

# Circumpolar Inuit Response to Arctic Shipping Workshop Proceedings

Ottawa, Canada  
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## Acknowledgements

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# Table of contents

<b>FROM THE WORKSHOP CHAIR.....</b>	<b>5</b>
Duane Smith.....	5
<b>INTRODUCTION .....</b>	<b>7</b>
Cultural Opening.....	7
Opening Prayer.....	7
Duane Smith – Welcome, Introductions, and Workshop Objectives.....	7
<b>SESSION 1: THE ARCTIC COUNCIL .....</b>	<b>9</b>
Patrick Borbey.....	9
Harald Finkler.....	10
<b>SESSION 2: INTRODUCTION TO THE ARCTIC COUNCIL’S ARCTIC MARINE SHIPPING                   ASSESSMENT.....</b>	<b>11</b>
Renée Sauvé.....	11
<b>SESSION 3: TWO INTERNATIONAL LEGAL INSTRUMENTS NEGOTIATED IN THE                   ARCTIC COUNCIL: ARCTIC OIL SPILLS AND ARCTIC SEARCH AND                   RESCUE .....</b>	<b>13</b>
Shawn Morton.....	13
<b>SESSION 4: MAPPING &amp; DOCUMENTING INUIT LAND USE IN THE 1970S AND 1980S .....</b>	<b>14</b>
Dr. Rick Riewe.....	14
<b>SESSION 5: COMMUNITY-BASED SHIPPING CHALLENGES AND OPPORTUNITIES .....</b>	<b>17</b>
Taitsiannguaq Olsen.....	17
Martin von Mirbach .....	18
<b>LUNCHEON ADDRESS .....</b>	<b>22</b>
Senator Charlie Watt .....	22
<b>SESSION 6: TWO CIRCUMPOLAR INUIT DECLARATIONS – ARCTIC SOVEREIGNTY &amp;                   ARCTIC RESOURCES.....</b>	<b>24</b>
Duane Smith.....	24

<b>SESSION 7: THE LAW OF THE SEA &amp; OTHER LEGAL REGIMES: WHOSE SEABED? .....</b>	<b>25</b>
Peter Hutchins.....	25
Dr. David VanderZwaag.....	28
<b>SESSION 8: THE ROLE OF THE INTERNATIONAL MARITIME ORGANIZATION (IMO) .....</b>	<b>33</b>
Julie Gascon .....	33
<b>SESSION 9: SHIPPING OPERATIONS IN THE ARCTIC – AN INDUSTRY PERSPECTIVE .....</b>	<b>36</b>
Andrew Kendrick .....	36
<b>SESSION 10: ROUND TABLE 1: COUNTRY-SPECIFIC INUIT PERSPECTIVES OF SHIPPING IN THE ARCTIC.....</b>	<b>39</b>
<b>SESSION 11: THE SEA ICE IS OUR HIGHWAY .....</b>	<b>52</b>
Duane Smith.....	53
<b>SESSION 12: SEA ICE AND ARCTIC CHANGE: DATA COLLECTION IN GREENLAND .....</b>	<b>54</b>
Lene Kielsen Holm .....	54
<b>SESSION 13: SIKU – KNOWING OUR ICE, DOCUMENTING INUIT SEA ICE KNOWLEDGE AND USE .....</b>	<b>56</b>
Claudio Aporta .....	56
<b>SESSION 14: ROUND TABLE 2 .....</b>	<b>60</b>
<b>SUMMARY OF MEETING AND CLOSING.....</b>	<b>62</b>
Closing Remarks.....	62
Closing Prayer.....	63
<b>ANNEXES .....</b>	<b>65</b>
Participants.....	65
Workshop Agenda.....	67
A Circumpolar Inuit Declaration on Sovereignty In the Arctic.....	71
A Circumpolar Inuit Declaration on Resource Development in <i>Inuit Nunaat</i> .....	74

## FROM THE WORKSHOP CHAIR

### Duane Smith

President, Inuit Circumpolar Council (ICC) Canada  
Vice Chair, Inuit Circumpolar Council



The workshop, *A Circumpolar Inuit Response to Arctic Shipping*, held in Ottawa, Canada on 14 - 15 March 2013 brought together Inuit hunters, Inuit leaders and representatives from Inuit organizations from across *Inuit Nunaat*, our homeland that includes the Arctic areas of Canada, Alaska, Chukotka, and Greenland. Its genesis came from the Arctic Council's *Arctic Marine Shipping Assessment* (AMSA), which put forward many recommendations that we Inuit wanted to understand and respond to.

The gathered Inuit not only shared their views with each other, but also listened to the views of Arctic shipping experts who provided valuable insight as to what Inuit should be aware of as we face decisions about our sea ice and our hunting practices, and as we interact and negotiate with those that want access to *Inuit Nunaat*. While some of the views expressed came from opposing frames of reference, they all pointed to one very important conclusion: Inuit must increasingly take firm control of their own destiny while at the same time work collaboratively and harmoniously with those that seek to interact with them. This is the Inuit way.

The workshop confirmed that shipping in the Arctic touches upon many other issues that are impacting on Inuit and the Arctic region. In fact, I can think of no other issue that does this. It is insufficient to simply point to the reality of climate change and leave it at that. Arctic shipping cannot be discussed by us, for example, without first understanding issues of Arctic sovereignty: who owns the Arctic?, who has rights to traverse the Arctic?, where do the boundaries of each Arctic state end?, and what role can Inuit play in addressing these matters? Workshop participants heard spirited and welcomed presentations from invited legal experts on these questions.

Also, Arctic shipping cannot be fully discussed without understanding how it impacts upon sea ice use by Inuit hunters, and how the changing sea ice affects them. Further, Arctic shipping cannot be discussed in isolation of mapping technologies, which include those that map Inuit land use and occupancy. We were fortunate to have experts at the workshop who mapped Inuit land use and occupancy back in the 1970s, as well as those using mapping and interviewing techniques of today. We heard about Greenland's changing sea ice and a hunter study done there. We heard of changes to the Alaska coastline and the concerns of Arctic shipping to Alaskan Inuit living on the coast and inland. We also heard about Russian Inuit and how they

experience shipping today and how it may affect them tomorrow.

Neither can Arctic shipping be isolated from the larger issue of international Arctic governance: how can Inuit play a greater role at the Arctic Council on these matters?, how can Inuit best express their views at the International Maritime Organization (IMO) where a polar code is being developed?, or at the UN Law of the Sea Convention (UNCLOS), which is the international instrument used by Arctic states to assert their boundary claims?

We heard a perspective from the shipping industry itself, and an expert spoke of industry best practices. With respect to climate change, we heard descriptions of different scenarios that

would affect shipping routes. We also heard from some that it was shipping resulting from land-based activities, such as mining, that should attract the most attention of Inuit.

The workshop was a success and a first step in helping Inuit understand how the many variables of Arctic shipping affect them. The next step is to present our findings to the representative Inuit organizations across *Inuit Nunaat* that have a mandate to make decisions about these things. It was an honour chairing the workshop and it is my belief that the Arctic Council was far-sighted in bringing this issue to the table through the AMSA, where both Arctic states and Inuit can discuss the ramifications of the shipping volume that is expected to continue to increase across our homeland.





## INTRODUCTION

Over the course of two days, delegates representing Inuit from across the circumpolar region convened in Ottawa, Canada to discuss an Inuit response to Arctic shipping and share experiences of changing sea ice. A central component of this discussion was the Arctic Marine Shipping Assessment (AMSA) that was undertaken by the Arctic Council's working group, Protection of the Arctic Marine Environment (PAME). The workshop itself was undertaken through the auspices of the Arctic Council's Sustainable Development Working Group (SDWG).

The workshop brought together 45 delegates, presenters, observers and facilitators to discuss pressing Arctic shipping issues, and for Inuit to begin to formulate their response to Arctic shipping and Arctic change overall. Big issues were tackled and outcomes from the workshop will be brought forward to the Inuit Circumpolar Council (ICC) leadership for further direction and guidance.

Three workshop objectives helped guide the discussion. They were:

***Understanding AMSA*** – Understanding the AMSA – to assist Inuit from Greenland, Canada, Alaska, & Russia explore, discuss and understand the Arctic Marine Shipping Assessment (AMSA) findings, and their relevance to Inuit.

***Responding to AMSA*** – to seek guidance from Inuit on how ICC might best respond to the AMSA recommendations and to consider what products Inuit wish to develop as an outcome of the workshop.

***Documenting Sea Ice Use by Inuit*** – to provide a forum for Inuit to determine how best to collect data on coastal zone and sea ice use by Inuit in a way that promotes the rights and interests of all Inuit.

## Cultural Opening

The workshop began with a performance of Inuit throat singers, Kendra Tagoona and Kathy Kettler.



## Opening Prayer

Following the Inuit throat singing demonstration, John Goodwin, Sr. initiated the workshop with an opening prayer.

## Duane Smith – Welcome, Introductions, and Workshop Objectives

President, Inuit Circumpolar Council (ICC) Canada  
and Workshop Chair

Duane Smith welcomed workshop delegates and advised participants that the event was a forum to discuss changing conditions in the circumpolar Arctic and to review the Arctic

Marine Shipping Assessment (AMSA) and its responsibility to deliver on the outcomes, stating that the first initiative in the AMSA will be undertaken by ICC. The workshop would also provide an opportunity for insight regarding shipping and for Inuit to gather information. The result would be a final report to be presented to the Arctic Council under the Sustainable Development Working Group (SDWG).

Mr. Smith also noted that the purpose of the second day was to have in depth discussions, with a focus on gleaned perspectives from a grassroots community level, and with a particular focus on the impacts and effects of Arctic change felt at that level. The discussions also were to include local observations and changes to ecosystems and how these in turn affect Inuit communities in the circumpolar Arctic.

Delegates introduced themselves and gave their opening remarks. (A full workshop participant list can be found on page 65)

#### **Comments:**

*Alfred Jakobsen, Executive Director, ICC Chair's Office, Greenland*

Alfred Jakobsen brought greetings from the ICC Chair, Aqqaluk Lynge, who was in Greenland. Mr. Jakobsen also introduced some general Greenlandic perspectives on shipping. Workshop participants were told that in recent years there have been new developments such as oil exploration and mining, both of which had impacts on shipping. In Greenland, he noted, the ice is melting and thinning, with winter ice softening, making once inaccessible areas, now accessible.

