, 18.
\textsuperscript{63} Young 1991, 303-5.
on power and material resources into bargaining leverage, and (3) intellectual leaders use ideas to shape how participants understand the issue and what options seem available. For the purpose of my argument I am mostly interested in the role played by the third type.

To add more precision to the role of intellectual leaders, I draw from the concept of norm entrepreneur. According to Finnemore and Sikkink, "norms are actively built by agents having strong notions about appropriate or desirable behavior". Their activity is critical for norm emergence because they use language that names, interprets, and dramatize the issue to which they want to direct attention. These entrepreneurs are also of decisive importance for the emergence of the norm because they try to catch the attention of other actors by framing the issue in a way that successfully competes with other norms and different perceptions of interests. Persuasion is the characteristic mechanism used in this process and it involves two elements: framing and causal stories. Framing essentially describes how information is interpreted with the intention of diffusing new ways of talking about and understanding issues. Causal stories establish who bears responsibility or guilt. Norm entrepreneurs also use organizational platforms to promote their norms and achieve their goals. Although these might be established explicitly to promote ideas, norm entrepreneurs also happen to use existing international organizations. In this last situation, it obviously becomes more difficult for the norm entrepreneur to keep its ideational message impervious to the various agendas that fill in the normative space. In the end, norm entrepreneurs succeed or fail at convincing other actors to abide by an ideational concern.

I argue that certain key individuals and Arctic Indigenous peoples' organizations played the role of norm entrepreneurs in the formation of the POPs regime. Using a variety of organizational platforms, they framed the POPs issue in a way that attracted attention and changed the perception of the problem. Generally, Arctic Indigenous peoples' organizations have acted as

64 According to Young, "an intellectual leader is an individual who produces intellectual capital or generative systems of thought that shape the perspectives of those who participate in institutional bargaining and, in doing so, plays an important role in determining the success or failure of efforts to reach agreement on the terms of constitutional contracts in international society" (Young 1992a, 298).
66 Finnemore and Sikkink 1998, 896.
67 Finnemore and Sikkink 1998, 897.
68 Finnemore and Sikkink 1998, 897.
70 Finnemore and Sikkink 1998, 899.
moral entrepreneurs in environmental politics by keeping Arctic environmental protection on
the public and political agenda. Particularly, the Inuit Circumpolar Conference successfully
meets the challenge of stressing the importance of the Arctic as a homeland for Indigenous
people, under threat from an industrial, urban world.\textsuperscript{71} Beside the ICC, I hold that norm
entrepreneurs also used the Canadian government, the Arctic Council and the United Nations
Environment Program as organizational platforms. I will later discuss in more details how these
provided the Arctic Indigenous peoples with access to important information, audiences,
decision-makers and news media before as well as during the negotiations of the Stockholm
Convention.\textsuperscript{72}

The second type of leader on which my argument rests is a lead state. Generally, a lead state is
recognizable to the fact that it “has a strong commitment to effective international action on the
issue, moves the process of negotiations forward by proposing its own negotiation formula as
the basis for an agreement, and attempts to win the support of other state actors”.\textsuperscript{73} In the case of
the POPs regime, I hold that states like Canada and Sweden played such a role by supporting
research on POPs and participating in meetings that put POPs on the international agenda in the
1990s.\textsuperscript{74} Although both were lead states, I argue that Canada derived much of its role from the
successful framing of the POPs issue by the norm entrepreneurs that were Arctic Indigenous
peoples’ organizations. That being said, like Nadelmann I am not trying to say that “states or
governments hold moral views; rather, the capacity of particular moral arguments to influence
government policies, particularly foreign policies stems from the political influence of domestic
and transnational moral entrepreneurs as well as that of powerful individual advocates within
the government.”\textsuperscript{75} This precision is reflected in the fact that the support to the POPs issue from
the Canadian government was sometimes plagued by a certain degree of inconsistency
throughout the formation of the POPs regime.\textsuperscript{76}

**Stages of regime development**

To map out the influence of norms on the POPs regime formation, I use a framework that looks
at global environmental regimes in four stages: issue-definition, fact-finding, bargaining on

\textsuperscript{71} Nuttall 1998, 35.
\textsuperscript{72} Finnemore and Sikkink 1998, 900.
\textsuperscript{73} Chasek et al. 2006, 42.
\textsuperscript{75} Nadelmann 1990, 483.
\textsuperscript{76} Fenge 2003.
regime creation, and regime strengthening.77 For any given environmental issue, the timing and sequencing of each stage may vary a great deal and the stages are not defined by a clear boundary so that they may overlap. It is nonetheless useful to proceed in such a way because negotiators present a particular focus of attention and concern at each stage and the division helps reduce the complexity of the process. The first stage involves the process by which an issue rises to prominence at the international level. For toxic chemicals and POPs, this phase traces back to the publication of Rachel Carson’s *Silent Spring* in 1962.78 Issue definition is also where the nature and the degree of the environmental threat are identified, as well as the causal chain that explains it, and the necessary actions to tackle the problem. POPs have been a concern in most industrialized countries since the 1960s-70s and the 1972 United Nations Conference on the Human Environment was among the first international meetings to discuss hazardous chemicals. However, key to the argument of the thesis is the idea that findings revealing high levels of POPs in the environment, the food and the body of Canadian Arctic Indigenous peoples in the 1980s added a normative dimension to the issue definition phase.79

The fact-finding stage is where consensus-building takes place on the nature of the problem and the way to address it. This usually entails an international assessment of the different aspects of the question. Most authors see the 1992 United Nations Conference on Environment and Development and Agenda 21 as the beginning of the fact-finding process as well as the first step in the lineage of the Stockholm Convention.80 Following the Earth Summit, the process continued through the Intergovernmental Forum on Chemical Safety (IFCS) and the Inter-Organization Program for the Sound Management of Chemicals (IOMC). Highly important at this stage of the POPs regime is how the Arctic Council, and particularly Canada and Sweden, leded the fact-finding process by supporting research on POPs in the Arctic and bringing the issue to international meetings.

Third, the bargaining process involves actors sitting at the table in order to negotiate an agreement that will overcome the cleavages and the divergent views of coalitions. This stage mostly concerns the negotiation of the Stockholm Convention on POPs that started on June 29 1998, and ended with the adoption meeting on May 22 2001. It also includes the 1998 UNECE
CLRTAP POPs protocol, a regional agreement that predates the global POPs convention. These negotiations are critical to our understanding of the formation of the POPs regime because at this stage the idea that Arctic Indigenous peoples were facing a threat was relatively well known and the norm entrepreneurs were able to make actual interventions during plenary sessions in an attempt to achieve their ultimate objective, which was to influence the behavior of states.

Whatever the outcome of the negotiations, regime building does not end with the third stage as the fourth one involves the strengthening of the agreement through more negotiations. In the case of toxic chemicals, the process started with the Conferences of Parties (COP) in May 2005 and 2006. Another important element of this stage is the actual process through which the different international treaties that address POPs might be unified under the Strategic Approach to International Chemicals Management (SAICM). However, as explained previously, I propose to leave this project for future research.

**Methodology**

In summary to the previous sections, my thesis combines two approaches to the study of regimes and identifies stages in the development of regimes: Neoliberalism focuses on state actors, the interests of these actors, and how they rationally pursue them; cognitivism explains how ideas intervene between preferences and outcomes; the formation of the POPs regime is looked at in three distinct but overlapping stages. I now turn to important methodological questions unaddressed so far. First, how does an idea fit with the state's calculation of its interests and how are we to separate the two if we want to analyze the role of norms? It would seem the interaction between interests and norms can take two paths: interests can constrain norms and norms can constrain interests. I propose that these two forces do not have to oppose each other in explaining the formation of an international regime. However, admitting the interaction of norms and interests creates a daunting methodological challenge that could be discouraging.\(^1\)

Second, regime analysis as I understand it hardly respects the principle of parsimony in social inquiry. I would gladly follow a much simpler theoretical framework if only the study of international environmental regimes was shaped by an identifiable set of variables. However, to

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\(^1\) Raymond 1997, 223; Finnemore and Sikkink 1998, 889.
hold the assumption that regimes constitute a complicated field of study, I will present as much evidence as possible to support my argument about the normative influence of Canadian Arctic Indigenous peoples in the formation of the POPs regime.\textsuperscript{82} To tackle both methodological challenges, I will consider a number of alternative explanations that counter an argument based on the role of norms. To map out the influence of Canadian Arctic Indigenous peoples during the bargaining process, I also follow a framework established to study NGO influence in international environmental negotiations.\textsuperscript{83} Here, “influence can be said to have occurred when one actor intentionally transmits information to another that alters the latter’s actions from what would have occurred without that information”.\textsuperscript{84} Instead of NGOs, I prefer to use the term Indigenous peoples’ organizations in the thesis. Although they both refer to non-profit organizations in civil society,\textsuperscript{85} I see two particular features of Indigenous peoples’ organizations that justify treating them as a specific subset of non-state actors. First, this type of non-state actors usually represents the concerns of Indigenous peoples for whom national boundaries very often have little cultural, economic, or political meaning.\textsuperscript{86} Second, Indigenous peoples’ organizations differ from NGOs in terms of both the nature of their interests and the moral authority they derive from their status as holders of traditional wisdom and knowledge.\textsuperscript{87}

As can be seen in Table 2, the framework has three components. The first concerns data type and states that researchers should identify the information transmitted by NGOs to policy makers, the opportunities NGOs had to do so and the resources at their disposal. The text agreed to at the end of the negotiations should be analyzed to see whether it contains language proposed by NGOs, and whether the text concords with NGO priorities. The second component addresses data source and proposes that we look at primary texts, secondary texts, interviews and research observations from the negotiations. Finally, a clear methodology should be followed using process-tracing\textsuperscript{88} and counterfactual analysis.\textsuperscript{89} More precisely, I will proceed by looking at how (1) Arctic Indigenous peoples’ organizations engage in transmission of information; (2) The recipient of their concern is effectively exposed to it; (3) Changes in actor behavior or perception of interests reflect the way in which the message was intended to perform. Once the

\begin{itemize}
  \item \textsuperscript{82} KKV 1994, 20.
  \item \textsuperscript{83} Betsill and Corell 2001.
  \item \textsuperscript{84} Betsill and Corell 2001, 74.
  \item \textsuperscript{85} Humphreys 2004, 51.
  \item \textsuperscript{86} Young 1992b, 11.
  \item \textsuperscript{87} Young 1993, 193.
  \item \textsuperscript{88} "The decision process by which various initial conditions are translated into outcomes" (KKV 1994, 226).
  \item \textsuperscript{89} Betsill and Corell 2001. See also Humphreys 2004, 52-53.
\end{itemize}
asserted causal chain has been established, I consider alternative explanation or a null hypothesis. It proposes that the change in actors’ behavior is accounted for by factors other than ideas and it considers what would have happened in the absence of the independent variable of interest. In the end, I intend to show that if one controls adequately for interests when trying to determine the impact of ideas, while making modest claims that live up to the evidence available, it is possible to come up with a solid explanation that captures the influence of norms. In the case at hand, I do my best to apply this framework all through the thesis but I will do so more thoroughly in Chapter 4 where I discuss the negotiations of international environmental treaties.

Table 2 Framework for Analyzing NGO influence in International Environmental Negotiations

<table>
<thead>
<tr>
<th>Research Task: Gather Evidence of NGO Influence (2 dimensions)</th>
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<tr>
<td>Triangulation by: 1) Intentional transmission of information</td>
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<td>2) Behavior of other actors</td>
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<tr>
<td>Data Type</td>
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<td>NGO participation</td>
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<tr>
<td>Activities:</td>
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<td>What did NGOs do to transmit information to decision makers?</td>
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<td>Access:</td>
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<td>What opportunities did NGOs have to transmit information?</td>
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<td>Resources:</td>
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<td>What sources of leverage did NGOs use to transmit information?</td>
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<td>Methodology</td>
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<td>What were the causal mechanisms linking NGO participation in international environmental negotiations with their influence?</td>
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90 Betsill and Corell 2001, 77-78.
91 Raymond 1997, 233.
92 Betsill and Corell 2001, 79.
Hypotheses

In this section, I present the hypotheses tested in the thesis. Before doing so, let me make clear that I am aware of the limitations of my research design involving only one case. I understand that in the absence of any variation on the dependent variable, causal hypotheses explaining variation in regime formation cannot be adequately evaluated. However, as indicated by the questions stated in introduction to this chapter, this project can be integrated to a broader research agenda. Doing so, findings generated in a single case study can obviously not be generalized to all other similar ones, but they can nonetheless be compared in order to improve our understandings of questions relative to the role of Indigenous peoples' organizations in regime formation.

The hypotheses I present hereunder are divided along the three stages of regime development that I study in subsequent chapters of the thesis. I do so because it allows us to think about the various mechanisms of normative influence that might be specific to each one of these stages of regime formation. As announced earlier, each section contains alternative explanations against which the main hypothesis is tested.

In Chapter 2, I explain why and how the findings of POPs in the environment and body of Canadian Arctic Indigenous peoples added a normative component to the regime. I then show how it became an important issue for Canada, who brought the issue definition to a turning point by taking the plight of these peoples at the international stage. My hypothesis is that when norm entrepreneurs graft their concern onto a universal norm they enjoy success. Observable implications of this hypothesis are that news media and politicians should echo the normative concern expressed by norm entrepreneurs and there should be a correlation between the official reports and programs that come out of a country and the reaction to the norm.

To control for other variables outside the realm of norms, I consider alternative explanations. The first examines whether the success of Canadian Arctic Indigenous peoples is attributable to the relative absence of interests to oppose them. It proposes that a state reacts positively to the concern expressed by norm entrepreneurs because it has no interests against it. Observable implications of this hypothesis suggest that norm entrepreneurs are successful in the absence of

lobby groups to oppose them and that they are successful only when the cost of addressing the issue is low for states. The second alternative explanation looks at the forces that account for what is on the political agenda. It proposes that states react positively to the concern expressed by norm entrepreneurs because the issue is already on the political agenda. If this is the case, we should observe that norm entrepreneurs are successful when their concern fits a preexisting trend in public opinion. The third alternative explanation suggests that states react to the concern expressed by norm entrepreneurs when it allows certain actors to increase their relative importance in the government. An observable implication of this hypothesis would see norm entrepreneurs being successful if their concern is picked up by a department or ministry that can benefit from making the issue an important one.

In Chapter 3, I study the role played by norm entrepreneurs in the process by which states and international organizations took the decision to conduct more research on POPs. I also look at how states eventually reached a consensus on the need to pursue a legally binding agreement and the role of Canadian Arctic Indigenous peoples in that respect. According to Terry Fenge – strategic counsel to the president of the Inuit Circumpolar Conference Canada during the negotiations of the POPs treaty – Arctic Indigenous peoples were instrumental in the research programs that convinced Canada and Arctic states of the need for international action on POPs. The main hypothesis proposes that the influence of the Arctic Indigenous peoples is what drove the scientific research and consensus-building on POPs, in Canada and at the Arctic Council. Observable implications consist of the decision by international organizations to engage in assessment process that are of importance to norm entrepreneurs. The success of norm entrepreneurs can also be reflected in the reasons advanced by states and international organizations to pursue scientific assessment. Additionally, norm entrepreneurs that successfully influence states should see their normative frame picked up by these states that then use it to convince other states and international organizations. The concern of norm entrepreneurs should also be mentioned by international organizations as a reason to pursue cooperation on an issue.

