



Inuit Circumpolar Council Canada Submission to the The Standing Committee on Foreign Affairs and International Development of the House of Commons

Submitted By: Monica Ell-Kanayuk, ICC Canada President

October 31, 2018

With climate change advancing rapidly, international interest in the Arctic increasing, protectionism rising and NATO-Russia relations at their lowest point since the Cold War, ICC welcomes the Standing Committee's current study as there is an urgent need for Canada to focus on circumpolar Arctic issues and Inuit rights.

This study is also timely, as the Government of Canada has embarked on the co-development of a new Arctic Policy Framework to replace Canada's 2009 Northern Strategy and the Statement on Canada's Arctic Foreign Policy. Canada's International Dimension to the emerging Arctic Policy Framework must be strategic, comprehensive and articulate. Canada must put forward a strong vision of Canada's Arctic globally and the leadership role Canada must assume. Inuit have an important stake and voice in this discussion.

This submission identifies and explains the most important international issues as seen from the perspective of an organization, the Inuit Circumpolar Council (ICC) Canada, that represents the international interests of Canadian Inuit and is part of a larger organization that represents Inuit in four Arctic countries.

An enhanced Inuit role in diplomacy

The ICC represents Inuit in Greenland (Denmark), Canada, Alaska (US), and Russia. It therefore has an important role in Arctic cooperation and decision-making. Part of that role involves the Arctic Council, where the ICC has the status of "Permanent Participant", which entitles it to engage in deliberations on a footing of equality with the eight-member states. In Canada, the Arctic Council is one of the most important international forums Inuit work within and welcomes strengthening this engagement with Canada. The ICC is particularly well-placed to facilitate Canada's relations with Greenland, which has a semi-autonomous Inuit-led government with jurisdiction over offshore resources and other important matters. It is also well place to assist with Canadian diplomacy concerning Russia, because of the Inuit who live in that country, and because of ICC's close ties with RAIPON, the Russian Association of Indigenous Peoples of the North, another Permanent Participant to the Arctic Council. The current International Chair of ICC resides in Alaska and brings significant opportunities for influence in the Unites States. Finally, the ICC has a role in Arctic-related diplomacy with non-Arctic states, many of whom are

observers to the Arctic Council and some of which have invited it to participate in conferences and other meetings on Arctic issues.

It is in Canada's interest to support and promote an enhanced Inuit role in Arctic diplomacy, with the central involvement of Inuit representatives in the negotiation of the the 2004 United Nations Stockholm Convention on Persistent Organic Pollutants, the 2011 Arctic Search and Rescue Agreement, the first binding agreement negotiated under the auspices of the Arctic Council and and the 2017 United Nations Minamata Convention on Mercury, significant efforts and advocacy with the Paris Agreement on climate change issues constituting a good start. A key goal should be to ensure that the benefits of Indigenous Knowledge (IK), especially in establishing ecological baselines, and informing policy are achieved on an ongoing basis. As part of this, it is important that Indigenous Knowledge becomes an accepted term in international circumpolar science. The most recent 2018 Central Arctic Oceans Moratorium on Commercial Fisheries has moved the bar further forward and recognizes the rights of Inuit and value of Indigenous knowledge (IK).

Additional, stable, long-term financial support for ICC Canada from the Canadian government is needed to ensure that the full benefits of Inuit participation in Arctic diplomacy, knowledge and science are achieved. This should include support for all the Permanent Participants at the Arctic Council. It should also include support for the ICC and its delegations, including the regional Inuit organizations, to play an active and mutually beneficial role in other international fora, for instance, the United Nations Permanent Forum on Indigenous Issues and other key Arctic related meetings including for example Arctic Circle, Arctic Frontiers. We cannot be heard if we are not present and prepared. In this context, it is noteworthy that 2019 is the International Year of Indigenous Language and that the continued widespread use of Inuktitut provides an important model for the preservation of indigenous languages worldwide.

Sovereignty, shipping, and the Northwest Passage

Inuit make an important contribution to Canada through our historic and ongoing “use and occupation” of the Arctic. In terms of current disputes with other countries, our contribution is most significant with regards to the Northwest Passage, where Inuit use and occupancy of the water and sea-ice is central to Canada's legal position that the Passage constitutes Canadian “internal waters”. As then foreign minister Joe Clark said in 1985: *“Canada's sovereignty in the Arctic is indivisible. It embraces land, sea and ice. It extends without interruption to the seaward facing coasts of the Arctic islands. These islands are joined, and not divided, by the waters between them. They are bridged for most of the year by ice. From time immemorial Canada's Inuit people have used and occupied the ice as they have used and occupied the land.”* Unfortunately, subsequent Canadian governments have omitted the Inuit contribution from official statements on the legal status of the Northwest Passage. Reintroducing the Inuit contribution into such statements would only benefit the Canadian government.