The responsibility for resource management came with the introduction of the Greenland Self-Government agreement, negotiated with Denmark only a few years ago. He believes that there will be increased potential in the future. Many new ships are now coming into

Greenland waters (for tourism, military, offshore trawlers and supply ships). "And if we assume the Northwest Passage will be a route, we can expect increased traffic", he added.

Mr. Jakobsen was happy that this issue was being discussed at the Arctic Council, where a commitment has been made for more updated requirements for Arctic shipping (for instance, protection mechanisms for ships in the Arctic). Greenland has developed its own ship standards for hull construction and sea ice conditions. He noted that a fellow Greenlander from Royal Arctic Lines would be making a more in-depth presentation that would, among other things, examine minimum shipping standards.

Since 2009, offshore licensing has resulted in lot of heavy equipment, platforms and more ships in Greenlandic waters. This year there is the possibility of drilling in West Greenlandic waters. With all these new opportunities caused by global warming, there are new development opportunities. "Of course there will be impacts, all these are very important to discuss". Mr. Jakobsen believes that it is good that ICC continues to lead the research started in 2008.

*Duane Smith, President, Inuit Circumpolar Council (ICC) Canada*

Mr. Smith stated that many parts of the Arctic will have similar experiences. For example, the North Sea route will affect colleagues in Alaska and Chukotka, as is the case of the impacts of a moratorium on fishing (pollock industry). Everything needs to be taken into account to ensure ecosystems are sustainable and can support all those who rely on them.



# SESSION 1: THE ARCTIC COUNCIL

## Patrick Borbey

Chair of the Senior Arctic Officials of the Arctic Council (2013-2015)



Duane Smith introduced the recently-appointed chair of the Arctic Council's Senior Arctic Officials (SAOs), Patrick Borbey, who will take up his post when Canada takes over the Arctic Council chairmanship from Sweden in May 2013.

Mr. Borbey thanked delegates and recognized the importance of the items on the agenda and the quality of the speakers. He noted that while he will be chairing the SAOs, he will continue to act as the President of the Canadian Northern Development Agency. Mr. Borbey spoke of the

Arctic Council, and of its inception in 1996 in Ottawa, with Canada serving the first term of Chairmanship. "With the Arctic Council Chairmanship returning to Canada for 2013 to 2015, there has been a full circle."

Mr. Borbey affirmed that as chair of the SAOs, he will work very closely with the eight Senior Arctic Officials and 6 permanent participants to implement Arctic Council activities. He noted that he will also be supporting the Arctic Council Chair, Leona Aglukkaq.

He explained that Minister Aglukkaq consulted Canadians by, among other things, hosting several round tables in Canada's North. These round tables, we were told, gave rise to what Canada's priorities will be during the 2013-2015 chairmanship. He advised that there is a strong focus on sustainable economic development and healthy northern communities, and outlined the initiatives. He also noted that various sub-teams had been established to tackle each initiative.

Development for people of the North was the central priority, workshop participants were told. He spoke of the initiative to create a circumpolar business forum to bring together enterprises for Arctic-oriented business and to share best practices and empower youth and women.

Furthermore, Canada will also continue to work with Sweden on the topic of oil pollution.

Mr. Borbey touched upon Arctic shipping, specifically the international Polar Code. He also discussed tourism in the north and developing sustainable circumpolar communities. He also commented on the importance of short-lived climate forcers (SLCF), something that Canada will stress during its chairmanship of the Council

He stated that priorities and focused initiatives will be announced at the Kiruna ministerial meeting in May, that there is interest in increased business-to-people connections, with

the Arctic Council remaining the leading forum for advancing Arctic policies, and that initiatives would reflect views on the ground and current priorities.

### Comments

*Cathy Towtongie, President Nunavut Tunngavik Incorporated (NTI)*

Cathy Towtongie stated that search and rescue has to be a priority and gave two examples of recent incidents, one of which was the Arviat tragedy. She says people feel that the Arctic and its residents are not adequately prepared for search and rescue.

### Harald Finkler

Canada's Head of Delegation to the Arctic Council SDWG



Duane Smith introduced Mr. Finkler as having been a strong supporter of ICC's work in the

Arctic Council and thanked him for his dedication to the human dimension inside the Sustainable Development Working Group.

Mr. Finkler began by outlining the support provided by the Government of Canada and by stating that the federal government is very pleased to be in partnership with Inuit on many fronts. He spoke mostly of the Arctic Council and SDWG, and the significance of Inuit involvement and the importance of the Inuit role in them. He noted that the Arctic Council has become the primary engagement mechanism for circumpolar initiatives and although Arctic Council is not a legally binding entity it is a very important forum.

Harald Finkler referred to the founding document of the Arctic Council, its goal to promote sustainable development, and its strong focus on northern indigenous peoples. He continued by pointing out that the Arctic Council is unique because all eight Arctic States work hand in hand with indigenous peoples, due to the pivotal position they hold as permanent participants of the Council. The other noteworthy element of the Arctic Council is the major contribution that Inuit have made to sensitize ministers, Senior Arctic Officials, and others by providing a balanced dimension between human and environmental factors.

There is in the Arctic Council today a growing number of integrated initiatives as opposed to silos, Mr. Finkler said, along with a notable increase in the integration of traditional knowledge. The Sustainable Development Working Group continues to play one of the strongest roles in engaging indigenous peoples, with an increasing focus on the human dimension of the Arctic. Mr. Finkler went on to present the structure of the Arctic Council's six working groups, each with their own mandate and focus, are ongoing engines for broadening the knowledge base of the Arctic and covering a broad spectrum of issues. Inter-session work continues to be managed by the SAOs. The objective, going forward, is to focus on practical,

concrete initiatives that will contribute to capacity building and respond to the numerous challenges facing the Arctic.

### Comments

*Cathy Towtongie, President Nunavut Tunngavik Incorporated (NTI)*

Cathy Towtongie spoke of sustainable development and the “Achilles heel” she is trying to understand. When speaking of sustainability, she believes that they must also speak of hunting. She recognizes that oil and gas will be exploited; but maintains that the Inuit must continue hunting and fishing. She would like to see a balance between Inuit lifestyle and policies. They are ‘in oil and gas’ for economic survival, but how will this balance with their natural environment? She feels there must be meaningful engagement of traditional knowledge. There needs to be discussions of how ice forms, how snow is used for navigational purposes, how you can sustain yourself by using sea ice and cosmology. “Lastly,” she concluded, “within the meaning of meaningful engagement, how many Inuit have been hired to work alongside government officials in Arctic Council?” She stated that she wanted to see “real” Inuit staff alongside government staff when making decisions.

## SESSION 2: INTRODUCTION TO THE ARCTIC COUNCIL’S ARCTIC MARINE SHIPPING ASSESSMENT

### Renée Sauvé

Canada’s Head of Delegation to the Arctic Council’s Working Group on Protection of the Arctic Marine Environment (PAME)



Duane Smith introduced Renée Sauvé as another strong supporter of ICC and thanked her for her commitment to safe shipping in the Arctic and her support, through PAME, of indigenous peoples knowledge.

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*“I expect large advancement in implementing AMSA recommendations during the Canadian Chairmanship.”*

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Ms. Sauvé presented a synopsis of the Arctic Marine Shipping Assessment, explaining that Arctic shipping has become a focal point not only within the region, but also externally.

In 2004, instructions were given to complete a comprehensive shipping assessment in collaboration with the SDWG and specifically with permanent participants, as it was recognized that indigenous peoples clearly have a stake in changes in the Arctic and in the response to these changes. Some of these changes are decreasing ice, increasing opportunities and new potential shipping routes to access new resources.

Regional economic development continues to be an issue, and access to resources and communities has both positive and negative effects. One of the negative effects is the risk of introducing invasive species.

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*“Another significant risk associated with greater resource development was oil spills. Release of oil into the Arctic marine environment (accidental release of illegal discharge) is the most significant threat from Arctic shipping.”<sup>1</sup>*

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Ms Sauvé explained that during the development of the AMSA, various workshops and town hall meetings were held in a significant effort to gather expertise from the region. Overall there were 60 key findings summarized in 17 recommendations found in the report. There was a focus on the lack of infrastructure, she noted.

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<sup>1</sup> From Answers to Common Questions on AMSA, January 2013.

“It is important that the assessment not sit on a shelf,” she continued, “Recommendations must be implemented.” She said that there is a commitment from SAOs to follow up on the AMSA, with a progress report coming out in 2013. In fact, there is now an agreement to coordinate and identify how they will synchronize efforts in the future.

Ms. Sauvé concluded by saying that the Arctic Climate Impact Assessment is also a very relevant document and has provided a broad overview of issues facing the Arctic. She noted that shipping was no different, that it had to be seen in this context. There is a need to look at regional issues and trends, and further refinement is required. Changes in shipping will have an uneven effect and different people will have different perspectives.

#### **Comments**

There were comments from among the Inuit delegates regarding the need to develop standards for ship operators and identify shipping requirements for areas with unique characteristics. This was the original impetus for guidelines, which then evolved to mandatory standards.

Ms. Sauvé noted that a transportation presentation would take place later in the day. The challenge is for indigenous groups to determine where they stand on the issue.

Duane Smith recognized that Alaska has a lack of infrastructure while Greenland is more advanced in their port needs and requirements.



## SESSION 3: TWO INTERNATIONAL LEGAL INSTRUMENTS NEGOTIATED IN THE ARCTIC COUNCIL: ARCTIC OIL SPILLS AND ARCTIC SEARCH AND RESCUE

### Shawn Morton

Senior Policy Advisor, Canadian Department of  
Foreign Affairs and International Trade



Mr. Morton will briefly describe two legally-binding treaties that have been negotiated at the

Arctic Council, and which have implications for Inuit and for Arctic shipping in general.

Shawn Morton described to the delegates gathered the essence of two legally-binding treaties negotiated at the Arctic Council, and which have implications for Inuit and for Arctic shipping.