The first alternative explanation in Chapter 3 examines the critical role played by interests. It proposes that Canada can benefit from considering the Arctic as a region of international concern because of the various quarrels it has with other states over matter of sovereignty. The

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94 Fenge 2003, 192.
second alternative explanation states that scientific convergence explains the attention states and international organizations pay to an issue. According to this perspective, the research on POPs led to a general agreement on the key aspects of the phenomenon, in particular its transboundary nature and the origins of the pollutants outside the Arctic region.\textsuperscript{95} This could support the hypothesis according to which cooperation was relatively easy to achieve in a context of scientific convergence with a common understanding of the causes and solutions to the problem.\textsuperscript{96}

In Chapter 4, I explain how and to what extent Canadian Arctic Indigenous peoples influenced the negotiations of two international binding agreements: the UNECE CLRTAP POPs Protocol and the Stockholm Convention on POPs. To do so, I look at the influence of this actor during the negotiations, but more specifically at how norm entrepreneurs managed to influence lead states and played a role at certain critical junctures of the negotiations. My first hypothesis proposes that states advocate the creation of a regime because of the success of norm entrepreneurs. More specifically, their success would explain why lead states try to influence other states during the bargaining process as well as why lead states pledge to commit financial or technical resources to a problem. Scholars of regime analysis propose that in order for institutional bargaining to succeed it is necessary that the institutional options presented to participants be perceived as equitable.\textsuperscript{97} Such perception among developing countries was arguably enhanced by the financing measure adopted in the Stockholm Convention. According to Terry Fenge, the Arctic Indigenous peoples played an important role in pushing Canada to perform two important actions: (1) the creation of the CAN$20 million POPs fund to assist convention implementation and (2) the organization of a meeting with donor countries to persuade them to commit to funding the convention. Furthermore, Ms Watt-Cloutier was allegedly instrumental in convincing the Chief Executive Officer of the Global Environmental Facility to attend the final negotiations at INC-5 in Johannesburg in 2000 and make the case for the use of existing financial mechanisms to insure implementation of the convention.\textsuperscript{98}

The second hypothesis of the bargaining stage states that norm entrepreneurs themselves contribute to the likelihood that a regime will emerge by making the negotiations integrative as

\textsuperscript{95} Soroos 1993, 207.  
\textsuperscript{96} Young and Osherenko 1993, 19.  
\textsuperscript{97} Young and Osherenko 1993, 14.  
\textsuperscript{98} Fenge 2003, 205.
opposed to distributive in character. According to certain people, Arctic Indigenous peoples were instrumental in ending the stalemate between the North and the South. Scholars of regime analysis assert that “international regimes are more likely to emerge when negotiations are integrative as opposed to distributive in character”. A clear-cut division between states that are the cause of a problem and those that are the victims of it decreases the chance of reaching an agreement. It is so because not all states benefit from an agreement in a situation where those causing the problems incur the distribution of the costs. During the bargaining stage of the toxic chemicals regime, some developing countries balked at DDT being included in the convention because of its potency against malaria. According to Terry Fenge, issue was dangerously threatening the course of the negotiations when the president of ICC Canada made an intervention that bridged the north-south divide.

The third and last hypothesis proposes that norm entrepreneurs themselves contribute to the likelihood that a regime will emerge by creating highly publicized shock or crisis. According to scholars of regime analysis, the sense of emergency may be a precondition for, or at least a factor favourable to, the establishment of a regime. In his analysis of the reasons why the Arctic haze issue received so little attention, Soroos explained that it was because albeit severe, the pollution was concentrated over a sparsely populated area located far from the source of aerosol-forming pollutants. The similarity of this case with the identification of POPs in the Arctic is striking and points to the importance of the normative concern that developed and eventually reached the international level. During the bargaining process, I examine whether such shocks were used by norm entrepreneurs and widely compensated for the weak advocacy power of the Arctic Indigenous peoples at the international level. If this is true we should see norm entrepreneurs making critical interventions that successfully raise awareness on the issue and effectively change the perception of interests among negotiators.

Finally, I consider three alternative explanations in Chapter 4. The first one is about the emergence of salient solutions that shape expectations. Although the Stockholm Convention is concerned with the ban of certain substances, their replacement by other les toxic chemicals already available is a possible explanation to the formation of the regime. The second alternative

99 Soroos 1993, 197.
100 Young and Osherenko 1993, 15.
102 Young and Osherenko 1993, 14-17.
explanation considers the possibility that the chemical industry did not lobby against the two international agreements on POPs because it has interests in banning certain of these chemicals no longer produced in industrialized countries to create new markets. Indeed, the set of substances eliminated by the CLRTAP POPs Protocol and the Stockholm Convention on POPs is very specific. Third, regime formation is often thought to be facilitated by the presence of “effective compliance mechanisms that are not viewed as intrusive to participant states”. The Stockholm Convention, like most international environmental agreements, contains no coercive legal enforcement mechanisms or penalties for non-compliance. Considering the consequences of ignoring the provisions of the treaty are close to nil, this begs the question about the extent to which Canadian Arctic Indigenous peoples really had an influence.

As this chapter draws to an end, I would simply like to recall the salient points for the reader. First, I propose to understand regime analysis as a synthesis between neoliberalism and cognitivism. While such an approach makes room for the role of ideas in regime formation, it does not distract us from looking at interests-based explanations. It thus recognizes that treaty making is ultimately the domain of states. My understanding of regime analysis is further refined by the use of two key concepts: Norms entrepreneurs use organizational platforms to frame the perception actors have of a specific issue; lead state make sure the issue moves forward on the international agenda and try to convince other states. Second, the chapter provided a rationale for looking at regimes in stages. In the following pages, the reader will thus follow an analysis of the role played by Canadian Arctic Indigenous peoples at (1) the definition stage of the POPs issue, (2) the fact-finding stage, and (3) the bargaining process. Finally, for each one of these stages I have presented a set of hypotheses that support the idea according to which Canadian Arctic Indigenous peoples played an important role in the formation of a POPs regime. These were accompanied by another set of alternative explanations that look beyond norms to explain the formation of a POPs regime and the role played by Canada as a lead state in that respect. These will help us determine the scope of Arctic Indigenous peoples’ influence in the formation of the POPs regime. Let us now turn to Chapter 2 to examine where the most promising explanations lie.

103 Soroos 1993, 203; Young and Osherenko 1993, 17.
Chapter 2: Issue definition

1. Before the findings in the Arctic
2. After the findings in the Arctic
3. Turning point to the issue definition phase: Canada as a lead state

In this chapter I explain how POPs came to be a concern in the first place, and how the issue was addressed in international organizations under the leadership of Canada. The science on POPs in the Canadian Arctic is not how the issue definition phase started for these toxic chemicals. POPs were already a concern in the 1960s and the issue was picked up by the environmental movement as well as NGOs in the 1970s. My argument is rather that after the findings of POPs in the blood and breastmilk of Inuit people, a normative component was added to the issue definition stage, and it allowed Canadian Arctic Indigenous peoples to exert influence on the Canadian government. To support this claim, I consider the reaction of the Canadian news media to the findings made in the 1980s, and I examine how the issue reached the Canadian political circles. I explain that this was partly due to the universal normative frame that quickly became attached to the POPs issue. I then propose alternative explanations that account for the behaviour of Canada in setting up research programs on POPs and taking the issue to various international forums.

Before the findings in the Arctic

Rachel Carson’s *Silent Spring* and the findings concerning the contamination of the Great Lakes have been echoed in public concern about food safety and environmental quality since the 1960s. As a result, by the 1970s all major industrialized countries had much tighter regulations on chemicals and pesticides, and from the 1970s to the 1990s most of them moved to ban POPs domestically. The development of domestic legislations and regulations thus happened long before any international movement decided to address these issues.  

During the 1970s and 1980s, trade in hazardous chemicals increased and along came rising impacts in developing countries. It led some public interest groups to advocate for a drastic reduction in pesticide use and trade with developing countries in the 1980s. Mainstream development organizations such as OXFAM also started to express their views on the use of [104 Victor 1997, 221; Olsen 2003, 44.]
pesticides, but none of the major ones favored a ban on trade in hazardous pesticides, including the substances that were already banned in industrialized countries. However, these organizations jointly criticized multinational corporations that encouraged the excessive use of pesticides and all agreed on the need to implement integrated pest management program, a concept developed to describe how limited pesticide applications could be supplemented by natural pest-control techniques.\textsuperscript{105}

In response to these concerns, few governments changed their domestic policies to address the impacts of their export of hazardous chemicals. Most notably, export notification requirements were adopted in the United States under Jimmy Carter's presidency. It was then clear that trade regulation through notification schemes were kept at a minimum and that bans on hazardous chemicals export were an unlikely avenue. That is when the Prior Inform Consent (PIC) alternative emerged. OXFAM's David Bull, one of the most respected expert on hazardous chemicals, is often credited with coining the term that proposes shipments should not be allowed to proceed without the informed and explicit consent of the importing party.\textsuperscript{106}

UNEP was concerned with problems of trade in hazardous chemicals since environmental groups and developing countries had put the issue on the international agenda in the 1980s. In fact, the UN General Assembly adopted resolutions to limit the export of chemicals already banned in industrialized countries and to promote greater information exchange year after year starting in 1979. At this point, environmental and development organization were siding with developing countries against the industry and the main exporting countries still opposed to the idea of PIC. It is interesting to note that UNEP could have picked up the POPs issue and drive it to the international stage much in the same way it did in the 1990s. I provide some indications as to why it did not later in this chapter. In the meantime, rather than calling for a global treaty, UNEP adopted the \textit{London Guideline for the exchange of Information on Chemicals in International Trade} in 1987. Environmental organizations also managed to put the regulation of trade in toxic chemicals and pesticides on national governments' agenda through the 1980s so that most countries for which export of chemicals was important were considering systems for

\textsuperscript{105} Victor 1997, 226-27.
\textsuperscript{106} Victor 1997, 228-30.
export notification with a few already implementing them and considering adopting the PIC procedures.\textsuperscript{107}

During the 1987 meeting when the \textit{London Guidelines} were adopted, Greenpeace and the Pesticide Action Network (PAN) played an important role in helping Senegal lead a coalition of developing countries pushing to study the inclusion of PIC in the \textit{Guidelines}. Just two years before that, pressure from the industry had been successful at removing PIC from the \textit{FAO Code of Conduct on the Distribution and Use of Pesticides}, a document that had been drafted by OXFAM’s David Bull. However, in 1987 advocates were well organized and managed to focus the international policy on PIC itself. The amendment that included the PIC procedures was added to the \textit{London Guidelines} in 1989,\textsuperscript{108} at the same time as the science on POPs in the Arctic started to emerge.

While the pieces of an international agreement on PIC were being put together, it is interesting to examine how environmental organizations were framing the POPs issue to make their campaign. The example of the Pesticide Action Network (PAN) is instructive. PAN was heavily influenced by the publication of \textit{Circle of Poison: Pesticides and People in a Hungry World} by David Weir and Mark Schapiro in 1981.\textsuperscript{109} The title refers to the cycle through which pesticides banned in industrialized countries but still exported to them create health problems in the destination countries due to unsafe handling, improper labeling and poor storage practices. These same chemicals then come back to consumers in the countries where they are banned along with the imported crops. The concept was meant to underline the need to address the threat posed by these chemicals at the international level.\textsuperscript{110}

Responding to the call, PAN was formed by activists from around the world in May 1982. PAN has been involved in several campaigns and has grown to include nearly a thousand groups from over 60 countries. One of its most important operations was the ‘Dirty Dozen Campaign’ to ban the hazardous chemicals identified in Table 1, launched on June 5, 1985, World Environment Day.\textsuperscript{111} According to Monica Moore, a founding member of PAN and program director at PAN

\begin{footnotes}
  \footnote{107} Victor 1997, 231-33.
  \footnote{108} Victor 1997, 234-35.
  \footnote{109} Global Pesticide Campaigner 2002, 1.
  \footnote{110} Yoder 2003, 116.
  \footnote{111} Keck and Sikkink 1998, 131; Global Pesticide Campaign 2002, 12.
\end{footnotes}
North America, the vision that informed PAN’s foundation was to stop the poisoning and the damage and make the world a place where food and fiber could be produced safely and plentifully.\(^\text{112}\)

**After the findings in the Arctic**

Despite a general sense of awareness to the contamination issue, especially that of the Great Lakes, the problem of POPs in the Arctic really became public only in 1985 when the Canadian Wildlife Service released an important survey about contaminants in Arctic wildlife. The main highlight of the report was the presence of PCBs, DDT, dioxins, and other contaminants in polar bears. The findings also indicated that these chemicals had come a long way to reach the Arctic from agricultural and industrial centers. One of the scientists involved in the project concluded that the ban of the 1970s had certainly not resulted in the disappearance of the toxic chemicals.\(^\text{113}\)

That same year, the Canadian government decided to study the presence of PCBs in the Inuit people of Broughton Island,\(^\text{114}\) a tiny hamlet of the Baffin region, then part of the Northwest Territories and now in Nunavut (see Illustration 1). Health officials were worried that an obsolete radar system might have been leaking small amounts of chemicals.\(^\text{115}\) Explaining that the traditional diet of these people put them at risk of being contaminated, Dr. David Kinloch of Health and Welfare Canada led a team to collect samples of blood and breast milk. The initial results were so alarming that Kinloch wanted to extend the research to a larger population.

Around the same time, Dr. Eric Dewailly from the Community Health Department of Laval University Hospital was asked by the Quebec provincial government to survey the breast milk contamination of women in urban areas. While at a public health meeting, he was offered by a mid-wife from East Hudson Bay to include the breast milk of women from Nunavik, Northern Quebec, in his sample (see Illustration 2). Believing it would be interesting to compare his sample to what he thought would be the pristine breast milk of Inuit women, Dewailly accepted. Both research projects came to completion around 1988 with dramatic results. The research led by Kinloch found that PCB concentrations in blood samples exceeded the Health and Welfare

\(^{112}\) Global Pesticide Campaigner 2002, 18.


\(^{114}\) Broughton Island is known as Qikiqtarjuaq since November 1 1998, following the creation of Nunavut.