Maintaining the Northwest Passage as internal waters is important because this allows for higher safety standards and other restrictions than are available under the 1982 United Nations Convention on the Law of the Sea (specifically Article 234) as well as the 2014 Polar Code adopted at the International Maritime Organization (IMO). For instance, it is generally assumed, by the Canadian government and others, that increases in foreign shipping in the Canadian Arctic

cannot be impeded. However, if the Northwest Passage is truly internal waters, Canada is entitled to restrict foreign shipping to designated shipping lanes and to ban certain kinds of shipping outright. A rigorous discussion of whether and when to restrict foreign shipping needs to take place, with Inuit centrally involved in that discussion because of the risks to their environment and traditional food sources posed by increased traffic.

The issue of foreign owned-or-operated cruise ships and small vessels should be included within this discussion. Should foreign owned-or-operated cruise ships and small vessels be allowed to go anywhere they wish, for instance into poorly charted waters, or to visit any communities? Should landing fees be charged to help communities with their costs and to reduce the social impacts of mass tourism? Discussions on Inuit approved corridors must happen. The Canadian government needs to explore these questions with Inuit.

Similarly, Canada is entitled, within internal waters, place limits on ship noise, regulate ballast water, to unilaterally ban the use of heavy fuel oil and reduce SO₂ emissions. Heavy fuel oil is a major contributor to black carbon, which accelerates the melting of snow and ice and thus contributes to climate change, while ship noise can disturb the feeding, mating and nursing of marine mammals, which are an important food source for Inuit. The Canadian government should embrace efforts within the International Maritime Organization to ban the use of heavy fuel oil in the Arctic, but there is no need to wait for other countries on this issue. Appropriate infrastructure and training for the eventual Arctic water spill must be employed immediately. These measures must also not increase the already prohibitive cost of living and resulting poverty in Inuit communities. Transitional measures must ensure Inuit economies, businesses and communities are protected. The best knowledge must be employed for the protection of the Arctic and its peoples.

China's growing interest in using the Northwest Passage for commercial shipping also needs to be addressed proactively in a diplomatic dialogue that includes Inuit. If new infrastructure is to be built, where and by whom should it be built? If new or improved services are to be provided, such as search-and-rescue equipment and personnel based in the Arctic, where will they be based and who will be employed? These are opportunities for Inuit to diversify economies and build equity through social enterprises in the Arctic that keep benefits in the Arctic.

In short, the Canadian government needs to publically emphasize the central role of the Inuit with regards to Arctic shipping, both through their contribution to Canada's legal position in the Northwest Passage, and as necessary partners in policy discussions, diplomatic dialogues, and actual decision-making.

Oil spill prevention, preparedness and response

The Emergency, Prevention, Preparedness and Response (EPPR) Working Group is central to the Arctic Council, and actually predates that institution. In 2013, the work of the EPPR led to the adoption of the Agreement on Oil Spill Preparedness and Response. But the issue of oil spill prevention was left for later, despite the fact that a major oil spill in remote Arctic waters would defy all clean-up efforts. Subsequently, no steps toward a binding multilateral agreement have been taken. Instead, the EPPR has focused on the standardization of national practices and

regulations. In 2017, a report was prepared for EPPR on “Standards for the Prevention of Oil Spills from Offshore Oil and Maritime Industry in the Arctic”. Although some progress is better than no progress, there is no reason why states that can successfully conclude an Agreement on Oil Spill Preparedness and Response should delay negotiating an agreement on oil spill prevention. It is critical that the oil and gas industry develop a social license in the Arctic as they have done in Southern locations. The development of effective and accepted standards with Inuit communities will advance this social license.

Additional to this, it is noteworthy that the Coast Guard is the lead Canadian agency with regard to EPPR activities. The Canadian government must ensure that the Coast Guard takes an inclusive approach to Inuit participation in this Arctic Council working group, just as Global Affairs Canada and CIRNA does in other working groups. Such involvement is necessary, not only with regards to environmental risks such as oil spills, but also with regards to search and rescue—a matter of extreme importance to remote communities.

Fisheries

Inuit have not been meaningfully involved in decision-making concerning the setting and allocation of fishing quotas and licenses in Baffin Bay, where the presence of transboundary stocks requires close coordination with Greenland. The close connections between Inuit in Canada and Greenland, including the Inuit-led Greenlandic government, should be a major asset for Canada as it seeks to manage these stocks sustainably.

The 2017 Central Arctic Ocean Fisheries Agreement, which concerns the high seas of the central Arctic Ocean, was a positive step towards the sustainable management of that area. It also recognized the value of Inuit Knowledge in, among other things, determining ecological baselines. Inuit now need to be meaningfully involved in the ongoing scientific evaluation and decision-making on whether and when fishing can take place.

Pikialasorsuaq (North Water Polynya)

The Pikialasorsuaq (North Water Polynya) is the most biologically rich area in the entire circumpolar Arctic and of great economic and cultural importance for Inuit in both Canada and Greenland, with hunters travelling hundreds of kilometres to access the wealth of wildlife at the flow-edge. It is also acutely threatened by climate change and increased activity from shipping, tourism and potential commercial fisheries.