Prior to describing the treaties, Mr. Morton first mentioned the AMSA, calling it a “gold standard” that the Arctic Council wants to follow and should follow.

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*“I encourage you all to read the AMSA, especially the implementation report that is very important. It shows that the Arctic Council is not just issuing assessments but acting upon recommendations.”*

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Mr. Morton then focused his discussion on the two more recent pivotal agreements. He mentioned that the first (on search and rescue) is signed and ratified, while the second (on responding to oil spills in the Arctic) has been negotiated and hopefully will be signed and ratified in the very near future.

The search and rescue agreement, Mr. Morton said, is a follow up to the recommendation in the AMSA report from the Tromsø Ministerial meeting, where the Arctic Council described the benefits that such an instrument would bring. At first (the Arctic Council) was unsure if the agreement should be binding or non-binding, but early on there was a consensus to have a legally binding agreement. This treaty builds on two previous search and rescue agreements – the Maritime and Aeronautical agreements.

Mr. Morton pointed out that the treaty does not deal with internal search and rescue coordination but rather is an inter-state agreement. For example, Canada will continue to use rangers, RCMP, and the Canadian Coast Guard.



The agreement officially came into force in January 2013 but was first signed in 2011. Canada has conducted various tabletop exercises; however there was a live exercise hosted by Denmark in 2012.

The second agreement addresses oil and gas. Like search and rescue, it is not a new agreement per se, but builds upon existing international agreements already established. Nevertheless, it is still a move forward for shipping activities and oil and gas exploration that will increase throughout the Arctic in the future.

Once signed, the agreement will identify areas of assistance between states, such as human resources, technology and notification requirements. Similar to search and rescue, the agreement will identify how to quickly bring resources from other countries in the event of an oil spill.

However, issues of prevention are not part of agreement. At present, prevention is handled by a working group. This may result in an agreement in the future. However Mr. Morton emphasizes that prevention is a much more difficult issue to tackle and there is work that must be done. A report at the Kiruna meeting will be presented so that the Canadian chairmanship can be made aware of these issues in order to deal with them.

To date, Denmark has been taking the lead. Canada must continue to learn how to deal with these issues; specifically capabilities, capacity and infrastructure needs.

## SESSION 4: MAPPING & DOCUMENTING INUIT LAND USE IN THE 1970S AND 1980S

*"Between 1973 and 1976, Milton Freeman led a study, entitled the Inuit Land Use and Occupancy Project, which aimed to develop a comprehensive and verifiable record of Inuit land use and occupancy in the Northwest Territories of Canada."*

*~ Library and Archives Canada, 2008*

### Dr. Rick Riewe

University of Manitoba



Dr. Riewe began with an anecdote. He reflected on the time when he was doing his PhD and

researching seal and moose hunting. When out on the land, he would see icebergs passing by and knew that he had to go north. In going north, it also became clear to him that the best way to learn about carnivores and energetics was to live with the Inuit.

Dr. Riewe mentioned that at this time, there were two other key influencing factors that were making history. The first was the 1973 Nisga'a Supreme Court Case; the second, Canadian prime minister Pierre Elliot Trudeau's "white paper" that attempted to assimilate all people under one Canadian identity.



Also at this time in the 1970s, the Inuit Land Use and Occupancy Project was underway. Eventually this project would be taken over by Milton Freeman as project lead. Dr. Riewe became involved in the ILUOP through his own research. He explained that, in light of Mr. Trudeau's paper and other factors, he started politicizing 16 hunters he was working with closely. He urged them to document their land use to reflect the 90,000 square kilometers they were utilizing and highlighted the risk of not documenting the extent of their use. He felt that if they didn't document their use, they would be placed on smaller plots of land like what had happened to aboriginal peoples to the south.

Through his research, Dr. Riewe was able to gather information from Inuit through hunting and trapping activities. He talked of how Inuit were able to get a tremendous amount of food

from land and sea, with the greater part coming from the sea.

He went on to say that the Inuit Land Use and Occupancy Project mapped out 1600 hunters and trappers and focused on extent, not intensity. This was to protect the level of use and avoid the question of to what extent the Inuit were using the land. Findings from Dr. Riewe's research reflected that the floe edge is extremely important for harvesting resources. Additionally, the flaw leads were always very important and dependent on the coastline and depth of water.

While working in Grise Fiord with 16 hunters, he also experienced how Arctic sea ice can be navigated. He explained that the team he was with ran out of gas, so they followed the flaw lead and made an inukshuk at a key location along the lead that indicated that they were out of gas and food and had been on the ice for 10 days. The Inuit hunters knew that other hunters would happen upon the inukshuk, as they work much like a postal system where messages are left at key intersections.

However, flaw leads and edges, while abundant with marine life and a good place to hunt, can also be dangerous. Many species convene in these locations for oxygen and food, including polar bears and seals, as these areas are highly productive. They also can be risky depending upon the thickness of the sea ice.

Dr. Riewe talked about Arctic shipping and explained the risk associated with leads being created by icebreakers. If this happens when people are out on the ice, they can be cut off from their community by 50-100 km, he noted. Also, if there are no visible land markers and there are icebreaker leads, travel can be very difficult and dangerous.

He discussed the importance of mapping, and referred to the Nunavut Atlas which he helped compile in the 1970s, which mapped the intensity of use and provided the areas of focus by Federal land claims negotiators. He

encouraged participants to look at the Nunavut Atlas.

However, he also noted that 30 percent of use is on the sea where there continues to be high productivity and ongoing movement. He further referenced Aberdeen Lake as a useful mapping reference and the use of symbology to reflect breathing holes and productive areas.

Dr. Riewe added that indigenous clothing and “fashion” is very reflective of land use.

### Comments

*Cathy Towtongie, President Nunavut Tunngavik Incorporated (NTI)*

Cathy Towtongie referred to the preamble of Nunavut Land Claims Agreement and spoke of sovereignty. She highlighted that most of the 28 Nunavut communities are located along water except Baker Lake. She also spoke of an oil spill in Norway and calculated how much it would cost for small craft harbor support, questioning the budget costs.

She expressed interest in the subject of hydrographic mapping and would like to see the Arctic Council put international focus on environmental protection. Furthermore, she recommended that the Arctic Council call for significant infrastructure improvement for environmental protection and sustainability. She concluded with the need to track and monitor marine activity, to facilitate a response to conflicting interests.

*Duane Smith, President, Inuit Circumpolar Council (ICC) Canada*

Duane Smith referenced the International Maritime Organization (IMO) and tracking of ships, stating that they are trying to make tracking mandatory; however ships are now able to turn tracking mechanisms off, as it is still a voluntary process.

He also spoke of a project, still very much in its infancy, which concentrates on identifying

sensitive ecosystem habitats. The Arctic Council is initiating this project with the involvement of a few working groups; however there is a remaining gap and this was of concern to workshop delegates. A discussion took place on the need for conducting surveys with traditional knowledge and Inuit people to identify sensitive ecosystems. He assured delegates that this project is in the planning phase and is under development.

Discussions then turned to search and rescue. Mr. Morton responded that in terms of implementation of the search and rescue agreement within Canada, Canada is responsible for following up and implementing the agreement. He explained; ‘how Canada conducts its internal business is up to Canada’.

*Alfred ER Jakobsen, Executive Director, ICC Chair’s Office, Greenland*

Mr. Jakobsen then raised the issue of the possibility of private funds and a further project to invite Inuit from other parts to discuss identifying northern waters. He stated that perhaps a fall workshop could contribute to ICC Canada’s initiatives.

The general consensus was that Inuit must try to protect reliance on marine mammals and their food security. The United Nations Permanent Forum is also focusing on this issue of food security.

*Neil Greig, Director, Economic Development and Marine Division, Makivik Corporation*

Neil Greig mentioned that he had spent time at the polar shipping summit held in Montreal earlier in the week, and one major issue raised was the ineffectiveness of Canadian search and rescue. He affirmed that there is still no capacity in the north to take care of vessels, including fishing vessels or people in the north. ICC needs to push hard to address this situation as an agreement itself will not accomplish this, Mr. Greig noted.

## SESSION 5: COMMUNITY-BASED SHIPPING CHALLENGES AND OPPORTUNITIES

### Taitsiannguaq Olsen

General Manager, Royal Arctic Havneseervice,  
Greenland



Mr. Olsen opened with an introduction to the challenges and opportunities of operating in Greenland and his discussion concentrated on four regional areas within the country to explain Arctic shipping. He described how the southern area is open all year round, while other areas have various access restrictions. He felt that *“in the near future, we will see an increase in bulk transportation and some hydrocarbon ship increase”*.

He further stated that, in his opinion, the Northwest Passage might be usable in the long run, perhaps in 30 years or more. There will be new challenges related to hydrocarbon production.

Mr. Olsen outlined terminal infrastructure and explained that all ports are built only for incoming cargo. He mentioned a new terminal under development by the government that will have the capacity to hold up to 40,000m<sup>2</sup>, with a potential capacity up to 370,000m<sup>2</sup> if needed. He identified some of the risks of operating in Arctic waters, and particularly how icing can jeopardize safety.

Mr. Olsen went on to summarize new technology for vessel construction, with newer versions constructed in 1995 and others currently under development. He stated that: *“While there are no mandatory requirements, they have gathered knowledge and built vessels according to the environment they are operating in”*.

#### Comments

*Duane Smith, President, Inuit Circumpolar Council (ICC) Canada*

Duane Smith thanked Mr. Olsen for his insights on Greenland and the Arctic in general. Mr. Smith added that he felt that based on his reading of the science, Mr. Olsen’s 30 year prediction of shipping through the Northwest Passage might in fact happen much much sooner. He mentioned that in spite of the devastating impacts of climate change, one must look at opportunities, and that he had in fact encouraged the Canadian Inuit leadership to meet more often regarding economic opportunities. In this vein, he noted that Canadian Inuit can learn much from the Greenland shipping experience.