\(^{115}\) The Distant Early Warning (DEW) line was an air-raid warning system. See Cone 2005, 114.
Canada tolerable daily intake in 63% of children under 15 years of age, 39% of females aged between 15 and 44, 6% of males 15 years or older, and 29% of women 45 years or older. Dewailly, on his side, showed that PCB concentration in breast milk were five to ten times those of southern Canadians.116

Illustration 1 Broughton Island, Nunavut

Illustration 2 Nunavik, Quebec

The astonishing discovery leaked to the press even before the people concerned could be informed. On December 15 1988, The Globe and Mail published a front-page story, quoting an Environment Canada scientist saying that “the Inuit might have to go on a diet of chicken and beef.”117 In the article, Kinloch revealed that a whole range of toxic substances had been identified in addition to PCBs. He also said that the Dene and Metis Nations were under the threat of another group of chemicals, which he did not identify.118 The article also referred to other studies from Environment Canada and the Department of Fisheries and Oceans that had revealed traces of pesticides not used in Canada or the United States had in the environment and wildlife of other Arctic locations. The scientists explained that it was unlikely that North

118 It later turned out that Dene, Metis, and Yukon First Nations were more affected by nuclear fallouts than POPs. These Nations have lower exposure to POPs because their diet is based on freshwater fish and terrestrial mammals. See Environment Canada 2006. Canada’s National Implementation Plan under the Stockholm Convention on Persistent Organic Pollutants. Ottawa: Environment Canada, p.15.
American had created the problem. Terrified by the news, some Inuit stopped eating their country food, and the issue quickly became a crisis for the Canadian government.\(^{119}\)

While Indigenous people, scientists and Canadian officials were digesting the findings, it became clear that the issue was transboundary in nature and that Canada could not solve it alone. Becoming more salient was also the idea that the Inuit were the innocent victims of a problem in which they had no hand since it could not be said that they derived any benefit from the use of these toxic substances.\(^{120}\) These conclusions were echoed in a call for a global agreement on toxic contamination by the Inuit Circumpolar Conference in 1988.\(^{121}\) At the beginning of 1989, the Department of Indian and Northern Affairs convened a meeting at the Chateau Laurier in Ottawa to discuss the findings and organize a strategy. Despite the request by Indigenous peoples’ organizations to be represented, the meeting was held behind closed doors. To say that native leaders were furious is probably an understatement. Indeed, the toxic chemicals crisis was only adding to the general sentiment of the Arctic Indigenous peoples that they had been mistreated or neglected for over a century. Things were getting out of hand for the Canadian government as the plight of the Arctic Indigenous peoples was exposed by native leaders in newspapers across the country. For instance, the President of the Inuit Circumpolar Conference explained that the Inuit were under the threat of something they had not created, coming from the industrial world. On his side, the leader of the North West Territories government talked about a “cultural genocide”.\(^{122}\)

Shortly after the meeting in Ottawa, scientists flew back to Broughton Island to explain what was happening. Under the pressure of the turn of events, the findings were communicated to the people in such a clumsy way that Indigenous people did not really know what to understand. Illustrative of the panic is how an Inuit mother fed her baby with Coffeemate as a result of being told that her breast milk was contaminated.\(^{123}\) Public health officials realized their mistake but

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\(^{119}\) Cone 2005, 114

\(^{120}\) See, for example, Editorial. “PCBs in the Arctic” The Globe and Mail, 2 January 1989, A6.

\(^{121}\) See, for example, Canadian Press. “Inuit Group Calls for Global Agreement to Reduce Toxic Contamination of Arctic” The Globe and Mail, 19 December 1988, A5.


were still left facing a serious dilemma: should they advise native people to change their diet and feed their babies with expensive alternatives\textsuperscript{124} or should they recommend that people go about eating their nutritious and culturally important country food? This is an important detail to understand the emergence of the norm associated to the Arctic Indigenous peoples because had there been an easy alternative, the issue could have fallen in oblivion very easily.

These events clearly show that the Canadian government was exposed to an ideational factor. The question is now to see how the norm and the issue attached to it reached the political agenda. Before doing so, some thoughts are needed on the norm itself. As explained by Keck and Sikkink, issues involving bodily harm to innocent are particularly compelling because of the universality of the cognitive frame they resonate within\textsuperscript{125} Is the case at hand an example of that? I hold that the image of the Inuit people living in the pristine Arctic contaminated by chemicals they never used in the first place fits perfectly well with this frame, as does the more specific image of a woman breast feeding her baby with contaminated milk. Furthermore, as explained by Price, “the perception of a crisis or a shock is a crucial factor in precipitating ideational or normative change”.\textsuperscript{126} That the findings were unexpected was not only made obvious by the reaction of the scientists, but also by the way the Canadian government handled the situation. This indubitably contributed to the norm emergence by creating a situation of panic and the impression that a disaster was about to happen. If the previous propositions are accurate, we should expect politicians to pick up the issue and the government to act in earnest.

The issue seems to have quickly reached the Cabinet. In the midst of the turmoil, External Affairs Minister Joe Clark and Heath Minister Jake Epp pledged to seek a diplomatic solution to the problem.\textsuperscript{127} In addition, the issue reached the floor of the House of Commons several times when representatives from across the country addressed it. For instance, in May 1989, MP Jack Iyerak Anawak from the electoral district of Nunatsiaq, Northwest Territories, spoke of the toxic contamination of what many thought was an unspoiled land and mentioned the threat to the culturally important country food of the native people. He then explained how studies had found


\textsuperscript{125} Finnemore and Sikkink 1998, 907-8; Keck and Sikkink 1998, 27.

\textsuperscript{126} Price 1997, 622.

\textsuperscript{127} See, for example, Canadian Press. “Let’s Act on Arctic Pollution Epp Says” The Toronto Star, 20 December 1988, A10.
PCBs in the people and the food they consume. Anawak then stressed the transboundary nature of the problem and the need to pursue an international binding agreement. Finally, he raised the fact that the government had turned down the request by Inuit organizations to be at the Ottawa meeting.\textsuperscript{128} The contamination of an unspoiled land, the non-use of these chemicals by the natives, the presence of PCBs in breast milk, and the threat to the Inuit culture all became recurrent themes in further interventions on the issue.\textsuperscript{129} For example, MP Sheila Copps from Hamilton East, Ontario, said: “In the most pristine, untouched part of the world currently accessible only by plane, (...) the women in that community have PCBs in their mother’s milk”.\textsuperscript{130}

Considering the level of attention the issue gained in the political circles, it does not necessarily come as a surprise that the issue reached the political agenda. The contamination of the Arctic became an important component of Canada’s environmental policy shortly after these events. For example, during the consultations in the run up to Canada’s \textit{Green Plan}, Arctic Indigenous peoples raised the issue of toxic chemicals threatening their health.\textsuperscript{131} The findings made on Broughton Island were highlighted in \textit{The State of Canada’s Environment} as well as the science behind the threat posed by chemicals to the Inuit people and their culture.\textsuperscript{132} Canada’s \textit{Green Plan} also committed $100 million over five years to the \textit{Arctic Environmental Strategy}, a program concerned, among other things, with the problem of chemical contamination from other regions of the world to the Arctic. It pledged to further assess the contamination of the Arctic as well as to take action at the international level.\textsuperscript{133}

Can we conclude that Arctic Indigenous peoples played any role in the creation of these different programs? To answer this question, let us consider some alternative explanations. All the initiatives mentioned were components of Canada’s \textit{Green Plan}, which was to a large extent a response to “unprecedented demand for governmental action on the environment” across the

\textsuperscript{128} Parliament. House of Commons. \textit{Debates}, 34\textsuperscript{th} Parliament, 2\textsuperscript{nd} Session, May 4 1989, p.1341-42.
country. Indeed, in Canada like abroad the late 1980s witnessed a high level of awareness and concern for environmental issues that was stimulated by a series of grave ecological disasters such as the Bhopal and Chernobyl accidents as well as the Exxon Valdez oil spill. For these reasons, it seems clear that the plight of the Arctic Indigenous people was not at the source of such a high concern for the environment in Canada.

A second alternative explanation potentially takes away from the purported influence of norms at this stage of regime formation. It is generally recognized that departments and ministries within a government have interests of their own and that the policies they pursue can be reflective of those. The Northern Contaminants Program might not be an exception as the department of Indian and Northern Affairs has much to gain from treating the Arctic as a distinctive region. Indeed, this could help enhance the profile of the department and propel it to the forefront of major Canadian departments. Another way to see how the POPs issue was mainstreamed is thus to think that it served the interests of the department of Indian and Northern Affairs in its battle for influence against other departments.

While the previous analysis helps establish the limits of my argument, it does not constitute a refutation. I hold that the normative influence of the Arctic Indigenous people was distinct from that of the public opinion for two reasons. First, although research on contamination in the Great Lakes by toxic chemicals had started in the 1970s, the findings of PCBs in the body of Inuit people added a new dimension. The issue was not so much that these people had toxic chemicals in their bodies, as other southern Caucasian Canadians also did. The real problem was that PCBs and other contaminants were not supposed to be found all the way there, in the body of native people who are widely seen as living a life widely disconnected from the consequences of the industrialized world. Second, the contamination levels of the Inuit people were dangerously high. This fact was not only striking from a general public health perspective but also because it stressed the idea that these people had a completely different way of life, supplemented by a traditional diet of sea mammals most southern dwellers were not even aware of.

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134 Harrison 1996, 121.
135 Ibid. 116-117
136 Young 1992b, 239-40.
These considerations seem to support the idea that it was unlikely that the Canadian government would have put such an emphasis on the Arctic and the contaminants issue had it not been for the normative shift triggered by the crisis that followed the findings made on Broughton Island and in Nunavik. Again, I am not claiming that Arctic Indigenous people are the unique reason why the Canadian government invested resources in the research on POPs. All I am trying to establish is that the ideational concern attached to the contamination of the Inuit did play a role in setting the political agenda. The best way to see it might be to consider how the findings mainstreamed the concern for the contamination of the Arctic. The Northern Contaminants Program (NCP) is a case in point. Established as an element of the Arctic Environmental Strategy in 1990, the NCP later became a key component of the research on POPs as a major contributor to the Arctic Monitoring Assessment Program discussed later. Interestingly, soon after its foundation the NCP expanded to include five Indigenous peoples' organizations (Inuit Circumpolar Conference Canada, Inuit Tapirisat (now the Inuit Tapirir Kanatami), Dene Nation, Métis Nation – NWT, and the Council of Yukon First Nations). According to Fenge, this arrangement partially reflected the strong reaction by some Inuit people to the mishandling of the findings by the Canadian government in previous years. If this is true, and if my argument holds, we can at least say that Arctic Indigenous peoples widely contributed to what became by far and large the most comprehensive scientific assessment of POPs contamination in the world.

Unfortunately, my argument cannot be tested against an alternative explanation based on interests. Indeed, none of the most notorious pesticides found in the Arctic had ever been manufactured in Canada. In addition, Canada had prohibited the manufacture, import and sale of PCBs as well as restricted their use to existing closed electrical and hydraulic systems since 1977. In that situation, it seems fair to say that there was virtually no cost for Canada to pursue an active domestic policy on POPs. In the eventuality that high level of contamination was found, it was very unlikely that these chemicals would have been produced by the Canadian chemicals industry.

139 Fenge 2003, 194.
Turning point to the issue definition phase: Canada as a lead state

With strong indications that the majority of POPs in the Canadian Arctic was from outside the region, Canada could not solve the problem by focusing on domestic environmental programs. Instead, Canada tried to redefine the issue at the international level by taking leadership in addressing the POPs issue. The United Nations Economic Commission for Europe (UNECE) is probably the first forum where Canada started advocating for international action on POPs. In August 1989, an official from Indian and Northern Affairs Canada made a presentation on the problem of POPs in the Arctic that persuaded the Convention on Long-Range Transboundary Air Pollution (CLRTAP) Working Group on Effects, the group responsible for assessment activities, to include the issue of hazardous organic substances in its working plan. The Working Group on Effects requested a more extensive report because too many uncertainties still surrounded POPs contamination. The group of experts under Canadian supervision eventually prepared a more extensive report.\(^{141}\)

After successfully influencing the issue definition in a regional organization, Canada brought the emerging scientific information on POPs in the Arctic to the attention of several different international organizations such as the Organization for Economic Cooperation and Development (OECD), the FAO, the United Nations Environment Programme (UNEP), and the World Health Organization (WHO). According to Selin and Eckley, this advocacy work was motivated by a combination of new scientific information, and a heightened sensitivity to the concerns of its Indigenous populations.\(^{142}\) Of particular importance is the work done by Canada at UNEP. In addition to Selin and Eckley, others agree to say that Canada played a key role at meetings of UNEP Governing Council, particularly in the second half of the 1990s.\(^{143}\) According to Fenge, Canada played a crucial role in persuading the Governing Council of the UNEP to sponsor international negotiations towards a new, global treaty on POPs in 1995.\(^{144}\) Coincidentally, the same year UNEP Governing Council adopted resolution 18/32, which called for an international assessment of the twelve POPs known as the “dirty dozen”.\(^{145}\) The same year, the Washington Declaration issued from the *International Conference to Adopt a Global Programme of Action (GPA) for the Protection of the Marine Environment from Land-based*

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\(^{141}\) Selin 2003, 113. See also Selin and Eckley 2003, 23.

\(^{142}\) Selin and Eckley 2003, 22.

\(^{143}\) Fenge 2003, 201; Chasek et al. 2006, 296.

\(^{144}\) Fenge 2000, 10.

Activities also called for a treaty targeting the twelve chemicals.\textsuperscript{146} According to Van Bilcke, Canada had played an important role in putting the issue on the agenda of this conference since the Reykjavik meeting of government-designated experts earlier the same year.\textsuperscript{147}

There seems to be little doubt that Canada played a prominent role in the issue definition stage of the POPs regime by acting as a lead state. However, that should not distract us from the fact that other states showed leadership at this stage of regime formation. Like Canada, Sweden had been concerned with POPs since the late 1980s. Following findings of contaminants in the Baltic Sea, Sweden undertook an assessment of the state of the contamination in a way similar to Canada. It came up with similar results showing the long-range atmospheric transport and the presence of toxic chemicals that were of concern to the environment and human health. In 1990, both countries presented a draft of the report requested the year before by the Working Group on Effects and jointly argued that the time had come for action on POPs. In November 1991, the CLRTAP Executive Body approved a proposition by Sweden to form an Intergovernmental Task Force on POPs to prepare a full report on was what known on POPs along with recommendations for international actions.\textsuperscript{148}

I started the chapter with a brief summary on the origins of the concern for POPs. It showed that it had originated in the 1960s, and that the environmental movement had led a majority of industrialized countries to ban the most notorious POPs domestically. The concern for these toxic chemicals then revolved around the situation of developing countries, with NGOs trying to obtain international recognition for the concept of Prior Informed Consent. In the second section I argued that certain events led to a change in the issue definition stage of the POPs regime. Indeed, findings of POPs in the blood and breast milk of Inuit people brought a new way to look at POPs. That innocent people living in remote areas of the Arctic could be harmed by chemicals they had never used was a new way to look at the problem and it received a significant reaction in the Canadian news media and in political circles. The Canadian government then created programs to further research POPs, and it went on a crusade at the international level to address the issue. Although Arctic Indigenous peoples seem to have played a role in this behaviour, it is also fair to say that the environmental issue was already on

\textsuperscript{146}Chasek et al. 2006, 296.  
\textsuperscript{147}Van Bilcke 2002, 328.  
\textsuperscript{148}Selin 2003, 113-114.
the Canadian government’s radar thanks to a public opinion wary of these problems. Additionally, I proposed that the reaction of the Canadian government to the plight of the Inuit people might have been enhanced by the interests of the Department of Indian and Northern Affairs to see an issue under its responsibility rise to prominence. I could not test the main hypothesis against a formal interest-based explanation because Canada is neither a producer nor a user of the POPs chemicals identified in the Arctic. For that reason, one could say that it was relatively easy for Canada to pick up the issue and gain prestige on the international stage. I concluded that despite these various explanations the main influence of the Canadian Arctic Indigenous peoples was perhaps to be found in the important role they played in creating and participating in the Northern Contaminants Program, an assessment project critical to the development of knowledge on POPs. The development of science on POPs and the building of a consensus is the topic addressed next in chapter 2.
Chapter 3: Fact-finding

1. Origin of the global work on POPs
2. UNEP POPs assessment
3. CLRTAP Task Force on POPs
4. The Arctic Council

We have ended the issue definition stage of the POPs regime by saying how a turning point had occurred with decision 18/32 of the UNEP Governing Council in 1995. This chapter will look at the fact-finding stage leading to the bargaining of the Stockholm convention on POPs. The work done at UNEP in that respect is generally regarded as a starting point because it directly led to the negotiation of a global agreement. The chapter will thus focus on the role played by Canada as a lead state in that process. However, two other regional organizations made significant contribution to the assessment of the POPs issue and the development of a consensus on the need to take action. The first one is the CLRTAP Task Force on POPs, where Canada and Sweden held on to the leadership previously exhibited at the issue definition stage. The second one is the Arctic Council where Arctic Indigenous people's organizations played a prominent role. Because of my interest for the role of Arctic Indigenous peoples in the POPs regime, I look at the Arctic Council last and in more details in order to argue about the role these peoples' organizations played in the development of the science on POPs.