In 2016, the Inuit Circumpolar Council formed the Pikialasorsuaq Commission with high-level representation from both Canada and Greenland. In 2017, the Commission recommended the creation of an Inuit-led transnational management regime, which included Inuit led monitoring of the Pikialasorsuaq that includes Canadian and Greenlandic waters. It also recommended that the Canadian and Danish governments ensure the freedom of travel across the international boundary by local Inuit. This is important because it allows extended families to see each other and to preserve their common language and culture.

In addition, the Pikialasorsuaq Commission expressed concern about the Russian practice of discarding rocket stages with highly toxic residual fuel in the area. The Government of Canada responded by issuing diplomatic protests, which likely contributed to the recent suspension of this practice. However, close attention is still required. The use of the Pikialasorsuaq as a disposal site for toxic space junk is clearly inconsistent with its ongoing biological importance as well as any marine protected area created there.

Co-development and consultation

The ICC is supportive of economic development in the Arctic, provided it is sustainable development that provides long-term employment and other benefits to Inuit and centrally involves them in decision-making. Within this context, consultation with Inuit on resource and infrastructure projects has to be meaningful, which means that there needs to be a real possibility of the project being stopped as a result of the consultations. The Clyde River and TransMountain Pipeline cases demonstrate how the federal government has recently failed in this regard.

The requirement of meaningful consultation is found in both Canadian constitutional law and international law, with the 2007 United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) being increasingly recognized as reflecting customary international law binding on all countries. Fulfilling the requirement of meaningful consultations is good both for Inuit and for the Canadian government, including because it enhances Canada's reputation among circumpolar countries and on the wider world stage.

Climate change

Climate change is probably the single greatest challenge facing the Arctic and Inuit. There is no upside to climate change for Inuit: traditional food sources are disappearing; ice conditions are becoming unpredictable and therefore dangerous for travel by hunters using either dogsled or snowmobile; and melting ice and rising sea levels are exposing communities to destructive coastal erosion. The Canadian government should acknowledge that greenhouse gas emissions in the South are an enormous threat to the North and take strong and immediate action to reduce national emissions well below the existing targets—targets which are insufficient to protect the Arctic and Inuit.

Inuit support the strong findings of the recent October 2018 Intergovernmental Panel on Climate Change (IPCC) special report on Global Warming of 1.5°C. For over 30 years if not more, Inuit have been bringing warnings about global warming to the international community as far back as the first Earth Summit in Rio de Janeiro in 1992. ICC believes more than ever it's vital that our federal government - in fact politicians across party lines - take this report seriously and take urgent and drastic measures to limit global warming to 1.5°C.

The IPCC special report on Global Warming of 1.5°C originated at the Paris Climate talks in 2015. It was approved October 7th in South Korea. Among its findings it notes the Arctic and its Indigenous Peoples are listed as “unique and threatened systems”. In addition, the report describes large scale singular events caused by global warming, notably the disintegration of the Greenland and Antarctic ice sheets. In the Arctic, triggering events are already happening, according to the

report and the chronic loss of Arctic sea ice, the melting of the permafrost, and the carbon dioxide and methane released from the oceans have unleashed, runaway global warming, which we cannot stop even if we end all our own emissions. These findings are not surprising to Inuit. We have been observing changes to our environment for decades, and the IPCC findings are consistent with our Inuit knowledge.

Inuit say they will reiterate and strengthen the message voiced at the Paris Climate Change talks, working with governments to ensure global warming will not exceed 1.5°C at the next United Nations Framework Convention on Climate Change (UNFCCC) conference in Katowice, Poland in December 2018.

A Nuclear weapon-free Inuit homeland

In 1983, the ICC adopted a resolution that calls for “no nuclear testing or nuclear devices in the arctic or sub-arctic”. It recently made a similar call in the 2018 Utqiagvik Declaration. Article 7 “Mandates ICC to initiate diplomatic talks for the purpose of laying the groundwork for negotiations to declare the Arctic as a Peaceful Zone.”

The threat of nuclear weapons, whether accidentally or intentionally detonated, has returned to the top of the international agenda because of developments in North Korea, Iran, and the United States. This threat extends to the Arctic, most recently because of a statement from the US military about its plans to strengthen military infrastructure in Greenland. It is unclear whether these plans include nuclear weapons, but Inuit have every reason to be concerned that they might. In 1968, an American B-52 bomber crashed into the sea near the US airbase at Thule, Greenland, resulting in the loss of one unexploded nuclear bomb under the sea-ice.

Canada chose not to take part in the United Nations negotiations on the 2017 Treaty on the Prohibition of Nuclear Weapons and has not signed or ratified that instrument. The ICC urges the Canadian government to reconsider its approach, which is detrimental to their efforts to maintain and promote peace in the Arctic. Ideally, the government would publicly and unequivocally state that it opposes the presence of nuclear weapons in the Arctic.