## Martin von Mirbach

Director of Arctic Program, WWF Canada



While Duane Smith had recognized that WWF and ICC Canada have had an “on and off relationship”, Mr. von Mirbach began by stating that, *“our vision is not inconsistent with the ICC Declaration on Resource Development.”*

Mr. von Mirbach noted that WWF has worked closely with indigenous peoples, it supports conservation science, and it fully engages internationally and looked forward to closer ties with the Inuit Circumpolar Council. This could be done, he said, through the Arctic Council where WWF is a Permanent Observer or through other ways. He informed the workshop participants that WWF had had been very vocal and, in his opinion, helpful to Inuit by opposing the up-listing of polar bears at the recent proposals made to the Committee on the

International Trade of Endangered Species (CITES).

Mr. von Mirbach explained that WWF is a global organization with offices in Inuvik and Iqaluit. He believes that this demonstrates WWF’s recognition of the need to be on the ground.

Mr. von Mirbach then redirected the conversation to focus on future and current trends, and discussed how to manage these issues. He presented a map illustrating areas of the heaviest shipping traffic, currently off the coast of Scandinavia with some activity, although to a lesser degree, in Canada. He expressed his opinion that we are witnessing the growth of shipping in the Canadian Arctic as a result of “the growth of interest in minerals”.

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*“Declining sea ice is an important factor, but the prime driver will be the price of commodities”*

*~Martin von Mirbach, WWF Presentation, 2013*

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He spoke specifically of the Mary River Project and the growing potential number of northern shipping routes, including the Northwest Passage, the North Polar Route, and the “right over the pole” route. He said that all of this illustrates the increasing pressure to which the Bering Strait will be subject, as all three routes would pass through it.

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*“At 18 million tonnes in annual production and with a direct sea route to transport the commodity, Mary River would be capable of supplying all of Europe’s needs, potentially displacing dominant iron ore producers like BHP Billiton and Vale SA.”*

*~The Globe and Mail, December 3, 2012*

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Mr. von Mirbach believes that tourism also represents a growth opportunity, but that some limits to its growth can be expected, as projections don't illustrate a dramatic increase.

Fishing continues to be a distinct issue across the Arctic as is sea-lift operation.

There was discussion about the risk of limiting growth. Even as summer ice diminishes, winter ice will continue to be present, so there is never an "ice-free and hazard-free scenario". Until there is further significant investment made in the Arctic, particularly with the current lack of search and rescue infrastructure, there are inherent risks regarding tourism. For instance, the Northwest Passage will continue to be particularly ice-choked and therefore it is unlikely we will see a huge growth in that area. However, if there is significant resource development in the north of Canada, goods will have to be transported back and forth. This could cause significant disruption; such as increased noise and potential impacts on sensitive areas. In order to mitigate these concerns, new technologies or routing plans should be considered.

Mr. von Mirbach then reviewed other issues facing the Arctic. He examined different acts and legislation that may help manage issues. He talked briefly about zero-discharge legislation in Canada including possible Emissions Control Area (ECA) limits on SO<sub>x</sub>, NO<sub>x</sub> and particulates (for instance black carbon); fit-for-purpose non-toxic anti-fouling systems; and adequate pricing of carbon from marine traffic to reduce greenhouse gas emissions.

Invasive species continue to be of concern, as are other pollutants from shipping such as grey water and sewage. While Canada has a zero-discharge standard for grey water, sewage is not managed in the same way. There is also a need for attention to the use of non-toxic systems and the need to focus on reducing greenhouse gas emissions from ships; perhaps through incentives for more efficient engines.

Mr. von Mirbach suggested using the shipping industry for data collection and traffic monitoring, stating the industry could also contribute to the development of baseline data, environmental impact assessments and cumulative environmental assessments.

Mr. von Mirbach then provided an synopsis of WWF's initiative in this area. He stated that WWF has commissioned a master mariner to look at best practices around the world, including a review of company websites and a look at what is currently in place for Arctic shipping practices. This research is also contributing to WWF's GIS and mapping projects. This data could be used to map the trajectory of oil spills and overlay other maps of sensitive areas to predict and avoid areas that are of significance when identifying travel routes. Other research includes work with McGill University and a Bering Strait routing study. He noted that copies of the report were available to workshop participants.

WWF also promotes improved governance through the IMO and Polar Code. Mr. van Mirbach believes this should be mandatory, because voluntary monitoring is not enough. He did recognize the continued need for voluntary instruments as they too are very important. The Arctic Council is very important in this regard.

Speaking of Canada's Arctic Council priorities, he noted that two priorities are directly related to shipping. WWF would like some sort of involvement in these initiatives, he stated.

Mr. von Mirbach again referred to the Mary River project of Nunavut and the Nunavut land use plan, stating that an extension into the marine environment and an identification of onshore activities will influence where Arctic shipping will occur. Mr. van Mirbach urged the Nunavut Marine Council to fulfill its mandate and proceed from aspiration to operation.

He recognized industry leadership and non-arctic states for their shipping requirements.

Those in the Arctic will be compliant with the Polar Code but there is a need to continue to work with communities beyond the Arctic. WWF is advocating the Polar Code through the IMO, he noted.

In conclusion, Mr. von Mirbach stated that WWF is looking to ICC for advice and guidance as to how WWF can support implementation of the Inuit Declaration on Resource Development principles in Inuit Nunaat.

#### **Comments:**

*Neil Greig, Director, Economic Development and Marine Division, Makivik Corp.*



Neil Greig stated that the “over the top” route (as opposed to the northwest passage) was of interest to Russia, and one that Russia would use. He further noted that, “nuclear power is going to happen” there. ICC is going to have to deal with this and noted that he did not know how much clout ICC would have due to the

governments involved. He suggested that this be taken to the Arctic Council.

Another observation for WWF, “with no disrespect to Nunavut”, Mr. Greig noted, was regarding the Nunavut Marine Council. Due to the currents and where they travel, Nunavik is also concerned because many of the same impacts that that have been spoken about in the context of Nunavut and Greenland. “So there is more than one region involved”, Mr. Greig concluded.

*Duane Smith, President, Inuit Circumpolar Council (ICC) Canada*

Duane Smith said that a broader concept is being proposed by some through an “Inuit Marine Council” and that a Nunavut Marine Council would complement any Inuit Marine council if it ever came into being. “It is a broad issue to deal with and that is why we are here today”. He added that Mr. Olsen did not touch upon tourism ships much, but to his understanding, the number in Greenland can range from 10 to 200 ships and vary in size from a few hundred to a few thousand feet. He mentioned that this trend is also happening in Alaska to a degree with Russian ships, and said that all Inuit must be aware of shipping related to tourism as well.

Discussions then turned to nuclear energy and Russian ships, with particular reference to the Taimyr nuclear-powered icebreaker that has constant leaks. Delegates questioned whether this was an IMO or an Arctic Council issue but recognized it had to be discussed at some point.

Attention also turned to the colour of plumes seen coming from ships that can sometimes be orange or green. Inuit are not clear as to the reason for this and how it may affect the ecosystem, and it appears that no one has the answer, so there is a need to take a precautionary approach. It is understood that opening the door to everything has risks, but that while Inuit want development, it must be beneficial to the regions.

### The United Nations Convention on the Law of the Sea (UNCLOS)

(UNCLOS) is a treaty that came into force in 1994 and sets out the legal framework for ocean activities. It is broadly accepted internationally: 162 states are party to the Convention. At the Convention's core is the establishment of maritime zones and the rights and duties of states within them. The maritime zones as outlined by UNCLOS are: the territorial sea, the contiguous zone, the exclusive economic zone, the continental shelf, the high seas and the "Area" (seabed outside national jurisdiction).

UNCLOS article 76 sets out the process by which a coastal state may define the outer limits of its shelf. This involves preparing a submission to an international expert body established by UNCLOS and known as the Commission on the Limits of the Continental Shelf. Defining the extended continental shelf will provide certainty about geographic area in which Canada may exercise its sovereign rights over the natural resources on and under the seabed.

After becoming party to the Convention in 2003, Canada began to prepare its submission to the Commission to define its continental shelf in the Arctic and Atlantic Oceans. Canada intends to file its submission with the Commission in December 2013. Canada's efforts to define its continental shelf have resulted in one of the world's most interesting and far-reaching undersea investigations and involved extensive national and international collaboration. The scientific projects have benefitted from unprecedented technological innovation in ocean and seabed data acquisition technology, particularly in the high Arctic, such as novel use of autonomous underwater vehicles.

~ Fisheries and Oceans Canada, 2013

### *Yegor Vereschagin, Member, ICC Chukotka and Member, RAIPON Chukotka Division*

Mr. Vereschagin spoke about the north polar route and the tonnage that is being transported through the region. He stated that they are totally dependent on this ecosystem for their lives and livelihoods. He explained that there are social surveys conducted on each populated area and advised that they have a hotline to report water contamination.

### *John Hopson Jr., Whaling Captain, Community Leader, North Slope Borough, Alaska*

Mr. Hopson touched upon sustainable development. The way he understood sustainable development is that the industries providing the services are also the ones having the impacts. He wondered how communities deal with the same impacts being dealt with by industry. In regards to subsistence, Mr. Hopson questioned how the native population could benefit, specifically in regards to revenue sharing.

### *Cathy Towtongie, President Nunavut Tunngavik Incorporated (NTI)*

Cathy Towtongie asked if Greenland had done sea base mapping, which is often paid for by private funding. She questioned how Greenland was dealing with this.

Mr. Olsen replied that the Danish government has paid for mapping around Greenland and that they have actually increased mapping and survey activities to provide better nautical maps because of the increase in shipping.

# LUNCHEON ADDRESS

## Senator Charlie Watt

Senate of Canada



Over lunch, Senator Watt gave a passionate speech to delegates and observers, and began by referring to Arctic sovereignty. He said that Inuit must recognize, starting today, that the issue of sovereignty is front and centre. Senator Watt recognized ICC's good work at the Arctic Council and on shipping and other issues. He said that this current work provided an opportunity for Inuit to engage in negotiations at a very high level. He reminded delegates of the ICC Declarations and work done under the auspices of ICC, again highlighting the "good work ICC has done since its inception". Senator Watt said the idea of bringing Inuit together from across the 4 states in which they live was an

important milestone in the Arctic and said he was one of the delegates at the first ICC conference held in Barrow, Alaska. He pointed to Eben Hopson, Sr. of Barrow as one of the main drivers. He spoke of Inuit as being an international people that saw themselves as one nation across borders.