Origin of the global work on POPs

It is generally recognized that the origin of the global work on POPs stems from Agenda 21, an outcome of the 1992 United Nations Conference on Environment and Development. In Rio, UNCED identified international collaboration on chemical management as a top priority. Specifically, Agenda 21 included Chapter 19 on the environmentally sound management of chemicals. It acknowledged two important things particularly relevant for POPs. The first was to recognize the need for an international strategy for action on chemical safety.

A substantial use of chemicals is essential to meet the social and economic goals of the world community and today's best practice demonstrates that they can be used widely in a cost-effective manner and with a high degree of safety. However, a great deal remains to

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be done to ensure the environmentally sound management of toxic chemicals, within the principles of sustainable development and improved quality of life for humankind.\textsuperscript{150}

Chapter 19 enjoined governments to:

Adopt policies and regulatory and non-regulatory measures to identify, and minimize exposure to, toxic chemicals by replacing them with less toxic substitutes and ultimately phasing out the chemicals that pose unreasonable and otherwise unmanageable risk to human health and the environment and those that are toxic, persistent and bio-accumulative and whose use cannot be adequately controlled.\textsuperscript{151}

The second important element is that this approach was motivated by the growing concern about the ability of toxic chemicals to circulate globally and cause harm in places remote from where they had been used. Chapter 19 explained:

There is international concern that part of the international movement of toxic and dangerous products is being carried out in contravention of existing national legislation and international instruments, to the detriment of the environment and public health of all countries, particularly developing countries.\textsuperscript{152}

To improve coordination on chemicals related issues, Chapter 19 led to the formation of the Intergovernmental Forum for Chemical Safety\textsuperscript{153} (IFCS) in 1994 and the Inter-Organization Programme for the Sound Management of Chemicals\textsuperscript{154} in 1995.\textsuperscript{155}

**UNEP POPs assessment**

As explained in the previous chapter, the leadership of Canada at the UNEP in the 1990s had brought the issue definition stage to a turning point at which UNEP Governing Council decided to begin the global assessment of the 12 identified POPs (see Table 1). UNEP's May 1995 Decision 18/32 mandated the Inter-Organization Programme for the Sound Management of Chemicals.

\textsuperscript{150} Agenda 21, Chapter 19, Article 19.1.
\textsuperscript{151} Agenda 21, Chapter 19, Article 19.49 c.
\textsuperscript{152} Agenda 21, Chapter 19, Article 19.9.
\textsuperscript{153} The IFCS is a mechanism for cooperation among governments for promoting risk assessment and environmentally sound management of chemicals. Representatives of governments meet with intergovernmental and non-governmental organizations (NGOs) to integrate and consolidate national and international efforts to promote chemical safety. Its purpose is to provide policy guidance, develop strategies in a coordinated and integrated way, foster understanding of the issues, and promote the requested policy support needed to discharge these functions.
\textsuperscript{154} The IOMC serves as a mechanism for coordinating efforts of international and intergovernmental organizations - UNEP, the International Labour Organisation (ILO), the Food and Agriculture Organization of the United Nations (FAO), the World Health Organization (WHO), the United Nations Industrial Development Organization (UNIDO) and the Organisation for Economic Cooperation and Development (OECD) - in assessing and managing chemicals. Its scientific and technical work is carried out through the existing structures of these six organizations, either individually or jointly.
\textsuperscript{155} Olsen 2003, 56-57; Chasek et al. 2006, 135.
Chemicals (IOMC) to set up a working group to initiate an expeditious assessment process on POPs with the International Programme on Chemical Safety and the IFCS. The IFCS was then invited to take the result of the process in order to prepare the way for international action on POPs. In response to the call, the IOMC established the Ad Hoc Working Group on POPs composed of both IOMC members and non-members, corporate actors, NGOs (Greenpeace, World Wildlife Fund, Pesticide Action Network), and a chair (Dr John Buccini) provided by Canada as the lead country.

The activities of the Ad Hoc Working Group on POPs were supplemented with that of the IFCS Expert Group on POPs and they lasted until June 1996, following what a final report was produced. According to the chair, the most important conclusion of the IFCS was that the science on the twelve identified POPs warranted the need for immediate international action. Interestingly, the final report also mentioned the fact that POPs were transported around the world, including regions where they had never been used before.

Just before this process started, another significant meeting was held at which the plight of the Arctic Indigenous peoples was presented as a reason to take action on POPs. Indeed, in May 1994 during the Commission on Sustainable Development meeting, Canada offered to host an expert group meeting on POPs the next year. Over 100 experts from more than 40 countries met in Vancouver, Canada in early June 1995. Presentations at the meeting included a case study that documented high levels of POPs contamination among Inuit people in Arctic Canada. The meeting concluded that there was enough scientific information to warrant immediate international action on POPs. Finally, the UNEP POPs assessment process ended with eight regional awareness-raising workshops that preceded the beginning of the negotiations. More than one hundred countries participated as well as a number of corporate actors and NGOs.

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156 The International Programme on Chemical Safety, established in 1980, is a joint programme of three Cooperating Organizations - ILO, UNEP and WHO, implementing activities related to chemical safety. WHO is the Executing Agency of the IPCS, whose main roles are to establish the scientific basis for safe use of chemicals, and to strengthen national capabilities and capacities for chemical safety.
157 Buccini 2003, 225.
158 Buccini 2003, 232.
159 Final Report of the IFCS ad hoc Working Group on POPs
161 Saint-Petersburg, Russia, July 1997; Bangkok, Thailand, November 1997; Bamako, Mali, December 1997; Cartagena, Colombia, January 1998; Lusaka, Zambia, March 1998; Iguazu, Argentina, April 1998; Ljubljana, Slovenia, May 1998; Abu Dhabi, United Arab Emirates, June 1998.
These workshops were particularly useful to engage the participation of developing countries and those with economies in transition.\footnote{Chasek et al. 2006, 137.}

**CLRTAP Task Force on POPs**

Following the success Canada and Sweden had at redefining the issue at the UNECE, the Department of Indian and Northern Affairs and the Swedish Environmental Protection Agency decided to associate their force to make the case for the need to address the long-range transport of POPs to the Arctic.\footnote{Selin 2003, 114. See also Selin and Eckley 2003, 23.} To assess the POPs issue under the leadership of these two countries, the Task Force met four times between 1991 and 1994, with ten to fourteen states attending and no corporate or non-state actors in attendance. Other than the four Arctic states present at the meetings (Canada, Sweden, Norway, and U.S.) Germany, the Netherlands, Spain, and the United Kingdom were also active during the talks.\footnote{Selin 2003, 114.} The Task Force finally produced a substantial report on the persistence, toxicity, biomagnification, and long-range transport of fifteen POPs.\footnote{Selin 2003, 115; Olsen 2003, 69.} The findings were in line with what had been found earlier by Canada and Sweden in identifying the atmosphere as the primary medium of transport for these chemicals, but it also discovered other paths to be of importance. More importantly for Arctic Indigenous peoples, the report made clear that because of the chemical and physical properties of POPs as well as because of the dominant global air currents, the Arctic and environment and its inhabitants were particularly exposed to their effects.\footnote{In addition to the 12 POPs were chlordecone, hexabromobiphenyl and PAHs.} In terms of policy options, countries were generally supportive of the idea that work on POPs should continue but opinions diverged on how to proceed. In response to the demand by a large group of countries to develop more policy alternatives, an Ad Hoc Preparatory Working Group on POPs was set up.

The Preparatory Working Group (PWG) met four times between March 1995 and October 1996. The same states dominated the discussions, but this time the difference was that both international organizations and non-governmental organizations were in attendance. According to Selin, the industry did not lobby much during the negotiation but rather did so between meetings, primarily with the government of Canada, Germany, France, the UK and the US. Also present at some PWG meetings were Greenpeace and the World Conservation Union.
Finally, since they had become active in the POPs process, international organizations such as UNEP and WHO were in attendance.\(^{167}\) Starting with 107 candidate POPs chemicals, the PWG went through a screening process and eventually agreed to put 18 substances under considerations. Interestingly, none of these initial eighteen substances were manufactured in Canada and only four were used in the country.\(^{168}\)

**The Arctic Council**

Although not the most important for the origin of the global work on POPs, the efforts of the Arctic Council at the fact-finding stage of the POPs regime are of utmost significance to understand the role of the Arctic Indigenous peoples. Indeed, this regional organization held a very important position in both developing the scientific knowledge on POPs, and in providing a valuable experience to Arctic Indigenous peoples’ organizations, which served them well later during the bargaining process.

At the same time as Inuit people and Canadian scientists were struggling with the emerging data on POPs, the eight Arctic states\(^{169}\) instigated a dialogue on environmental cooperation in the Circumpolar North in 1989. Long-range transboundary pollution was an element of these discussions.\(^{170}\) According to Olsen, when ministers from the eight Arctic countries met two years later, they were set to address the problem of man-made pollution and its effects on human health and the environment.\(^{171}\) Based on a proposal by Finland to address Arctic environmental issues, on June 14 1991 the eight states adopted the *Declaration on Protection of the Arctic Environment*, also known as the Rovaniemi declaration, as well as the *Arctic Environment Protection Strategy* (AEPS) to implement it. The AEPS was further divided in four working groups among which the *Arctic Monitoring and Assessment Program* (AMAP) is of most interest here because it was granted the mission to study six pollution issues, one of which was POPs.

The motivation behind Arctic environmental cooperation came from a few events and is not attributable only to the POPs issue. First, a famous 1987 speech in Murmansk by then Soviet

\(^{167}\) Selin 2003, 117.

\(^{168}\) Fenge 2003, 196.

\(^{169}\) The Arctic states are Canada, Denmark (Greenland), Finland, Iceland, Norway, Russia, Sweden, and the United States (Alaska).

\(^{170}\) Fenge 2003, 193.

\(^{171}\) Olsen 2003, 40.
Union Secretary-General Mikhail Gorbatchev had called for cooperation in the circumpolar North by signalling the end of the Cold War. Second, several environmental issues had already caught the attention of these countries. For example, and in explanation to Finland’s initial leadership, smelter emissions from the Kola Peninsula in Russia were harming Finland’s forests. Also, the contamination of the Arctic wildlife and Indigenous people was an issue Canada did not face in isolation since Inuit, for example, are present in four Arctic states.

As explained by Fenge, the Rovaniemi Declaration was a significant step in the right direction for Arctic Indigenous peoples. It reflected their concern by

- Acknowledging the growing national and international appreciation of the importance of Arctic ecosystems and an increasing knowledge of global pollution and resulting environmental threats; and
- Resolving to pursue together in other international environmental forums those issues affecting the Arctic environment which require broad international cooperation.

Also, three Arctic Indigenous peoples’ organizations initially obtained the observer status in the AEPS. One of them was the Inuit Circumpolar Conference and its Canadian branch quickly made the AMAP its priority. Considering its previous experience in the Northern Contaminants Program it was in position to bring a significant contribution.

The success of the AEPS at fostering cooperation in the Arctic spurred states to expand their activities beyond environmental issues. As result, the Arctic Council was established in 1996 under the leadership of Canada. The Council immediately accorded the same three Indigenous peoples’ organizations the status of permanent participants. Their representatives would sit alongside Ministers and Senior Arctic Officials and could present proposals for cooperation. This created a unique situation where, except for voting, Arctic Indigenous peoples could participate in all aspects of the Council’s work in the same manner as states.

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175 The other two were the Saami Council and the Russian Association of Northern Minorities.
176 Fenge 2003, 194.
177 Three other Arctic Indigenous peoples’ organizations have obtained the same status through the years: the Aleutian International Association, the Gwich’in Council International, and the Arctic Athabaskan Council.
The research on POPs flourished under the AMAP. The Arctic states had already produced a report summarizing the state of knowledge on POPs in the Arctic in 1991, but by 1997 Canada had released its *Canadian Arctic Contaminants Assessment Report* (CACAR). Since Canada had started working on the issue of northern contaminants prior to AMAP, it was one of the best prepared countries to contribute to the Arctic program. The same year, merging the Canadian data to that of other circumpolar nations, AMAP produced a path-breaking report: the *AMAP Assessment Report: Arctic Pollution Issues*. Among others things, the very detailed and comprehensive report on the state of the contamination recommended that AMAP countries push for the adoption of a protocol on POPs under the CLRTAP and that they support the call of the UNEP to seek an international binding agreement on POPs. As explained in a Canadian Government report, the scientific information produced by the NCP and AMAP became a cornerstone of policy decisions and action both domestically and internationally. They provided the scientific substantiation for Canada and others to take action internationally on contaminants, which eventually led to the conclusion of the 1998 CLRTAP POPs Protocol and the 2001 Stockholm Convention.

Now that the importance of the Arctic Council and the AMAP at the fact-finding stage is established, I turn to the role played by Arctic Indigenous peoples’ organizations in this process. Since the beginning of the AEPS, these organizations have played a pivotal role in agenda setting and political debate. In the context of Arctic cooperation on the environment, Indigenous peoples have not only set themselves at the forefront of environmental protection but have also been the driving force behind many initiatives approved by the Arctic Council. The Inuit Circumpolar Conference is a case in point. Formed in Alaska in 1977 the organization has had NGO status at the United Nations since 1983. Throughout the 1980s, the ICC has had a focused agenda oriented around the protection of Indigenous homeland and the creation of conditions favorable to sustainable development. It also devoted considerable attention to the

180 Fenge 2003, 194-95.
development of a set of comprehensive principles for the Arctic. Moreover, in 1985 the ICC set up its own Environmental Commission (ICCEC) with the objective to establish an Inuit Conservation Strategy. The result was the world’s first regional conservation strategy. In light of these facts, it does not come as a surprise that the ICC is considered the most active of all Arctic Indigenous peoples’ organizations behind AEPS work.