Senator Watt then focused his talk on his concern about the current process that, in his opinion, left Inuit out of the discussions that were crucial to them as a people. For instance, "Inuit are not part of the continental shelf discussion, although they should be involved as the issue is very important to Inuit." He expressed disappointment that the Canadian government was not consulting with Inuit on these key sovereignty matters and stated further that it is up to Inuit as an international community to make sure Canada and other Arctic states are engaging with Inuit territories on matters as diverse as "food, clothing and culture." He issued a warning call by noting his concern that "one day Inuit will wake up to a different life", if they did not act now.

He stressed that if the negotiations on sovereignty did not include Inuit, their livelihood, hunting, fishing and gathering, will be affected. For that reason, they must be act as one people to show states that "this is Inuit homeland, not the homeland of others". Time is of the essence he stressed. Russia is in the process of putting forward their second submission to define their continental shelf to the UN Convention on the Law of the Sea in December 2013.

For Canadian Inuit, now is also an opportunity to develop and provide a submission, stated the Senator. He urged all Inuit to move on this issue quickly, because "if we don't, we will be allowing foreign states to take our homeland away". Canadian boundaries can be extended or minimized and, with treaties already in place, there could be an overlap and room for negotiations. He noted that if Inuit consider 250

nautical miles there will be overlap between Canada and Inuit, but Inuit, as an international community, should consider claiming the area outside of Canada's jurisdiction as an international people. Inuit are an international community but will have to deal with their respective states.

The Senator continued that there is also economic opportunity and Inuit must consider what is in it for them. Perhaps there are revenue sharing opportunities or other forms of compensation. It is yet to be determined what the potential is for Inuit and what input there will be to regulatory processes. He said it was unnerving to see that many discussions are taking place without input from the people who live in the Arctic.

Senator Watt did express his excitement about the upcoming workshop presentations from different legal perspectives that could provide some direction. Shipping and sovereignty are closely interlinked, he said.

In closing, he spoke of a recent elders conference he hosted in Ottawa inside the parliament building, so the elders could know what is happening and how decisions are being made.

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*“Let's stick together and move forward, if we don't we will fall together”*

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## **Comments**

*Duane Smith, President, Inuit Circumpolar Council (ICC) Canada*

Duane Smith thanked the Senator for his luncheon keynote address. Mr. Smith responded to Mr. Watt's presentation by reminding the Inuit delegates of their land claims' and self-government agreements and that much of the negotiations that Senator Watt was referring to would best be done through these Inuit bodies. He reflected on ICC's role and mandate, that it was founded to help Inuit work collectively on international matters and bring Inuit together to

discuss these issues and share ideas. This workshop was one such example, but ultimately it was the Inuit leadership, through the elected representative organizations that would make decisions on how to move forward. This, too, was, true of offshore and seabed mapping. The workshop chair also suggested saving the responses to the Senator's keynote address for the following day's roundtable forums.



## SESSION 6: TWO CIRCUMPOLAR INUIT DECLARATIONS – ARCTIC SOVEREIGNTY & ARCTIC RESOURCES

### Duane Smith

President, Inuit Circumpolar Council (ICC) Canada  
and Workshop Chair

Mr. Smith gave a brief summary of two very important declarations that Inuit leaders had initiated through Inuit leaders' summits over the past few years and that underpinned much the shipping workshop objectives. He noted that only a few years ago, states, industry, academics, and others were talking about "who owned the Arctic?", without involving Inuit. As such, Mr. Smith said that he invited Inuit leaders from both within in Canada and beyond to come to Kuujjuaq, Nunavik to discuss issues of Arctic sovereignty. A significant outcome of that leaders' summit, Mr. Smith said, was the commitment to develop *A Circumpolar Inuit Declaration on Sovereignty in the Arctic (2009)*. This declaration, found in the workshop binders, clearly stated that Inuit needed to be at the centre of decisions made about their homeland, *Inuit Nunaat*.

In the same vein, Duane Smith said he invited Inuit leaders again to Canada to discuss the resource development plans that others had for *Inuit Nunaat*. He said that the resulting document, *A Circumpolar Inuit Declaration on Resource Development Principles in Inuit Nunaat*, spelled out clearly how Inuit were willing to engage others on resource development and on what conditions. Mr. Smith noted that these principles could apply as much to shipping as to resource development per se. For example, the Declaration was very clear that it was "the pace

of development that is the key variable" in whether Inuit will thrive or not in the new Arctic. The same would go for shipping, he added. He concluded by saying that these declarations have been cited at United Nations and Arctic Council forums and that they are receiving high-level international attention.



## SESSION 7: THE LAW OF THE SEA & OTHER LEGAL REGIMES: WHOSE SEABED?

### Peter Hutchins

Hutchins Legal Inc.



Duane Smith introduced Mr. Hutchins noting that he had over 39 years of practice exclusively on indigenous issues, and has worked on issues related to the UN Human Rights Committee, and cultural law. Mr. Smith said that Inuit are very fortunate to have someone with this experience to share his unique insights on the UN Convention on the Law of the Sea and give his opinion on how Inuit may wish to respond

to the current negotiations, mapping, and so on happening in the Arctic.

Mr. Hutchins expressed his gratitude for the kind words from the workshop chair and for the encouragement he has received to move on the important issue of UNCLOS and other issues “close to your hearts”. He reflected on his past experience with Senator Watt and how they knew each other through the negotiations leading to the James Bay and Northern Quebec Agreement (JBNQA), noting that it led the way as the “first modern treaty between the Crown and aboriginal peoples”. He recognized that the treaty it did not deal extensively with the offshore. That came later when Quebec and Canada wanted to solidify their presence in the North. Mr. Hutchins made it clear that he wanted to continue work in this field and was pleased to working in partnership with the next speaker, Dr. David VanderZwaag.

Mr. Hutchins explained to the delegates and observers present that, in his opinion, Inuit were not being properly included in negotiations and processes that were currently being undertaken by states as they were making claims at the UN, through the Law of the Sea. While he acknowledged that some current treaties did not specifically mention the rights of Inuit to the offshore and seabed, he stated that times had significantly changed and that a reopening of agreements may be possible. He then spoke about of the thawing of the Arctic in the context of *rebus sic stantibus*. *Rebus sic stantibus*, he explained, was the legal doctrine that allows for treaties to become inapplicable because of a fundamental and profound change of circumstances, in other words, an escape clause from the treaty due to unforeseen circumstances. In the context of the Arctic, the disappearing ice may in fact be such a case for the Inuit who have signed a modern treaty in the last 20 years; they may have a right and entitlement to suggest that these treaties could be rewritten. Mr. Hutchins referred to the infamous certainty clauses that the Federal government insists on including in treaties. Mr. Hutchins, however, said that the

“we need certainty” on the one hand could be translated to “you surrender”, on the other hand. While it is true that in Canada, indigenous peoples may have signed away the non-abrogation of their rights in the territory of their rights, when speaking of the high Arctic, it is unclear what region is referred to. For example, what is Canadian jurisdiction? Is thawing ice changing the situation? These are important questions, he argued. One might speculate that the land over which Inuit exercise their rights, if it changes, then so also Inuit must also be able to re-activate certain rights that they already have, in addition to rights in the non-claimed Arctic, where they have a long history of occupation.

There is no question that Inuit, like no other aboriginal people, have a history and territory and sovereignty not yet established as part of Canada, where the international community is not convinced that it is part of Canada. In addition, there are international areas governed by international law, and as a result, Canadian Inuit are straddling these very unique territories. This in turn will influence how strategies are developed in dealing with Canada and the international community.

He continued by stating that a “fabulous opportunity is on the horizon”, in which the UN Law of the Sea is crystallizing with limits to the continental shelf, and states are now required to examine where the continental shelf extends. Mr. Hutchins feels that Canadian Inuit have a great opportunity to insert themselves if they are to make a submission; one possibility could be to assert Canada’s position and the second possibility could be to oppose Canada’s position. An alternate approach may be to assert that Inuit have rights in that area and because they have been there a long time. Canada does not like to be challenged and they may reply with a “let’s see how we can work this out with Inuit before it happens”. It presents a great opportunity, but there are tight timelines that are looming in the fall of this year, when

Canada is expected to make its submission to UNCLOS.

Mr. Hutchins then spoke of Canada and the international community. He stated that, in Canada, we are not talking about politics, we are talking about law and “this is the last thing Canada wants to talk about”. With politics, Canada is in charge, but with law, the courts are in charge. Mr. Hutchins asked participants to recognize that in the past not one positive change has been made without the involvement of the courts. A good example is British Columbia and the onset of the duty to consult, and so on. This has been apparent in the south but also reflected in the comprehensive claims in the north. In addition, fiduciary duty must remain at the forefront; the Supreme Court identifies how parties are bound by law.

Mr. Hutchins’ last example was the case of the Métis Federation in Manitoba, ongoing for the past 20 years. He stated that Canada would obstruct as much as possible. He explained that this case is based on a commitment, a promise from Manitoba of lands to the Métis Federation in 1871. He further explained that it was part of a constitutional obligation for Manitoba to enter the confederation. At last week’s hearing the Court spoke to “the honour of the Crown” which says the Crown must treat people fairly. Canada’s response was that it was too late and that this commitment was made over a hundred years ago. Unfortunately aboriginal people are not equipped with the capacity to respond, but the Court said the Crown cannot hide behind the limitations – the honour of the Crown always applies.

Mr. Hutchins then spoke of the Quebec secession reference case. Although this case focused on whether Quebec can unilaterally secede from Canada, the Courts talked about the rights of aboriginal peoples. This is a very important case as it reflects the contributions that aboriginal people have had in the nation-building of Canada and successive governments. Mr. Hutchins said he was

directly involved in this case and actually acted for Makivik to represent aboriginal rights framed in the Constitution (Section 35 & 25, 1982) and also recognized in the Sparrow case.