It is difficult to assess exactly how much an organization like the ICC has been able to achieve by participating in the Arctic Council and how much is owed to its own effort. On the one hand, it is true that the AEPS had shown its desire to integrate the concern of Arctic Indigenous peoples as well as their perspective on environmental issues. On the other hand, a little known fact is that the Danish government had to take a clear initiative in support of the Inuit people before they were accepted as legitimate players in the development of the AEPS. Although I cannot provide more information on the influence of Arctic Indigenous peoples’ organizations on the process that led to the creation of the AEPS, it seems clear that this initiative has allowed Arctic Indigenous peoples’ organizations and NGOs a greater international role in Arctic environmental politics through the years. These organizations have also used the AEPS to position themselves to achieve international visibility with regards to environmental action. According to Young, “it is possible to argue that the efforts of the ICC to devise coherent policies for the Arctic helped to publicize the importance of environmental protection in the Circumpolar North”.

To understand the extent to which Arctic Indigenous peoples’ organizations have been important in the AEPS and the emergence of knowledge on POPs, I propose to look at two alternative explanations. The first one concerns the role of scientific convergence. This hypothesis states that environmental cooperation was relatively easy to achieve in a context where a common understanding of the causes and solutions to the problem of POPs were present. If this proposition holds, we are forced to admit that Arctic Indigenous peoples’ organizations probably played a minimal role in pushing for the development of the science on

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188 Nuttall 1998, 32.
189 Young 1998, 76.
190 Nuttall 1998, 36.
191 Young 1998, 76.
POPs. However, Young found no evidence that such an epistemic community with a common understanding of the problem and a shared prescription for its solution even existed in the AEPS case.\textsuperscript{192} He believes this situation can be explained by the overwhelming importance of the Cold War in setting the stage for environmental cooperation in the Arctic as well as to the lack of interests in the Arctic on the part of environmental NGOs prior to the 1990s. According to him, the AEPS makes it clear that the shared understanding of a problem supported by an epistemic community was not a necessary element of regime formation in the context of Arctic environmental cooperation.\textsuperscript{193}

Other forces have to be accounted for to understand the role played by Arctic Indigenous peoples’ organizations in the AEPS. I already mentioned that Canada was a lead state in the formation of the Arctic Council. Considering the importance of the knowledge on POPs that came out of the NCP and the AMAP, one could think that the science on POPs was one of Canada’s priorities in setting up regional cooperation in the Arctic. Although it might be the case, one also has to consider that for Canada, treating the Arctic as a distinctive region makes much sense from the point of view of its interests. As explained by Young, this could provide a good rationale for Canadian efforts to establish jurisdictional claims in the Far North.\textsuperscript{194} Indeed, Canada can be seen as competing for sovereignty over a huge and sparsely populated segment of the Arctic. It is then highly strategic to exploit the distinctive characteristics of the Arctic as a basis for Canadian claims over certain circumpolar archipelago and the Northwest Passage.\textsuperscript{195}

In summary, it is worth recalling that the CLRTAP POPs assessments contributed to the framing of the POPs issue and that they helped pushing it onto the international agenda.\textsuperscript{196} Canada clearly played a lead role in that respect although we lack evidence about the motivations behind that behaviour. It is nonetheless worth remembering that the whole assessment process at the CLRTAP started after an Indian and Northern Affairs official made a presentation on POPs contamination in the Arctic in 1989. At the Arctic Council, AMAP produced the research that supported the rationale for a global agreement on POPs.\textsuperscript{197} When looking at this regional organization, it seems fair to say that Arctic Indigenous peoples’ organizations had some

\textsuperscript{192} Young 1998, 186.
\textsuperscript{193} Young 1998, 187.
\textsuperscript{194} Young 1992b, 237.
\textsuperscript{195} Young 1992b, 236-238.
\textsuperscript{196} Selin and Eckley 2003, 38.
\textsuperscript{197} Nowlan 2001, 13.
influence in the fact-finding stage of the POPs regime. Beside the work of the Inuit Circumpolar Conference, the reader should remember that Young found surprisingly little to report regarding the efforts of non-state actors to push the AEPS on the international agenda.\textsuperscript{198} Considering the role of epistemic communities was also dismissed, we are left with a somewhat satisfying idea of the role played by Arctic Indigenous peoples’ organizations in the AEPS and more specifically in the AMAP. However, while the AEPS and the formation of the Arctic Council both institutionalized and gave greater international recognition to Indigenous knowledge and expertise, we reached mixed conclusions to the extent that the influence of Arctic Indigenous peoples was counterpoised by that of the interests of Canada in defining the Arctic as a distinct region. Finally, although these international bodies have clearly influenced the POPs regime in a significant way,\textsuperscript{199} the reader should remember that it was not until the UNCED in 1992 that the problem of toxic substances and rules for their handling was first addressed at the global level.\textsuperscript{200} For that reason, it is generally recognized that the origin of the global work on POPs neither stems from CLRTAP nor the Arctic Council, but rather from Agenda 21, an outcome of the 1992 United Nations Conference on Environment and Development.\textsuperscript{201} In that respect, we saw that Canada played the role of leader in UNEP’s assessment process. Canada also jointly organized an international meeting of experts on POPs on its territory, in Vancouver, where a case study of the Arctic Indigenous peoples’ struggle with POPs was presented. The meeting concluded that international action on POPs was justified. While it is admittedly hard to disentangle the effects of these various assessment processes, the fact remains that they all contributed to reaching the bargaining stage of the POPs regime, to which we now turn.

\textsuperscript{198} Young 1998, 76.
\textsuperscript{199} Selin and Eckley 2003, 22:32.
\textsuperscript{200} Olsen 2003, 55.
Chapter 4: Bargaining process

1. The 1998 UNECE CLRTAP POPs Protocol
2. The 2001 Stockholm Convention on POPs

This chapter looks at the negotiation of two international binding agreements on POPs. In both cases, I forcefully apply Betsill and Corell's framework of analysis as outlined in Chapter 1. Doing so, I intend to trace the influence Canadian Arctic Indigenous peoples had during the bargaining process of the POPs regime. The first step in the bargaining process is the CLRTAP POPs Protocol, and it is regional in scope because it covers only the United Nations Economic Commission for Europe (UNECE) region. This treaty is interesting to look at because it was the first time Arctic Indigenous peoples were involved in the negotiation of such an agreement. The CLRTAP POPs Protocol is a difficult test for the hypothesis according to which Canada derived its leadership from the normative influence of its Arctic Indigenous peoples. Indeed, the reader will see how the Canadian coalition had much to do to convince Canada to adopt a more proactive stance on POPs. Nevertheless, the reader will see that Arctic Indigenous peoples successfully made a proposition on the actual text of the treaty to have the threat of POPs recognized. The second treaty examined is the Stockholm Convention on POPs, and it is global in scope. Considering Arctic Indigenous peoples' organizations participated more extensively in the negotiation of that treaty, more hypotheses can be tested to determine the extent of their influence on Canada as a lead state and on the likelihood that a regime would emerge out of the bargaining process. The argument I make here revolves around the idea that Arctic Indigenous peoples managed to put a human face on the POPs issue. From such a perspective, it is possible to see how they made a number of interventions on sensible issues that contributed to the emergence of institutions to address POPs. Additionally, I argue that their advocacy work on Canada was more fruitful than during the negotiation of the CLRTAP POPs Protocol, a result that can be attributed to a more crafty approach in the formulation of the normative frame linking POPs to the plight of Arctic Indigenous peoples.

The 1998 UNECE CLRTAP POPs Protocol

The 1979 Convention on Long-range Transboundary Air Pollution is generally considered the first legally binding treaty to address air pollution on a broad regional basis.202 Twenty years

202 Olsen 2003, 68.
later, the 1998 CLRTAP POPs Protocol might not have been the first to address this set of chemicals, but it certainly was the first to do so specifically. As explained in the previous chapter, the efforts to address POPs in the context of this convention came principally from Canada and Sweden. It is therefore not a surprise that these states reiterated their leadership at the bargaining stage. Active participation from other states was generally consistent with the patterns of the fact-finding stage. The five negotiating sessions were held between January 1996 and December 1998, and were all conducted in Geneva. NGOs in attendance were clearly dominated by industry representatives from the same organizations present at the fact-finding stage: the International Chamber of Commerce, the Chemical Manufacturers Association, the Edison Electric Institute, the European Chemical Industry Council, and Eurochlor. In fact, the only environmental NGO ever present was Greenpeace, attending only the October 1997 session. Also present during the negotiations was UNEP, in preparation for the negotiations of a global agreement to start in 1998. Finally, present at a few meetings was a coalition of Canadian Arctic Indigenous peoples, of which I study the influence on the negotiations.

The negotiations of the protocol are interesting to look at for two main reasons. First, it was the first international treaty on toxic chemicals where Arctic Indigenous peoples participated actively. Although they could not attend the entirety of the negotiations, it provided an interesting opportunity for them to gain some valuable experience in view of the coming negotiation of the global POPs treaty. Second, it was the first real chance for Canada to show its commitment to the elimination of the toxic chemicals it had first identified in its own native population almost ten years before. After mentioning the plight of the Arctic Indigenous peoples on so many tribunes, it was now possible to turn words into action.

The negotiation of the protocol was designed as a two-track approach. The first track involved agreeing on the list of substances to be initially included in the protocol and the second track was concerned with setting up a mechanism for the inclusion of additional substances to the protocol after its entry into force. As shown in Table 1, the result that followed the adoption of the Protocol on June 24 1998 is the initial inclusion of sixteen substances to the protocol under three annexes. Annex 1 contains chemicals for which production and use must be eliminated. The disposal of stockpile of these substances is to be carried out domestically, but following

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204 Note that DDT, Hexachlorobenzene, and PCBs are found in two places.
strong resistance by the United States and Canada, the protocol contains no import and export restrictions.\textsuperscript{205} Annex 2 contains chemicals scheduled for restriction on use, and Annex 3 includes unintentional by-products POPs for which objectives in reduction were set.\textsuperscript{206}

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<thead>
<tr>
<th>Annex</th>
<th>Pesticide POPs</th>
<th>Industrial POPs</th>
<th>UPOPs</th>
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<tr>
<td>1</td>
<td>Aldrin</td>
<td>Polychlorinated biphenyls (PCBs)</td>
<td>Hexabromobiphenyl</td>
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<td>Chlordane</td>
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<td></td>
<td>Heptachlor</td>
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<td></td>
<td>Hexachlorobenzene (HCB)</td>
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<td>Mirex</td>
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<td></td>
<td>Toxaphene</td>
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<tr>
<td>2</td>
<td>HCH/Lindane</td>
<td>DDT</td>
<td>Dioxins</td>
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<tr>
<td>3</td>
<td></td>
<td>PCBs</td>
<td>Furans</td>
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Table 3 The Sixteen Substances Initially Included in the CLRTAP POPs Protocol\textsuperscript{207}

This listing of substances is obviously not all related to the lobbying of the Arctic Indigenous peoples, but considering a number of them are scheduled for ban and were previously discussed in the context of their findings on Broughton Island in the 1980s, a quick look is warranted. Unsurprisingly, the first annex includes mostly substances no longer in production or use in the UNECE region\textsuperscript{208} by the late 1990s.\textsuperscript{209} Only heptachlor created some controversy but it does not seem as though Arctic Indigenous peoples had anything to do with its final inclusion. Rather the reason seems to be that the UNEP Governing Council had previously identified it as a chemical of concern.\textsuperscript{210} The substances found in Annex 2 were initially considered to be eligible to a ban by EU countries but certain states balked. First, Canada and the United States did not want to have lindane included at all in the protocol.\textsuperscript{211} Although the Inuit Circumpolar Conference (ICC) applied some pressure on the Canadian government for the inclusion of this pesticide, for

\textsuperscript{205} Selin 2003, 124.
\textsuperscript{206} Krueger and Selin 2002, 329-330.
\textsuperscript{207} Krueger and Selin 2002, 329.
\textsuperscript{208} The UNECE membership includes southern and western European countries, Canada, the United States, Russia, and some eastern European states.
\textsuperscript{209} Selin 2003, 121-122.
\textsuperscript{210} Selin 2003, 123.
\textsuperscript{211} Selin 2003, 122.
reasons I give later it seems hard to believe that its lobbying surpassed that of the European Union. Second, the presence of DDT in Annex 2 can be explained by the lobbying of three states: Italy wanted to continue its use as an intermediate in pesticide production; Russia wanted to keep using it domestically against malaria; the United States wanted an exemption to be able to export it for malaria treatment. Third, the presence of PCBs in Annex 2 came after Russia created a surprise by revealing it was still in production on its territory. Finally, of the initial eighteen substances considered at the fact-finding stage, PCP and SCCP were deleted from the list following pressure by Canada, the United States, and Russia.

This brief outline of the negotiation outcome is clearly insufficient to grasp the various issues at stake in the CLRTAP POPs Protocol. The reader should nonetheless find it enough to understand the main issues of contention as well as understand why, according to Terry Fenge, Arctic indigenous peoples were generally disappointed with the position defended by Canada. Indeed, after investing considerable resources in supporting the research on POPs and after going on a crusade to convince the rest of the world of the need to take action on POPs, Fenge holds that Canada suddenly adopted a much more conservative approach. He uses three observations to support his position. First, while Arctic Indigenous peoples were heavily involved in the Northern Contaminants Program (NCP) and the Arctic Monitoring and Assessment Program (AMAP) in previous years, when it came down to preparing Canada’s position for the CLRTAP negotiations, they were considered one interest group among others and were not adequately consulted. In fact, Canada’s position was mainly the result of agreements among federal civil servants. This prompted the same five Arctic Indigenous peoples’ organizations involved in the NCP to form a coalition: the Northern Aboriginal Peoples’ Coordinating Committee on POPs.

As recalled by Terry Fenge, a second reason of disappointment came when the coalition received a letter in March 1997. Written to the Department of Foreign Affairs and International Trade (DFAIT) on behalf of three other departments and the Pest Management Regulatory

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212 Fenge 2003, 197.
213 Selin 2003, 122-123.
214 Fenge 1998; Selin 2003, 123.
215 The first is a wood preservative and the second a flame retardant.
217 Fenge 2003, 196.
218 These departments were Industry Canada, Natural Resources Canada, and Agriculture and Agri-Food Canada.
Agency (PMRA), the letter explained that a federal strategy on POPs was needed badly. It also included cabinet instructions to change the leadership of the negotiations from Environment Canada to DFAIT.\textsuperscript{219} Strangely, rather than acknowledging the public health character of the POPs issue, the letter characterized it as a matter of economic concern for the chemicals industry. This situation was puzzling considering the reporting relationship of the PMRA to Health and Welfare Canada, a department assumed to consider POPs a matter of public health before anything else.\textsuperscript{220} Arctic Indigenous peoples started applying some pressure by writing to the minister of Foreign Affairs and Trade in May 1997. Signed by leaders of all Arctic Indigenous peoples’ organizations, the letter enjoined the minister and cabinet to “define a negotiating position that fully takes into account the environmental and public health implications of POPs to northern aboriginal peoples”.\textsuperscript{221}

Third, the coalition also got hold of a letter written by Indian and Northern Affairs Canada (INAC) to PMRA in May 1997. The letter basically accepted the stance taken by the Canadian team to exclude the pesticide lindane\textsuperscript{222} from the protocol. HCH, a component of lindane, had already been identified as a contaminant in the Arctic.\textsuperscript{223} PMRA apparently had in its possession scientific data supporting the decision not to include lindane, but quite strangely both the minister of Health and PMRA refused to share it with INAC or ICC Canada, citing proprietary concerns for the industry.\textsuperscript{224}

To participate in the negotiation of the CLRTAP POPs Protocol and influence Canada’s position, the Northern Aboriginal Peoples’ Coordinating Committee on POPs used the Inuit Circumpolar Conference’s observer status at the United Nations Economic and Social Council. The coalition first sent an observer to the June 1997 session. There, Arctic Indigenous peoples’ organizations witnessed what was the position of lead states, noting particularly that Canada was at odd with its previous stance at the fact-finding stage. According to Fenge, representatives of two other Arctic states asked the ICC observer whether Canada still believed in the need for a

\textsuperscript{219} These two departments ended up co-chairing the Canadian delegation.
\textsuperscript{220} Fenge 2003, 196.
\textsuperscript{221} Fenge 2003, 197.
\textsuperscript{222} Lindane was already restricted in Canada, where its major use was as a seed dressing for cereal crops.
\textsuperscript{224} Fenge 2003, 197.
Following the June session, the coalition received a letter from the minister of Foreign Affairs and Trade in response to the letter written in May. The letter framed the POPs issue as a matter of sustainable development that did not consort well with the vision Arctic Indigenous peoples had of the problem. The minister also assured the coalition that the views expressed by Arctic Indigenous peoples' organizations in consultations held prior to the negotiations would be taken into account in Canada's position. Considering the Crown's fiduciary obligation towards Canada's First Nations, this reference to consultations that had never occurred confirmed how Arctic Indigenous peoples and the Canadian government had different views of the problem. In August, the coalition retaliated with a letter that stated that the position of Canada was not acceptable. Denouncing the Canadian stance on lindane, PCP, and SCCP, the letter drove its point across by reminding the minister that "a significant percentage of aboriginal people of the North have levels of certain POPs in their bodies which greatly exceed Health Canada's level of concern."226

At the October 1997 session, the coalition became more active and started making some interventions with the help of the Danish, Norwegian, and Canadian delegations. It also noticed that the position of Canada had become generally less rigid. Although still against import and export controls, the Canadian delegation made some openings to the inclusion of lindane in Annex 1. Can we say that it was a direct result of the lobbying of Arctic Indigenous peoples' organizations? Although it might be the case, various other forces have to be accounted for. The first one is that before the Canadian negotiating mandate was approved by the cabinet on October 9 1997, several Northern Canadian Members of Parliament had contacted cabinet ministers about the POPs issue, characterizing it as 'nationally important', and were influential in raising its profile in Ottawa.227 The second factor was the outcome of the Standing Committee on Foreign Affairs and International Trade that had released a document in the summer of 1997. The report enjoined the government to "redouble efforts to conclude LRTAP Protocols on POPs (...) and a legally binding protocol on POPs."228 Finally, the Canadian Polar Commission and the Canadian Arctic Resources Committee had also lobbied the government.229

225 Fenge 2003, 198.
226 Fenge 1998.
227 Fenge 2003, 199.
229 Fenge 2003, 199.
The question is whether these various actors were motivated by a normative concern for the plight of Arctic Indigenous peoples. While the participation of Arctic Indigenous peoples to the Standing Committee on Foreign Affairs and International Trade suggests they might have had some influence on the outcome report, many other factors have contributed to the work of this particular committee and the lobbying activities of other actors. I can unfortunately not provide more details on this question at this time.

While this completes the survey of the actions taken by Arctic Indigenous peoples to influence the position of Canada specifically, a look at the efforts of the *Northern Aboriginal Peoples’ Coordinating Committee on POPs* during the negotiation itself is also warranted. Quite simply, the coalition made one significant attempt to influence the textual outcome of the protocol. Thanks to the support of the Swedish chair, in October 1997 Arctic Indigenous peoples were able to table some amendments that, if accepted, would reflect the concerns of the Arctic Indigenous peoples.

Aware that persistent organic pollutants resist degradation under natural conditions, particularly in cold climates, and that certain persistent organic pollutants have been associated with adverse effects on human health and the environment, and that this is an immediate public health issue for Arctic Indigenous peoples;
Recognizing that many persistent organic pollutants migrate to the Arctic where they deposit and accumulate in terrestrial and aquatic ecosystems;
Acknowledging that Arctic ecosystems are especially vulnerable to the serious threat posed by persistent organic pollutants which have been shown to bioaccumulate in the lipid-rich tissues of Arctic organisms;
Cognizant of the particular and immediate threat posed by persistent organic pollutants to the physical and cultural well being of Indigenous peoples and others who are dependent on the harvest of country foods;
The ultimate objective of this protocol is to protect human health and the environment from the adverse effects of persistent organic pollutants subject to long-range transboundary atmospheric transport by taking measures, consistent with the precautionary principle, to control, reduce or eliminate their discharge, emission, and loss.  

The first four paragraphs were to be included in the preamble while the last one aimed at defining the general scope of the protocol. Fenge reports that while the Canadian delegation expressed no comments on the inclusion of this language, in private the American and Scandinavian delegations proposed to support the amendments in subsequent meetings of heads

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of delegation from which observers were excluded. The amendments to the preamble were discussed and partially adopted but the article defining the scope of the protocol was not.

Recognizing that emission of many persistent organic pollutants are transported across international boundaries and are deposited in Europe, North America and the Arctic, far from their site of origin, and that the atmosphere is the dominant medium of transport, Acknowledging that the Arctic ecosystems and especially its Indigenous peoples, who subsist on Arctic fish and mammals, are particularly at risk because of the biomagnification of persistent organic pollutants,

Mindful that measures to control emissions of persistent organic pollutants would also contribute to the protection of the environment and human health in areas outside the United Nations Economic Commission for Europe’s region, including the Arctic and international waters.

Considering the draft protocol that had emerged out of the second negotiation session contained no recognition of the special threat posed by POPs to the lifestyle and cultures of Arctic Indigenous peoples, the language finally adopted in the preamble can be attributed almost entirely to the influence of Arctic Indigenous peoples and their success at garnering the support of lead states. Indeed, had they not proposed it, it seems hard to believe anything comparable would have been adopted. Was this influence entirely attributable to the normative concern of the Arctic Indigenous peoples? At this time, it seems impossible to answer such a question because of the lack of evidence about the reasons that motivated actors when the protocol was finally adopted.

In summary, the behavior of Canada during the regional phase of the bargaining process does not seem to be in line with the conclusions drawn at the end of the two previous chapters. After advocating the need to address POPs for so long, it seems a bit odd that Canada would balk on the inclusion of certain chemicals identified in the Arctic. The reader might now think that the lobby of the chemical industry is behind how Canada approached the CLRTAP POPs Protocol. Although the lack of evidence does not allow me to offer much thought on this, I can nonetheless remind the reader that out of the eighteen initial substances considered, none were produced in Canada and only four were in use. Considering the stance adopted by Canada on three of those four, the Canadian position might in fact have been influenced by the industry. This might explain why the International Council of Chemicals Association, of which the Canadian Chemical Producers Association is a member, supported the proposed protocol.

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232 Fenge 2003, 197.
One could also argue that by focusing on what was not accomplished we lose sight of the important progress made. As explained by Fenge, achieving such an agreement at the UNECE level was first and foremost an important signal that the industrialized nations were committed to dealing with the POPs issue.\textsuperscript{233} Although this is true, one can always point out that that what seem like significant restrictions on paper is supplemented with an array of exceptions, as is the case for lindane and DDT. Additionally, no commitments were made to stimulate the transfer of technology or monetary funds to aid implementation.\textsuperscript{234} These observations seem to provide strong support to the idea that compliance mechanisms that are not viewed as intrusive to participant states enhance the likelihood of regime formation.\textsuperscript{235} If this is the case, the importance of the participation of the Arctic Indigenous peoples in this phase of the bargaining process of the POPs regime might have been limited to: (1) the inclusion of treaty language that institutionalizes their concern in the preamble, and (2) the crucial experience gained in view of the coming negotiation of the global POPs treaty.

The 2001 Stockholm Convention on POPs
The negotiations of a global convention on POPs started on June 29, 1998 in Montreal. The choice of the venue reflected the leadership of Canada that had offered to host and finance the first meeting of the International Negotiating Committee (INC). The first thing that ought to be mentioned is that the beginning of the global phase of the bargaining process witnessed a change in the approach of the coalition, by then renamed the Canadian Indigenous Peoples Against POPs (CAIPAP). According to Fenge, rich of their experience in the negotiations of the CLRTAP POPs Protocol, the Arctic Indigenous peoples had realized two important things from their point of view. The first one was that “the public health of northerners did not trump interdepartmental wrangling and economic concerns among federal agencies”.\textsuperscript{236} The second one was that the CACAR, the AMAP, and the CLRTAP processes had not received much attention from environmental NGOs and the news media based in southern Canada.\textsuperscript{237} This last point does not seem totally accurate considering the release of the CACAR did receive some

\textsuperscript{233} Fenge 1998.
\textsuperscript{234} Selin 2003, 129.
\textsuperscript{235} Soros 1993, 203; Young and Osherenko 1993, 17.
\textsuperscript{236} Fenge 2003, 200.
\textsuperscript{237} Fenge 2003, 201.
media attention in The Globe and Mail, a major Canadian newspaper. To remediate to what Arctic Indigenous peoples thought were shortcomings at the first phase of the bargaining process, two things were done. First, Canadian Arctic Indigenous peoples started looking for allies in temperate and tropical regions of the world to make common cause for a strong global treaty. Second, they brought media savvy to their communication campaign.

A good example of this new approach to the POPs issue by Arctic Indigenous peoples is how during the days prior to the beginning of the negotiations, ICC Canada held a joint press conference with WWF and Greenpeace and joined a second one sponsored by the International POPs Elimination Network, an association created to provide a forum for developing countries NGOs to participate in the negotiations of the global POPs agreement. It seems quite obvious that by the beginning of the negotiations, ICC Canada had developed a way to frame its message that was purposefully intended to enhance the normative dimension of the POPs issue. This new public relations approach was reflected in statements made by the president of ICC Canada at these press conferences and elsewhere. “As we put our babies to our breasts we are feeding them a noxious, toxic cocktail,” said Watt-Cloutier during IPEN’s press conference that was reported on CTV, Canada's largest privately-owned English language television network. “When women have to think twice about breast-feeding their babies, surely that must be a wake-up call to the world.” Watt-Cloutier also exposed the threat to her people by explaining how “The Arctic region that seems so pure and pristine is already laced with deadly and invisible pollutants”. “The region is a warning to the world,” she said.

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238 See, for example, Brian Laghi. “Pollutants could harm Inuit unborn Countries should act to reduce contaminants found in Arctic seal and whale blubber, study says” The Globe and Mail, 30 May 1997, A12; Brian Laghi. “Chemicals find way to Arctic, study says Pesticides, toxins are in food chain” The Globe and Mail, 7 June 1997, A4.

239 Fenge 2003, 201.


242 Yoder 2003, 133.

243 Sheila Watt-Cloutier, an Inuit born in Kuujjuaq, Nunavik, Northern Québec, was appointed president of ICC Canada in 1995.

244 “A major UN conference set out to limit the scourge of twelve of the world’s worst pollutants” CTV National News, CTV Television, June 29 1998.


246 “UN sets out to ban chemicals like DDT, PCBs”, The Canadian Press, 29 June 1998.
I will later come back to how Arctic Indigenous peoples featured in news wire stories from around the world, but for the time being I will center my attention on some important events of the first negotiating session that can help us map out the influence of norms in the formation of the POPs regime. In the context of the bargaining process, participants to the negotiation of a global agreement on POPs where first exposed to the norm associated to the Arctic Indigenous peoples on the first day of INC-1, when Canadian Environment minister Christine Stewart took the stage to deliver a welcoming speech:

Though northern populations do not produce POPs, they are most at risk. Northerners consume natural foods from the land, inland and ocean waters - foods with high concentrations of POPs. POPs which travel to our Arctic. Inuit Women in the Arctic have levels of PCBs in their breast milk up to eight times higher than in southern Canada. Indigenous communities, for whom hunting and gathering traditional foods are not only a source of nutrition, but a way of passing on culture, tradition, and a way of life, know how important our task is.247

Moments later, speaking on behalf of the coalition, ICC Canada president Sheila Watt-Cloutier reiterated the call for a strong and lasting agreement in a speech delivered in front of the plenary session. Watt-Cloutier shed light on the Inuit people's way of life before she explained how POPs were a public health issue rather than an environmental one for the Inuit. She then said:

So imagine for a moment if you will the emotions we now feel - shock, panic, rage, grief, despair - as we discover that the food which for generations has nourished us and keeps us whole physically and spiritually, is now poisoning us. You go to the supermarket for food. We go out on the land to hunt, fish, trap and gather. The environment is our supermarket.

After, Watt-Cloutier summarized the science on POPs, and explained how they were a threat to the Inuit people, using once again the universally meaningful image of the mother feeding her child toxic chemicals. She then said:

We Inuit are few in numbers and don't constitute a major lobby group. Until recent years, we have not been influential in world affairs as we were still reeling from tumultuous change. But we are back now and wish to speak out on behalf of the land that has sustained us for hundreds of generations. We are the land and the land is us. We cannot stand by, waiting for slow moving governments to step in and make everything right, rather we must try to effect what change we can.

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Watt-Cloutier then mentioned the other Arctic Indigenous peoples on behalf of which she was speaking and enjoined participants to take on the arduous challenge of negotiating a global agreement. She finally concluded:

The Arctic region, seemingly so pure and pristine, but already laced with deadly and invisible pollutants has in my opinion become the canary. If the canary survives so can we all.

If we can help people to see that a poisoned Inuk child, a poisoned Arctic and a poisoned planet are one in the same, then we will have effected a shift in people’s awareness that will result without doubt in positive change.\(^{248}\)

According to the chair of the negotiations, Sheila Watt-Cloutier “was the only person to receive a round of applause for an intervention, at this or any other INC”.\(^{249}\) Speaking at the beginning of the negotiations in front of everyone most certainly allowed ICC Canada president to put a human face on what many perhaps considered a scientific or abstract issue.\(^{250}\)

The second negotiating session took place in January 1999 in Nairobi, Kenya. During an evening reception, Sheila Watt-Cloutier presented Dr Klaus Topfer, executive director of UNEP and former minister of the environment of Germany, with an Inuit carving of a mother and a child. According to Fenge, upon reception of the gift, UNEP director said that “Indigenous peoples were the ‘conscience’ of the negotiations and that the world was obliged to take their concerns seriously”.\(^{251}\) Dr Topfer did not keep the carving but rather immediately passed it to Dr John Buccini, chair of the negotiations, and requested that it be displayed at the front of the assembly to serve as a constant reminder to the delegates of the significance and importance of their task.\(^{252}\) The carving sat in front of the chair the rest of the negotiations and at press conferences as well.