*“The point here,” explained Mr. Hutchins “is that this country has been put together through treaty making. It has not been put together by unilateral action by the Crown. There were treaties of peace and friendship by the Micmaq that allowed the British to occupy the land and help them against the French. Treaties did not secede the land, but focused on peace, friendship and alliances and reflected promises to aboriginal peoples. This was the nature of the relationship at the time, in the plains, across the mountains and now, up in the Arctic.”*

At some point, continued Mr. Hutchins, it was construed that land was stolen, and the Courts are now revisiting this. The question is - why would this not apply in the Arctic? Canada is desperately trying to establish sovereignty in the north as they did in the St. Lawrence valley when the United States tried to overtake part of Canada. *“How did Canada respond to this?”* questioned Mr. Hutchins. *“They signed treaties with the Cree and others to fight back and solidify its claim. Canada will never admit this was the case.”*

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*“The thawing of the Arctic is like bees to honey, they all want to get into the action”*

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Mr. Hutchins noted that he says all this, as it is very important to Inuit and others. I remember Laurier said the 20<sup>th</sup> century belongs to Canada; he was a bit ahead of his time. One could say that the 21<sup>st</sup> century belongs to the Inuit. How Inuit handle their situation in the Arctic. *“There is lots of opportunity,”* Mr. Hutchins affirmed.

While there are many treaties to speak of, the James Bay Northern Quebec Agreement, the Inuvialuit Final Agreement, Nunavut then Nunatsiavut land claims; there are many examples to discuss, he commented. Through all his years of litigating, Mr. Hutchins said he never would have imagined in the 1980s or

1990s that the courts would have stated what the Crown’s duties are.

Mr. Hutchins went on to discuss two important elements, the first, historical title and the second functional jurisdiction. He explained that for a state to claim sovereignty, it must bear the burden of proof and establish long-term use of the territory. This will give it exclusive authority, or sovereignty. Regarding Inuit people, if they can claim historical title then they should do it, he argued. It is clear that for a long time, Canada has tried to claim historic title and has done it through the Inuit. They did it by forcibly relocating Inuit from Nunavik to Grise Fiord to claim northern sovereignty. Joe Clark, speaking to the House in 1985 stated *“let’s face it, Canada is an Arctic Nation, the international community has long recognized that it is Canadian and it is our greatness; and it is indivisible...since time immemorial.”*

A report in 2002 to Foreign Affairs illustrated that Canada’s position is that straight baselines are what constitutes Canadian waters, and in addition, the Northwest Passage is based on title. This argument could also apply to the ongoing use of sea ice by Inuit people from time immemorial. Someone has to stand up and say, wait a minute...the Cree were not the Cree people of Canada and the Blackfoot were not the Blackfoot people of Canada, there were independent nations and treated that way.

The Sahara desert, for instance, is a perfect example. When it was considered terra nullius it was, in fact, occupied by nomads, Mr. Hutchins said.

Canada has no choice but to deal with the Inuit and to do so by historic title. The way that Canadian Inuit can do this is through cooperation with other Inuit. They cannot do this as “Canadian Inuit” as you were the people here before Quebec and Labrador and Canada and Denmark. Inuit have that advantage and they really must use it. Use the bodies like ICC and the Arctic Council, the UN bodies and UN Permanent Forum; the international seabed



authority too. These are all places that will say indigenous peoples have no authority, and that is not true; this is a law applying to people not states. Mr. Hutchins then talked about UNDRIP, article 36. He explained that those divided by international borders have the right and political purpose to maintain relationship with its members. Grudgingly, the Canadian Parliament has agreed and Mr. Hutchins repeated, "Inuit should take advantage of this".

The final message to Inuit, he said, is that both domestic and international law "is on your side". Do not be intimidated or worried by what is being said or that Inuit are acting illegally. Again, there is an amazing opportunity with both the thawing of the ice and the UN Law of the continental shelf. However, Inuit must act now. The law also abhors doing nothing, so act quickly and assert your rights; challenge the UN entities to respect their UN principles, as these are ultimately their commitments.

In 1974 when Mr. Hutchins was one of the lawyers that led an injunction resulting in the James Bay and Northern Quebec Agreement, he remembers telling the Court the proverb "*when there is not vision, the people perish.*" He affirmed, "*You have to retain your vision, your knowledge and confidence of who you are and not be intimidated.*"

## Dr. David VanderZwaag

Canada Research Chair in Ocean Law & Governance,  
Dalhousie University



Duane Smith introduced Dr. David VanderZwaag as holding the Canada Research Chair (Tier 1) in Ocean Law and Governance at the Marine & Environmental Law Institute in Dalhousie University, Halifax, Canada. Mr. Smith noted that Dr. VanderZwaag also teaches in the areas of international environmental law and law of the sea. He is the past Co-director of Dalhousie's interdisciplinary Marine Affairs Program.

Dr. VanderZwaag began by identifying the inconsistencies between the UN Convention on the Law of the Sea in which there is no mention of indigenous or public participation, and what has happened since 1982. While the Convention is a dated document it fails to recognize indigenous peoples.



He further pointed out that many of these surveys are quite dated, including many of those that have involved traditional knowledge or a human dimension.

In the Canadian Arctic, there is very little vessel routing, and only one “Ocean’s Act” marine protected area. Therefore there is a need for greater protective measures for vessel routing. He also noted that while the Antarctic has had special pollution discharge standards for decades, the Arctic has had very weak standards, for example, allowing the dumping of raw sewage. Dr. VanderZwaag went on to touch upon MARPOL and SOLAS standards, noting they were relatively weak.

He also spoke about emissions control areas in place but stated they did not extend up to the Arctic. He posed the question as to whether there should be a ban on carriage and use of heavy fuel oil for all or parts of the Arctic. He raised concerns about black carbon and greenhouse gas emissions which have yet to be effectively addressed by the International Maritime Organization (IMO).

Dr. VanderZwaag made reference to the Inuit Declaration on Resource Development as a positive development, and recognized that currently there does not seem to be a clear vision in the Arctic and there seems to be an obvious policy vacuum, one that the Inuit resource declaration could help fill.

Tourism is an added pressure and the question remains as to whether there should be a limit to the number of passengers visiting the region. Again, he made a comparison with the Antarctic, where tourism guidelines have been established that manage the number of people and locations that can be visited, but said this has not yet happened in the Arctic.

There was a discussion on noise and how to manage impacts to hunting and fishing, and about looking at the possibility to set decibel limits.

There was further discussion regarding a possible precautionary moratorium on commercial fisheries for the central Arctic Ocean and a recognition that Inuit should be “more awake” on issues involving genetic resources. Dr. VanderZwaag remarked that while the argument has been made that genetic resources should be considered common heritage of humankind, many believe in the concept of freedom of the sea and “first-come first-serve” regarding genetic resources. Therefore some sort of biodiversity agreement for the Arctic might be considered as well.

Dr. VanderZwaag ended by saying that Inuit could be and should be more involved in the seabed and other negotiations and just because there is no specific reference to their involvement, there are many ways in which they might aim to be involved.

#### **Comments**

*Duane Smith, President, Inuit Circumpolar Council (ICC) Canada*

Duane Smith recognized that these are all very real and important questions but also recognized the capacity dilemma ICC and Inuit organizations face in order to deal with all these crucial matters. He agreed that Inuit must be involved front and centre. He made reference to the mandatory Polar Code, but raised concerns that most of the content in the Polar Code is voluntary and provides guidelines only. Mr. Smith believes it is important to put something together from an Inuit perspective to submit for inclusion into the Polar Code currently under development. He noted that Inuit must find a way to do this.

He added that he was unaware of the level that they need to be prepared to deal with on all these issues and is apprehensive regarding the amount of issues that Inuit are facing. However, he affirmed that the primary issue is survival, and that, as part of the ecosystem and we must ensure its survival.

*Michael Hoffman, Executive Vice President, Association of Village Council Presidents, Bethel, Alaska*

Mr. Hoffman commented on the high quality of both presentations and that they provided very substantial Canadian points of view. He stated that in the USA, the government can also be very difficult to work with and does not recognize tribes. He posed a question to Professor David VanderZwaag about ballast water and invasive species. He mentioned that in Southwest Alaska they are already dealing with this issue and stated the cause could be as simple as fly fishermen coming from Argentina and using their boots without disinfecting them. The result can be an invasive species that wipes out an entire native species. How can this issue be dealt with on a larger scale such as ship hulls?

Dr. VanderZwaag responded that anti-fouling and ballast water conventions partly address issues of invasive species. However at present there are mostly only guidelines to deal with the problem. These can include better inspections, better cleaning but the question still remains - is this really enough? Perhaps there is room for the matter to be introduced into the Polar Code.

*Duane Smith, President, Inuit Circumpolar Council (ICC) Canada*

Duane Smith advocated for the need to look at reducing shipping speed. He also stated that shoreline erosion is apparent and of growing concern.

*Neil Greig, Director, Economic Development and Marine Division, Makivik Corp.*

Neil Greig felt that the issue was relative to enforceability. Governments must have the capacity to enforce regulations, as today enforceability is severely limited. He strongly noted that all the laws in the world won't help if they cannot be enforced.

*Alfred Jakobsen, Executive Director, ICC Chair's Office, Greenland*

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*“How have people been able to survive in Arctic? It is due to a healthy environment and the ability to use and access healthy resources”.*

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Mr. Jakobsen felt that this was a very inspiring presentation but unfortunately time did not allow for further discussion. Mr. Jakobsen further stated that if standards for the health of the environment are not protected, then there may be limited time. These are issues that must be discussed thoroughly for new doctrines - even 100 year plans.

However Mr. Jakobsen added that it is important to act properly. He asked what was meant by the statement that Inuit had until September or October to make claims, and asked for possible ideas.

He further reflected that in the UN convention of the Law of the Sea there is no mention of indigenous rights, but that things have changed since then, and we now have institutions like the UN Permanent Forum where possibly these things could be raised, but also give indigenous peoples rights at these international bodies. Mr. Jakobsen posed the question as to whether it is possible for Inuit to use institutions as they are today to present a claim that would be accepted as legitimate regarding sea bed resources being finalized this year.