Beside these two major ways by which Arctic Indigenous peoples have sought to expose the participants to their normative concern, three other elements of their campaign are worthy of mention. First, at all negotiations, the coalition organized a display of Arctic Indigenous peoples’ country food, fur and hunting gear as a reminder of the reality of living in the Arctic

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\(^{249}\) Buccini 2003, 239.

\(^{250}\) Buccini 2003, 239.

\(^{251}\) Fenge 2003, 204.

\(^{252}\) Buccini 2003, 241.
and the threat posed by POPs to this way of life.\textsuperscript{253} Second, between the fourth and fifth sessions, UNEP communications team and BBC-World Television shot a documentary film on POPs around the world. Hosted by ICC Canada president Sheila Watt-Cloutier, the team went to Nunavut to include the Inuit perspective in the film. The documentary titled \textit{Deleting the Dirty Dozen} was shown in the corridors during the fifth session in Johannesburg, South Africa, and was aired on BBC-World Television.\textsuperscript{254} Third, as mentioned previously, the plight of Arctic Indigenous peoples featured in news wire stories from all negotiating venues.\textsuperscript{255} These articles generally emphasized the fact that the innocent Arctic Indigenous peoples were being poisoned by chemicals they had never used in the first place and were left with the choice between loosing their culture and avoid contamination or keeping their traditional way of life and fight for the elimination of the toxic substances.

Now that the general paths of exposure to the normative concern of Arctic Indigenous peoples have been exposed, I turn to look at how CAIPAP specifically devoted time and energy to influence the position of Canada as a lead state. The first important act posed by the coalition occurred in 1999 after the chief negotiator for the Department of the Environment admitted that Canada had yet to formulate its position on key substantive issues relative to POPs. Following this awkward comment that the coalition deemed unacceptable, ICC Canada applied pressure on the chief negotiator himself as well as on the Department of the Environment and the Department of Foreign Affairs and International Trade. According to Fenge, after a few interventions aimed to obtain "effective, committed, and skillful leadership", the Canadian delegation showed much more desire to cooperate with the coalition.\textsuperscript{256} Reflective of this renewed mutual agreement is how Canada had the largest delegation at negotiations because it included representatives of the First Nations.\textsuperscript{257} The second important intervention made by the

\textsuperscript{253} Fenge 2003, 203. See also Lallas 2001, 121.
\textsuperscript{254} Watt-Cloutier 2003, 261-262.
\textsuperscript{256} Fenge 2003, 209.
\textsuperscript{257} Lallas 2001, 120; Fenge 2003, 209.
coalition was to publish an opinion editorial in *The Globe and Mail* in March 2000.\(^{258}\) The letter aptly described the threat posed by POPs to Inuit people by stressing the poisoning of the food that has nourished them for generations. The letter also asked rhetorically: “What sort of public outcry and government action would there be if the same levels of POPs found among Inuit were found in women in Toronto, Montreal, or Vancouver as a result of eating poultry or beef?” Finally, it challenged the Canadian delegation “to lead the world on a public-health and environmental-security issue of compelling importance to its own people.”

Now that I have made clear how both participants to the negotiations and the Canadian government have been exposed to the normative concern of the Arctic Indigenous peoples, I turn to examine the hypotheses specific to this stage of the POPs regime. Before doing so, I ought to mention that the two main issues of contention in the negotiations of a global agreement were (1) the transfer of technology and funds to implement the convention, and (2) the substances to ban. I explained earlier how most of the POPs of concern in the negotiations are not produced or used in industrialized countries.\(^ {259}\) This created a situation where developing countries and economies in transition would have to support a significant portion of the burden to eliminate POPs. For that reason, I already mentioned that awareness raising workshops had been held at the fact-finding stage. As explained by analysts of the negotiations, the bottom line was that “financing for and assistance in destroying stockpiles of obsolete pesticides and PCBs particularly concerned developing countries”,\(^ {260}\) and without the assistance of developed nations, the treaty was bound to fail. The second issue of contention was generally the concern that the short list of POPs identified for regulation did not reflect the priorities of governments of the developing world, whose greatest concern was with substances of greater toxicity in the vicinity of their use, but not persistent enough to be considered POPs and be a threat to northern countries.\(^ {261}\) This debate eventually focused around the ban of DDT, a possibility strongly opposed by African countries and health-related NGOs because of its utmost importance in the fight against malaria.

It is possible to see four ways in which Arctic Indigenous peoples have been able to directly address and influence these core issues threatening to impede the formation of the POPs regime.

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259 Chasek et al. 2006, 138.
261 Yoder 2003, 127.
The first two stem from the hypothesis that the normative pressure put by CAIPAP on the Canadian government was successful and brought Canada to provide leadership in two ways. First, during the third session held in March 2000 in Bonn, Germany, Canada’s co-chief negotiator from DFAIT announced the creation of the CAN$20 million POPs Fund to assist convention implementation. Second, in addition to making the first financial contribution, Canada also organized informal meetings of donor countries to persuade them to commit to financially support the convention. The third possible way by which Arctic Indigenous peoples were influential concerns the role of the Global Environmental Facility (GEF) in financing the implementation of the convention. The need for an agency to supervise the technical and financial assistance of the convention was crucial but concern over the GEF divided developed and developing nations. The problem was that on the one hand many developing countries initially expressed unease at the idea that GEF would coordinate technical and financial assistance. These countries claimed it was overly bureaucratic and difficult to access. On the other hand, realizing that the cost of implementing the convention was going to be high, developed nations wanted to strengthen and fully utilize existing mechanisms, particularly the GEF. The role of Arctic Indigenous peoples in this debate can be seen in the outcome of a 2000 summit of Arctic parliamentarians. During this meeting, ICC Canada president Sheila Watt-Cloutier shared the podium with the chief executive officer of the Global Environment Facility, Mr. Mohamed El-Ashry. In her speech, Watt-Cloutier “pressed him publicly to listen to what the developing world was perceiving about the GEF’s inaccessibility and also invited him to attend the final POPs negotiation session in Johannesburg to show his commitment to the process.” Mr. El-Ashry did just that and in the last hours of the fifth session in December 2000, a compromise was agreed upon by which the GEF was designated as the temporary financial mechanism from the moment of entry into force of the convention.

Last, it is possible to argue that Arctic Indigenous peoples influenced regime formation if we follow the hypothesis according to which “international regimes are more likely to emerge when

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262 Fenge 2003, 205.
263 The Global Environment Facility, established in 1991, helps developing countries fund projects and programs that protect the global environment. GEF grants support projects related to biodiversity, climate change, international waters, land degradation, the ozone layer, and persistent organic pollutants.
265 Watt-Cloutier 2003, 262.
266 Van Bilsen 2002, 331-332.
negotiations are integrative as opposed to distributive in character." Concretely, this possible role of Arctic Indigenous peoples stems from the idea that CAIPAP played an important role in ending the stalemate between the North and the South on DDT. It is important to understand that long-banned in the developed world, DDT is still used extensively and effectively in the developing world to combat malaria. Alternatives to this chemical do exist, but they are more expensive and less effective than DDT. The debate on the inclusion of this chemical really emerged during the third session held in September 1999, in Geneva, when negotiation over the actual text of the treaty took place. According to Fenge, the DDT issue was so controversial that it threatened to split negotiations along north-south lines. That is when Ms Watt-Cloutier took the stage to announce that Inuit would rather not have a convention than being a party to a treaty that threatened the health of others, regardless of the threat Inuit were facing themselves. Her speech to the plenary assembly followed the interventions of vocal advocates against the ban of DDT during previous days. The president of ICC Canada started by reminding the audience that high levels of DDT were present in the breast milk of Inuit women in the Arctic. After exposing the plight of her people, Watt-Cloutier enjoined her audience not to think of the inclusion of DDT in terms of winners or losers. She explained:

I cannot believe that a mother in the Arctic should worry about contaminants in the life giving milk she feeds her infant. Nor can I believe that a mother in the South has to use these very chemicals to protect their babies from disease. Surely we must commit ourselves to finding and using alternatives. While simultaneously adopting elimination, not perpetual management as an ultimate goal, the POPs convention must ensure that cost-effective alternatives, particularly for DDT, are made available in the developing world.

It is interesting to note that with such interventions, the Arctic Indigenous peoples were careful to frame the POPs issue in terms that showed their search for an earnest balance. This is an interesting parallel with the case of the transnational campaign to ban landmines.

Before paying more attention to the role of Arctic Indigenous peoples in the POPs regime, it is important that the reader understand the general outcome of the five negotiating sessions.

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267 Soroos 1993, 197.
269 Fenge 2003, 208.
Considering the technical complexity of the treaty, I refer the reader to the clear and precise summary provided by Chasek et al. Adopted in May 2001, the Stockholm Convention seeks to protect human health and the environment by eliminating or reducing the production, use, trade, and emissions into the environment of twelve POPs. In particular, all parties must eliminate the production and use of aldrin, chlordane, dieldrin, endrin, heptachlor, mirex, toxaphene, PCBs, and hexachlorobenzene. Parties must restrict the production and use of DDT except for that needed for disease-vector control, especially against malaria mosquitoes, and when there are no suitable and affordable alternatives. Parties must minimize the creation and release of dioxins and furans in the environment. To complete the loop, countries must ban the import or export of POPs controlled under the convention, except for narrowly defined purposes of environmentally sound disposal; promote the use of the best available technologies and practices for replacing existing POPs, reducing emissions of POPs, and managing POP wastes; and take steps to prevent the development and commercial introduction of new POPs.  

In addition to the broad health-related discharge granted for DDT, perhaps the most notable exceptions concern the use of equipments containing PCBs until 2025 and the exercise of country-specific exemptions that permit the continued use of small amounts of specific POPs for five years, such as requested by Australia and China for mirex, a substance used to control termites.

Now that the reader has a general understanding of the result of the bargaining process that led to the adoption of the Stockholm POPs Convention, I turn to consider some alternative explanations that generally account for the formation of the POPs regime and that also might detract from the purported importance of the participation of the Arctic Indigenous peoples at this stage of the POPs regime. I will first consider an alternative hypothesis that accounts for the role played by Canada during the negotiations. Throughout the negotiations, Canada had an inconsistent position. As just explained, the Canadian delegation represented at times the concern of CAIPAP by providing financial resources to implement the convention, but at others it took an unadventurous approach, much in the same way as during the negotiation of the CLRTAP POPs Protocol. For instance, Canada supported a conservative stance on the dispositions specifying the addition of new chemicals to the list and it opposed reference to the precautionary principle in the convention. Although these examples do not necessarily take away the role of lead state played by Canada in the negotiations, it arguably takes away from the

272 Chasek et al. 2006, 138.
273 Chasek et al. 2006, 139.
274 Yoder 2003, 142-144.
purported influence of Arctic Indigenous peoples. It is also hard to identify the influence of the coalition in a situation where Canada has so little interests in POPs compared to other states (see Illustration 3).

**Illustration 3 Global Source Regions of POPs**

![Map of Global Source Regions of POPs](image)

A second alternative explanation concerns the emergence of salient solutions. As was already explained, the Stockholm Convention is generally concerned with the ban of certain substances. Their replacement with other less toxic chemicals already available is a possible explanation to the formation of the regime. We know that one of the conclusions of the IFCS Expert Group meeting held in 1996 was that alternatives for all of the pesticide POPs did exist. As explained in the report, the problem was that the present applicability of these alternatives for some uses was limited in some parts of the world or in some situations, for reasons having to do with cost and the wide range of conditions encountered in different regions and climates. Clearly, the presence of alternatives to POPs is not a very convincing explanation of the behavior of developing nations in the context of the Stockholm Convention. Considering most of the pesticide POPs at the center of the negotiations are banned in developed nations, developing nations, as a block, constitute the only significant remaining market for these pesticides. It seems a bit ironic that the biggest customers for POPs would enthusiastically join the

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international agreement to ban them\textsuperscript{277} if the alternatives are so inaccessible. The answer might be that those developing countries that joined the convention did so only because there was some kind of pay-off provided by developed countries through the GEF. Unfortunately, I have no evidence in my possession to support this hypothesis.

There is another way to look at the significance of replacements to the POPs pesticides. Indeed, the problem seems to change as soon as we stand from the viewpoint of the chemical industry. It seems fair to assume that the POPs pesticides banned in the industrialized world were still in use only because of their availability and relatively low prices, which made them viable options for financially constrained developing countries.\textsuperscript{278} We could think that if substitutes do in fact exist, they are likely to be produced by the large corporations that were present during the negotiations of the POPs treaty. Granted that this is true, encouraging or forcing the elimination of existing pesticide stockpiles – as the Stockholm Convention effectively proposes to do – \textsuperscript{279} creates an immediate demand for new supplies of pesticides, a potential manna for the manufacturers. According to Stevenson, “this may be the best explanation why the chemical industry has acquiesced to ratification of the Convention, rather than balking”\textsuperscript{280} as well as a potentially important reason why industrialized nations supported the treaty, thus leaving as questionable the importance of the normative lobby of Arctic Indigenous peoples.

Additional support to this hypothesis seems to emerge as one keeps reasoning from the point of view of the chemical industry. For them, the elimination of the use and production of the pesticide POPs was not the biggest issue. The main concern was rather adding new chemicals, and by-products, to the list of POPs to be controlled by the treaty in the future.\textsuperscript{281} I already provided a summary of the outcome of the negotiations but absent of it was the process by which further addition to the list of substances to ban will be made. Indeed, the Stockholm Convention also established scientifically based criteria and a specific procedure for identifying, evaluating, and adding chemicals to the convention. This feature took a long time to develop and states producers of POPs such as the United States and Japan were among the fiercest opponents to a mechanism that would easily include new substances to the list. The reason for

\textsuperscript{277} Stevenson 2005, 262.  
\textsuperscript{278} Yoder 2003, 141.  
\textsuperscript{279} Mintz 2002, 324.  
\textsuperscript{280} Stevenson 2005, 257.  
\textsuperscript{281} Clapp 2003, 9.
this behavior might be explained by the fact that the patents on the eight listed pesticide POPs expired years ago in most industrialized countries and the original formulations of these pesticides have been off-patent since the 1960s and 1970s. Although some of them were still produced in industrialized countries and exported to developing countries until the mid-1990s, the bottom line is that most of the pesticide POPs no longer enjoy patent protection in industrialized countries and therefore are now inexpensive relative to new patent protected alternatives. Reflective of this fact is that among the major chemical companies, none produces the eight POPs pesticides initially listed in the Stockholm Convention. These are instead produced by smaller companies specialized in cheaper generic equivalent of the original pesticides and based increasingly in the developing world. Clapp sees this as a reason why the industry was mostly wary of how chemicals were going to be added to the list.\textsuperscript{282} It could arguably consist of an additional reason to question the importance of the role played by Arctic Indigenous peoples.

One last alternative explanation to the formation of the POPs regime lies within the hypothesis according to which regime creation is facilitated by the presence of “effective compliance mechanisms that are not viewed as intrusive to participant states”.\textsuperscript{283} The Stockholm Convention recognizes the sovereign control of states. Indeed, dispositions do exist to ensure that all parties have opportunities to express their views on any candidate POP, that they hold final decision-making, and that they can refuse to ratify any particular amendment specifying the addition of a new chemical.\textsuperscript{284} In addition to that, the Stockholm Convention, like most international environmental agreements, contains no coercive legal enforcement mechanisms or penalties for non-compliance. These features of the Stockholm Convention indicate that the consequences of ignoring the provisions of the treaty are close to nil.\textsuperscript{285} In that situation, it becomes quite difficult to factor the influence of ideational concerns, such as the one expressed by Arctic indigenous peoples.

Regardless of these broad considerations on the meaning and scope of the Stockholm Convention, it is still possible to argue that the influence of Arctic Indigenous peoples on the Stockholm Convention must be assessed only in comparison to what their goal was. If so, I

\textsuperscript{282} Clapp 2003, 11-12.  
\textsuperscript{283} Soroo 1993, 203; Young and Osherenko 1993, 17.  
\textsuperscript{284} Chasek et al. 2006, 140.  
\textsuperscript{285} Stevenson 2005, 257-58.
believe that mixed conclusions can be reached. On the one hand, Canada did commit to finance the implementation of the convention and many substances are scheduled for ban after entry into force of the convention. Although this might not be entirely attributable to the lobbying of the Canadian Indigenous Peoples Against POPs, it certainly helped define the Stockholm Convention as a potentially effective treaty. On the other hand, despite the efforts by Canada and Sweden during INC-5 in 2001 to include language dedicating efforts to the reduction and eliminations of POPs in Article 1, various dispositions of the treaty place state sovereignty above all and reduce quite a bit the scope of the convention. Considering the goal of the coalition was elimination rather than risk management, this is relatively disappointing.

Looking back at Chapter 4, I see four important points to recall. First, we saw that the bulk of Arctic Indigenous peoples’ influence in the negotiation of the CLRTAP POPs Protocol was found in how they managed to insert concern for the Arctic and its peoples in the text of the treaty. That being said, the negotiations saw Canada move away from the role of leader it had played earlier in the formation of the POPs regime, despite the advocacy work of Arctic Indigenous peoples’ organizations. I proposed that this might have been a result of the pressure applied by the chemicals industry to resist the inclusion of certain substance in use in Canada. Second, the negotiation of the Stockholm Convention showed that Canadian Arctic Indigenous peoples were better prepared, and that they knew how to frame their message in a way that would catch the attention of participants. Through her various interventions in front of the plenary assembly, the president of ICC Canada made great use of normative arguments to spur states to act on POPs. More specifically, it is possible to argue that Canadian Arctic Indigenous peoples increased the likelihood of regime formation by making a crucial intervention during the talks on DDT, and by pushing the CEO of the Global Environmental Facility to try and convince developing countries to accept the temporary supervision of his organization on financial matters of the convention. This advocacy work also had its domestic equivalent as Canadian Arctic Indigenous peoples tried hard to push Canada to retake the place of leader in the formation of the POPs regime by writing letters directly to members of the cabinet as well as in the press. That brings me to the third point, which is that Canada did make some significant moves during the negotiation to increase the likelihood of regime formation. The two most significant actions in that respect were probably the organization of the very first meeting of the

286 Olsen 2003, 100.
287 Watt-Cloutier 2003, 259.
International Negotiating Committee in 1998, and the creation of the Canadian POPs fund to support the financing and implementation of the global POPs treaty. Finally, I have presented a few alternative explanations to account for the formation of the POPs regime. These should not be seen as necessarily undermining the role of Arctic Indigenous peoples. As explained in the introduction to this thesis, I never intended to argue that this particular non-state actor could be seen as the driving force behind the creation of a regime to address POPs. Rather, I sought to make an argument about the influence of a relatively powerless actor in the context of a global environmental regime. In that sense, I believe that the alternative explanations presented above are very useful to clearly set the limit of the influence of Arctic Indigenous peoples at the bargaining process and to understand the specific conditions under which this influence is effective. This is also a reminder that regime formation is a very complex process that could not be explained in the context of this thesis.

Now that the process of regime formation has been examined completely, it is time to draw a conclusion on the role played by Arctic Indigenous peoples, from the findings made at the end of the 1980s all the way to the signature of the Stockholm POPs Convention in 2001.
Conclusion
Throughout the thesis, I have sought to show how it was possible to map out the influence of Arctic Indigenous peoples on the formation of the POPs regime. I have argued that this group was able to construct POPs as an issue of international concern in a way that stressed the transboundary nature of the problem and the threat it posed to people who had never used these chemicals. Arctic Indigenous peoples did so by making use of a normative frame that first emphasized how their health and environment were under the threat of an industrialized world with which they shared very little, and second sent the message that their traditional way of life and cultural survival were at stake. The last component of my argument was that through this normative advocacy, Arctic Indigenous peoples were able to get the support of Canada. This state then became a leader by citing the plight of Arctic Indigenous peoples in various international forums to convince other states of the need to address the problem of POPs.

In Chapter 1, I presented a theoretical framework to organize this argument. As the thesis draws to an end, I believe that regime analysis was an adequate choice to look at the formation of institutions to address POPs in international society. As explained in Chapter 1, I chose this approach because of its focus on two elements. The first one is the process through which states engage in discussion and decide to take action on an issue of concern. The second concerns the various instances when interaction among actors provides opportunity for a constellation of actors to exert influence. While the first aspect of regime analysis stresses the fact that treaty making is the domain of states, the second recognizes the participation of actors that belong to other categories, such as non-state actors and Indigenous peoples’ organizations. Additionally, I explained that my understanding of regimes derived from the combination of neoliberalism and cognitivism. In my view, this had the advantage of opening regime analysis to the kind of normative influence small and powerless groups such as Arctic Indigenous peoples’ organizations may have on the process of regime formation. This led me to explain the particular role played by norm entrepreneurs and lead states in regime formation. Although a good choice, I have to admit that regime analysis does not simplify the work of researchers trying to identify the importance of a particular variable in the process by which global institutions emerge. The multitude of variables intervening in the formation of the POPs regime – at times against, but sometimes in the same direction as Arctic Indigenous peoples – made it hard to isolate the role of norms in order to assess exactly what they accounted for and what they left unexplained. In that sense, regime analysis can be prone to what is generally referred to
as the problem of multiple causations in social sciences. Indeed, regimes are such broad constructions that the complexity of the process by which they arise is difficult to grasp without a reference to a large number of variables.

In Chapter 2, I explained how the issue reached the Canadian political agenda after POPs were found in the body of Inuit people. I awarded considerable importance to the role of norm entrepreneurs in that respect, and I showed how the Canadian news media and politicians echoed the Canadian Arctic Indigenous peoples' concern for POPs by using similar language and referring to the norm of bodily harm to innocent. I then explained that, as a result, Canada took on the role of lead state and brought the issue to the attention of various international forums. This argument was tempered by three considerations: (1) the Canadian public opinion was already favorable to environmental issues; (2) the Department of Indian and Northern Affairs could benefit from adding the POPs issue to its portfolio; and (3) Canada had virtually no interests in the chemicals of concern. Although these explanations are probably part of the answer to Canada's leadership, the fact that more than 20 years after the first findings of POPs in the tissues of Inuit people, and despite the rollback of public opinion on the environment, Canada has significantly contributed to the knowledge on POPs and has generally maintained its leadership by being the first to sign and ratify the Stockholm Convention on POPs suggests that the role of Arctic Indigenous peoples is not to be left aside.

In Chapter 3, I looked at the various international forums where consensus building on POPs took place, and I pointed to the role played by Canada in that process. I also made a specific argument about the role of Arctic Indigenous Peoples at the Arctic Council and demonstrated the importance of their actions on building the scientific rationale on which international action on POPs would later be based. In the first section of the chapter, I explained that the origin of the global work on POPs could be found in Agenda 21. Chapter 1 had already showed the role played by Canada in putting the POPs issue on UNEP's agenda, and once the assessment process was under way, Canada maintained its leadership by chairing the work of the IOMC Ad Hoc Working Group on POPs and by hosting an international meeting of experts on POPs where a cases study involving Inuit people was presented. While a similar leadership pattern was observed during the work of the CLRTAP Task Force on POPs, Sweden also played a lead role in this assessment process. The Task Force made important contributions to the knowledge on POPs. Finally, I proposed that the Arctic Council owed part of its crucial role in the
development of the science on POPs to the work of Arctic Indigenous peoples' organizations and more particularly to the Inuit Circumpolar Conference. Although Young's analysis of the formation of the Arctic Environmental Protection Strategy showed that epistemic community had not played an important role, it also pointed to the fact that a country like Canada had some interests in making the Arctic an area of international concern because of the contested nature of certain of its jurisdictional claims in the region. Finally, considering the significant participation of Arctic Indigenous peoples' organizations in the Arctic Council is widely recognized, and considering the importance of the POPs issue for them, I believe it is not an overstatement to say that the crucial contribution made by the Arctic Monitoring and Assessment Program to the formation of the POPs regime owes a lot to their lobbying.

Finally, Chapter 4 examined how Arctic Indigenous peoples' organizations managed to influence the negotiations of two international binding agreements on POPs. At this stage, I made a number of propositions about their influence on the likelihood of regime formation and on the behaviour of Canada. In the context of the CLRTAP POPs Protocol, it was difficult to believe that Canada was still a leader as it took a stance that was much more conservative than other states. Although I could not fully explain the reason for this apparent change of heart, the list of substances Canada wanted to keep out of the treaty indicated that the lobby of the chemicals industry might have provided the best explanation. Nevertheless, Arctic Indigenous peoples managed to have their concern inserted in the text of the Protocol, which was an important achievement in itself. During the negotiation of the Stockholm Convention on POPs, I explained that Arctic Indigenous peoples' organizations used norms to frame their interventions, but I was forced to reach mixed conclusions because of the presence of a variety of alternative explanations to the formation of a POPs regime. These ranged from the interests of the chemicals industry in banning the twelve identified chemicals in order to create new markets, all the way to the mere fact that both international agreements required modest departures from what states would have done in the absence of a regulatory treaty.

In conclusion to the thesis, it seems perilous to say that the analysis of the role played by Arctic Indigenous peoples in the formation of the POPs regime provided satisfying answers to the question about how and under what circumstances such an actor can exert influence. Studying the effect of ideas proved to be quite challenging without access to the minds of those actors exposed to the normative concerns expressed by Arctic Indigenous peoples' organizations. The
best way to ponder on the thesis probably comes as we try to think of what the POPs regime would be in the absence of the Arctic Indigenous peoples; had they not existed, what would have happened? It is hard to conceive that the POPs regime would have had the same shape without the findings in the Arctic in the 1980s. For one, it would probably have taken much longer to develop the science on POPs considering the context in which the *Northern Contaminants Program* and the *Arctic Monitoring Assessment Program* were established. In the absence of the Arctic Indigenous peoples, we can think that the rationale to ban POPs globally would not only have taken much longer to develop, but there would have been no advocate as committed as the Canadian *Coalition of Arctic Indigenous Peoples Against POPs* to push states to address the issue and to provide Canada with an important rationale to convey the POPs issue from science to policy. In the event that these concluding remarks are false, I would refer the reader back to the puzzle stated in introduction to the thesis: A unique aspect of the preamble to the Stockholm Convention is the recognition of the Arctic and the effect of POPs on its people and wildlife. I hold that by taking into account the effects of actions on those least able to protect themselves and who themselves were not responsible for causing the harm, the negotiators enshrined the bulk of the Arctic Indigenous peoples’ influence on the POPs regime.

Finally, I would like to point out that although the formation of a regime to address POPs is regarded as a victory for Arctic Indigenous peoples, many hardships lie ahead of them. First, the Arctic Council identified mercury as a high priority pollutant in the Arctic ecosystem and in 2000 it urged a global assessment of mercury as a basis for future international action. As with POPs, Arctic indigenous peoples can be particularly affected by mercury through consumption of traditional foods. Second, climate change is already a high priority issue for Arctic Indigenous peoples. Considering the predicted climatic changes in high latitudes, the strengthening of the regime to address this problem is not an option for residents of the circumpolar North. The Arctic Council released its *Arctic Climate Impact Assessment* a few years ago, and in 2005 the Inuit Circumpolar Conference launched a claim to the Inter-American Commission on Human Rights to oppose climate change caused by the United States. Although the commission has no power of enforcement, a finding in favor of the Inuit could

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lead to future lawsuits in U.S. federal courts.\textsuperscript{290} Remindful of the POPs campaign, Sheila Watt-Cloutier, now ICC chair, wrote an editorial opinion letter in \textit{The Globe and Mail} earlier this year to garner the support of Canada.\textsuperscript{291}

It will be interesting to see how Arctic Indigenous peoples’ organizations manage these campaigns on global environmental issues and whether their use of norms to convince states to take action is fruitful. Future work on the role of Arctic Indigenous peoples’ organizations in regime formation and evolution could look into the two cases of global mercury and climate change. For one, this would be a significant contribution to the debate on the emergence of an international norm on the rights of Indigenous peoples. Indeed, the evolution of the Indigenous struggle at the international level has progressed considerably with the 1993 Draft United Nations Declaration on the Rights of the Indigenous Peoples and the United Nations International Decade of the World’s Indigenous Peoples (1995-2004).\textsuperscript{292} Furthermore, since the 1990s, a debate takes place on the emergence of an international legal regime on Indigenous peoples’ rights. According to the proponent of a normative thesis, a non-binding moral obligation among states has come out as a result “of the proliferation of domestic and international declarations, studies, working groups, and state practices dealing with Indigenous concerns”.\textsuperscript{293} The other camp contends that compliance with Indigenous rights rather hinges on legal obligations embedded in international legal bodies.\textsuperscript{294}

The case of POPs could be integrated to such a research agenda so that it would be possible to revisit the analysis of the role played by Arctic Indigenous peoples in the formation of the POPs regime in order to draw more meaningful conclusions. This could also help us understand further how and under what circumstances Arctic Indigenous peoples’ organizations manage to convince states to take action on the environment. Finally, this would be an interesting contribution to the question about the power of norms not only in regime formation, but also more generally, as a tool that can be used by Indigenous peoples’ organizations and transnational activist networks.

\textsuperscript{291}“Don’t abandon the Arctic to climate change” The Globe and Mail. May 24, 2006. A19.  
\textsuperscript{292}Oguamanam 2004, 367-69.  
\textsuperscript{293}Oguamanam 2004, 390. See also Torres 1991.  
\textsuperscript{294}Oguamanam 2004, 390-95.
Bibliography


Reierson, Lars-Otto, Simon Wilson, and Vitaly Kimstach. 2003. “Circumpolar Perspectives on POPs the Arctic Monitoring and Assessment Program” in Downie, David Leonard, and Terry