*Peter Hutchins, Hutchins Legal Inc.*

Mr. Hutchins replied that he has been around long enough to know it has been hard, and that in his many years of litigating regarding to aboriginal peoples, he learned that governments are not supportive if there are any threats to their interests. Between now and September or October, it is an impossible task, but there are mechanisms. Look at the James Bay injunction as one example, he said again. The injunction,

through the courts, provided the trigger for the first modern era treaty (James Bay Northern Quebec Agreement). Inuit could put together some sort of proceeding in the same way.

He added that it is also important to recognize the state's constitutional duty to consult and accommodate on any activity, decision, or project that may impact aboriginal rights. Therefore he again urged Inuit to challenge decisions, and seek judicial reviews; start a judicial process. "If you sit and wait for government to take the lead and do something concrete, you will wait a long time", because this will take the urging of the courts. If you are going to challenge Canada – start incrementally, start small.

Mr. Hutchins highlighted the Beluga decision (2010) as an example in which Inuit challenged seismic testing and won the case at that level. In an injunction, a judge will try to determine who will suffer greatest prejudice and who has the balance of inconvenience. In the Beluga case, if seismic testing was to proceed unchanged, the impacts would have been significant and irreversible, not just regarding food security but also the cultural impact. So, continued Mr. Hutchins, when you challenge government actions, define the impacts on Inuit culture. Remember, any loss that Canada may feel is economic and revenue based and it is compensable. Mr. Hutchins then turned to his colleague for his perspective.

*Dr. David VanderZwaag, Dalhousie University*

Dr. VanderZwaag said he disagreed with Mr. Hutchins on this point. While he agreed that Inuit must find ways to be more involved in a central way in all these discussions and negotiations, he felt that litigating on this issue was not in the best interests of Inuit. He felt that the bigger issue was about positioning. He asked the delegates, "What kind of future do the Inuit want to see?" He noted that under the Law of the Sea Convention, coastal States will be eventually required to make "royalty payments" from production of mineral resources on

extended continental shelves with payments to be distributed through the International Seabed Authority. The Convention calls for equitable sharing with special consideration given to the needs of developing States. He raised the question of whether the Inuit might seek some revenue sharing in the future given the special circumstances of the Arctic.

Mr. Hutchins wanted to clarify that his suggestion was to attempt to get a legal opinion from the court, not to sue for millions of dollars. Government rarely agrees to go into mediation due to factors of expense, time and stress. He mentioned the ongoing development of expertise in crown-aboriginal relations.

Duane Smith commented that this discussion will need more time than was available at the workshop and that, from an ICC perspective, it needed the full Inuit leadership present to make such major decisions. He added that Inuit would benefit from a review of all the issues, along with a full understanding of both internal national laws and also international laws affecting Inuit. He thanked the presenters and ended with "I want to re-emphasize that these are matters that require full Inuit leadership endorsement".

Cathy Towtongie stated that for Inuit, there is a prevailing authority that exists as well as interpretation in legend. The resources belong to the Inuit, she affirmed. Sea ice is construed as a maritime right. She brought forward the example of Norway and Sweden and the discussions they have had on maritime rights. She asked Mr. Hutchins and Dr. VanderZwaag how long they felt it would take to establish a similar relationship between Inuit and Canada.

The response pointed out that although we have come a long way, this could be a very lengthy and expensive process to tackle. Furthermore, it could be problematic to identify the use of the Arctic by Canada and demonstrate Inuit use of the ice. In addition, language could be problematic unless Inuit can try to apply it in some form. For instance: on the high seas, to

what extent will there be recognized offshore rights? These are issues that are difficult to address.

John Hopson Jr. explained that back home they to do their best to support people in the arts and crafts. They were considering creating a ban or limit on tourist loads that could be negative for the region. From a hunter's perspective, this is positive, but for those that depend on tourism, such as people in the arts and crafts, limiting tourism could be detrimental. They are caught between a rock and a hard place, he said.

Mr. Hopson also explained that the USA's Environmental Protection Agency comes to Alaska to talk about air and marine pollution. The federal government then sets limits, but there is nobody up there (in Alaska) to enforce limits. The result is that many ships and commercial activities are not monitored.

He then told a story about the attention given to a 3-month-old polar bear cub that had been stranded on an ice floe and was being airlifted to land. He expressed concern at the great media attention something like this receives compared to the attention given to air pollution.

## SESSION 8: THE ROLE OF THE INTERNATIONAL MARITIME ORGANIZATION (IMO)

### Julie Gascon

Head of Delegation for Canada at the IMO's Polar Code Negotiations



Ms. Gascon began by explaining the International Maritime Organization (IMO), a specialized agency within the United Nations, was made up of 170 member states. She presented details of the mandatory instruments, the MARPOL, and the most important mandatory instrument, SOLAS (Safety of Life at Sea). She also spoke of regulations and

explained the qualifications required to operate a vessel.

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*“The Arctic Waters Pollution Prevention Act (AWPPA) aims to prevent pollution in Canadian Arctic waters. The AWPPA is a ‘zero discharge’ act, which states, “no person or ship shall deposit or permit the deposit of waste of any type in the Arctic waters.” The AWPPA describes offences and punishments; and outlines the powers that may be given to Pollution Prevention Officers so that they may enforce the Act.”*

*-Transport Canada, 2013*

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Ms. Gascon read the IMO's mission statement and explained that the IMO publishes conventions which apply to ships traveling in international waters. She also noted that within Canada there are further regulations under the Canada shipping Act of 2001 and the Arctic Waters Pollution and Prevention Act (AWPPA).

Globally, the IMO dictates how Arctic shipping is regulated at the international level and within Canada. Canada has its own domestic regulatory framework that is even more robust than that of the IMO. She described the “additional layer” of regulation within Canada that dictates Arctic Shipping regulations in Canadian waters.

Ms. Gascon indicated that the polar code is Canada's attempt to bridge the gap between the international standards of the IMO and the Canadian AWPPA by improving the code. “It is very simple”, she continued. The polar code takes a risk-based approach. She described it as a “sandwich” with many layers. There is ice and low temperatures, remoteness, high latitudes, fragile environments and navigation challenges. Overall, “everyone” supports the Polar Code as a concept but the details have yet to be worked out. Gascon said that the goal for



Canada and most Arctic States is to enforce the code as much as possible and make it even more robust.

She maintains that one of the difficulties with the IMO is that it takes the 'consensus-type' approach that so many southern states use to keep regulations less stringent, and there are few polar states compared to the 170 members. Nevertheless, she believes the goal is to make the Polar Code as strong as it can be, and that many Arctic states feel the same way.

Ms Gascon said that this kind of code is developed within an existing convention, so they will continue to try to expand the Polar Code. 'Over the next 2 years we will try to make it as strong as we can'. Currently, the status of the Polar Code is as follows:

A correspondence group was established in 2010 and 3 working group sessions have been held to develop the code. There is also an ongoing between-session correspondence group that continues the work between meetings. However the working group is very tedious. As mentioned, the southern states want to keep it weak. Ms Gascon again emphasized how the Polar Code builds upon the existing framework and she believes it will likely be implemented through SOLAS or MARPOL.

Ms. Gascon continued with a description of the impact on Inuit. Firstly, the Polar Code will improve safety and environmental protection on the high seas, (ex.: the trans- polar route). However once in Canadian waters, the regulations will be more stringent because of the AWPPA and hopefully the Polar Code.

Ms. Gascon concluded by remarking that the IMO is responsible for safety and environmental protection of international shipping. To this day, there are still no mandatory international requirements to address the hazard of Arctic shipping. She recommended that ICC members talk to national representatives and offered her contact information for follow-up. She affirmed that they will continue to consult regionally

through the *Canadian Marine Advisory Council*, to which she reports.

### Comments

*Duane Smith, President, Inuit Circumpolar Council (ICC) Canada*

Duane Smith thanked Ms. Gascon for her comprehensive briefing on the IMO in the short time available to her. On the point of Inuit involvement, Mr. Smith believed that there was a lack of understanding and communication. He asked if an Inuit land claims organizations or ICC itself could be part of delegation; he noted that he believes the delegation would be presented with an opportunity to learn and to apply this knowledge to other negotiations, if it accepted Inuit as a central player.

He suggested that Inuit might want to consider drafting three proposals, and that the first should be a proposal to sit in on negotiations. However he felt there was mixed messaging. He explained that previously, when they expressed to the Arctic Council their interest in being part of negotiations and part of some of the IMO work, they were advised to withdraw any reference to IMO involvement on the proposal to the Canadian government on the current shipping and sea ice work. However it seems that now there is opportunity. This matter needs further clarification and why Canada would not want Inuit involvement on IMO matters.

Mr. Smith said that there is a desire to see certain mandatory requirements and to clearly understand how and where Inuit have traditionally navigated the ice.

To summarize, Julie Gascon believes these are all very good points. She stated that the AWPPA came into force in the beginning of the 1970s; however the Polar Code is taking a new approach and there is much more interaction. Any groups that would like to learn more, or want to be more involved, can certainly be involved as consultation is an open process that

includes all interested parties. Gascon also indicated that they often give presentations to special groups and are willing to do this for the Inuit as well.

*Cathy Towtongie, President Nunavut Tunngavik Incorporated (NTI)*

Ms. Towtongie explained that Inuit are *not* just interest groups, they are Inuit and it is more than just consultation that was required, that it is informed consent that is needed. She stated that situations like this can create ambivalence and affirmed the need to work together on understanding the impact to Inuit. *“It creates grief for Inuit when they are not part of the process”*.

Ms. Gascon responded by stating that she did not mean any disrespect and agreed Inuit should be at the IMO table. She explained that any organization can be present if they are interested. Brad Spence, accompanying Ms. Gascon, added that until recently the process has been very rough and nebulous, which is why nothing has been sent out to date. However, he added, “things are now taking shape and there are documents in place to be mailed out”. Duane Smith, he said, is on that mailing list.

The workshop chair then stated that he will allow leaders from land claims organizations to determine their level of participation but urged them to ensure they are aware of this opportunity.

Mr. Hoffman asked Ms. Gascon if any Inuit are currently part of the polar conference group. He also wondered if the polar code is “the best we have right now”, was there is something she had wished to see in the Polar Code but did not get.

Gascon responded that they were studying current legislation to see if there was something they missed. She said that when the AWPPA came into effect it had very stringent requirements but was questioned about the current relevance of certain of these requirements. For instance, the issue of sewage

and chlorine is a real concern. It had been determined that it was better to discharge raw sewage as than to treat sewage with chlorine before discharge. However now, with cruise ships and increasing shipping, this regulation may not provide adequate protection for the environment or people.

The goal, she added, is to collaboratively develop a Polar Code, address these gaps and identify the areas that need further research.

In response to a question as to whether Inuit are members of the correspondence groups, Brad Spence replied that the correspondence groups should be consulting with Inuit and Canadians. The short answer he said, is no, not directly, but that Inuit should be consulted indirectly.

*Cathy Towtongie, President Nunavut Tunngavik Incorporated (NTI)*

Cathy Towtongie emphasized that the Arctic is very different from the rest of Canada pointing out that it was -55c when she left home. The fact has to be recognized that Inuit are not special interest groups, nor are they “other” groups. They subsist on mammals; they don’t have the option to be farmers. So Inuit have to get involved for the betterment of their people, yes for economic opportunity, but primarily for subsistence. Subsistence has to be top priority.

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*“We subsist and we rely on mammals so lets get involved”*

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*Duane Smith, President, Inuit Circumpolar Council (ICC) Canada*

Duane Smith reminded the group that ICC is a tool that can be used for many of these initiatives. He explained that he is seeking guidance from workshop delegates as to how to direct and use ICC on this important shipping matter.

## SESSION 9: SHIPPING OPERATIONS IN THE ARCTIC – AN INDUSTRY PERSPECTIVE

### Andrew Kendrick

Vice President of Operations, STX Canada Marine



Mr. Kendrick opened by stating ICC should consider going to the IMO as an observer and strongly suggested that they consider an “undiluted” perspective. He encouraged that each country go to represent different ICC national offices, otherwise it will be considered under the one auspice of ICC (International). There may be more strength if four different nationalities are present.

He discussed overall ship operations and remarked that sovereignty activities are getting higher profile in the Arctic. Ships and shipping are playing a role in claiming presence and sovereignty, as Russia for example. He also provided an overview of the nature of shipping in the Arctic, which is largely for community supply and occurs mainly during open water season.

What is typical of most Arctic operation, he explained, is that it needs to occur autonomously. Shipping companies must bring their own infrastructure (barges) for ports and unloading of materials. Resource extraction is different. Companies in this area are often quite capable and have ice-going ships that are similar to ice breakers and customized to the industry activity.

Tourism is another sector of activity of Arctic shipping, but there are various risk factors to be considered, including the capability of these ships to navigate in northern waters that may have ice or icebergs. Many industry people worry about the consequences if a cruise ship, like the Concordia Cruise ship in Italy, were to hit a “chunk of ice”. There can be serious consequences.

Mr. Kendrick touched upon shipping routes and said that there was a desire to establish a precedence going through Northwest Passage. He described changes to Russian regulations for shipping through the North Sea passage and talked briefly about “over the top” routes. He described the Bering Sea opportunities for accessing European markets and said that while this is not currently happening, it is a future possibility.

He also spoke of the various risks and challenges facing Arctic shipping, including a lack of emergency response, a lack of hydrography and temperature problems, the cost of Arctic shipping, vessel construction and economic uncertainty, and the delays associated with Arctic shipping that must be built into planning and maintenance.

In addition, there are regulatory concerns. For one, the existing national systems are incompatible. There are also concerns because the IMO Polar Code continues to be unclear and other regulations (ASPPR) are not always understood even by those that are implementing them.

Environmental protection is also still unclear, continued Mr. Kendrick. Not all legislation is under the control of transport Canada and this remains a concern. He emphasized that safe operations require specialized knowledge and, with the growth in Arctic Shipping, there is still no international qualification requirements for ice navigators.

He went on to discuss Indigenous peoples and the interface with the shipping industry, declaring that one of the challenges for shipping companies is to have to worry about people, this being a worse scenario in Alaska than in Canada.

While there have been challenges, he said, there are “Arctic champions” or companies that believe in “doing the right thing”. Of course they have ulterior motives, but they are still considering people and promoting high standards. Some companies are working to support getting the polar Code in place. In addition, many companies are sponsoring research and supporting joint industry projects, for example the survivability of lifeboats.

In closing, Mr. Kendrick noted that there are experienced Arctic ship operators. Often, people and capacity are developed ‘in house’ with specific training. However, they are working with certain institutions. He did state that all cruise ships have experienced ice navigators.

### **Comments**

*Neil Greig, Director, Economic Development and Marine Division, Makivik Corp.*

Neil Greig questioned why there was such an issue with finding qualified personnel as there is

a significant number of Arctic trawlers. The technical requirements for personnel in the Arctic are huge, and operations are self-contained. He said there are issues getting in and out of the Arctic and with the huge plans from Canada to access Arctic, how is this going to be maintained? What are the perceived plans or lack thereof?

Mr. Kendrick replied that the new Canadian icebreaker is being designed with a lot of waste retention and air emission regulations even though it is not currently applied in Canadian arctic. How it will be supported in the future is a good question. To operate for 270 you go through a lot of fuel.

Mr. Kendrick offered a “very personal opinion”. He said that they are not considering the long term costs of operating in the Arctic and all of the associated factors that have to be completed to support Arctic shipping. For instance, the coast guard must be funded to a degree to keep new access breakers operational. He stated that he personally sees a desperate need for more Arctic science. He believes feels that more research on environmental impacts is needed, and that while there is a vast amount of small science there is still no big science.

*Alfred Jakobsen, Executive Director, ICC Chair's Office, Greenland*

Alfred Jakobsen asked for Mr. Kendrick’s personal opinion on the question of whether it would be desirable or feasible to shorten the route from Panama Canal to northwest passage to save money and reduce emissions if the commodities were in demand there was a need to supply the largest markets in the world.

Kendrick responded that in general, he believes the Northwest Passage will be difficult for the foreseeable future. With significant ice and icebergs, ships are not going to be able to operate at fast speeds, but if there are projects in the north; for instance in the northern archipelago, ships will be going through the Northwest Passage.

*Michael Hoffman, Executive Vice President, Association of Village Council Presidents, Bethel, Alaska*

Michael Hoffman stated that they are paying 11-12 dollars a gallon for fuel in Alaska so the prices of the ships and shipping activities are significant. Perhaps it would be more feasible to run through the Panama Canal. After the discussions of today, the concern is, if there is cost cutting, the only people out there watching will be the Inuit.

Mr. Kendrick recognized that enforcement is a big problem, not just from a Canadian perspective but also from the perspective of a number of other institutions (including Antarctica). As long as they meet IMO requirements, they are okay. A very legitimate concern is transport and how to monitor international ships remains a real concern.

Mr. Hutchins mentioned the precautionary principle.

Mr. Kendrick referred back to the Arctic waters pollution prevention act (AWPPA) and that while it is a zero discharge regulation, it is not zero discharge for everything.

He also referred to MARPOL<sup>2</sup>, that it is not precautionary but rather a ratcheting down process, and that he believes there is a fundamental disconnect between the two processes. For instance, when something is detected, it will set the standard. He also briefly touched upon the sewage issue and recognized that it continues to be a problem.

*John Hopson Jr., Whaling Captain, Community Leader, North Slope Borough, Alaska*

John Hopson Jr. explained that in the Beaufort they have a zero discharge policy whereas in the

Chuckchi Sea they have a zero harmful discharge policy. This policy has determined how close to the shore they live. He stated that it is the temperature of water and the reaction that determines how these standards were determined.

*Cathy Towtongie, President Nunavut Tunngavik Incorporated (NTI)*

Cathy Towtongie believes that there is currently a lack of Canadian hydrographic sea mapping. She asked the group whether Canada was mapping the seabed. She expressed concern about Russian nuclear shipping and asked what kind of preventative measures Russia has in place.

Mr. Kendrick responded that in terms of hydrography, that there are charts documenting the Arctic that are over 100 years old. It is still a slow process. As for nuclear icebreakers, they are great if they don't have an accident. They have no emissions and an excellent record. While nuclear has a bad rap, he would like to see a Canadian nuclear powered ship.

*Neil Greig, Director, Economic Development and Marine Division, Makivik Corp.*

Neil Greig mentioned hydrographic services and said that there is nothing except for what they do for themselves. While it has a huge cost, it is a worthwhile exercise. If industry and government worked together, they could do something.

Duane Smith closed the day with an invitation for more conversation tomorrow.

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<sup>2</sup> The International Convention for the Prevention of Pollution from Ships (MARPOL) is the main international convention covering prevention of pollution of the marine environment by ships from operational or accidental causes. (International Maritime Organization, 2013)



## SESSION 10: ROUND TABLE 1: COUNTRY- SPECIFIC INUIT PERSPECTIVES OF SHIPPING IN THE ARCTIC

*Duane Smith, President, Inuit Circumpolar Council (Canada) and Workshop Chair*

In opening remarks for the day, Duane Smith welcomed back workshop delegates and indicated that the purpose of the day was to hear feedback and comments from delegates regarding issues of concern.

He began the first roundtable with an overview of the role of ICC, stating the need to fulfill their mandate to put forward a submission and present a human perspective on the AMSA. Therefore, it was important for delegates to use this roundtable opportunity to provide direction and clarify issues to be incorporated into the AMSA submission. He stated that the aim was not to entertain all views and comments and not to base the document on any specific country or region. All insights, views, and comments would be welcomed as part of the overall tasks and the mandate of ICC to communicate these concerns to a broader audience.

The second comprehensive objective of the roundtable session was to gather input on how best to conduct an expanded circumpolar survey on Inuit use of the sea ice. The roundtable provided an opportunity to get direction from workshop delegates based on the next phase of project, initiated in 2008. Mr. Smith invited comments from delegates, and, in particular, insights into ways to clarify how the project could be expanded into other regions within Canada and internationally. He also sought direction on how to identify individuals and

experts, design surveys in each region, and interview people in each region. All this data would contribute to the final report. He also emphasized that Canada will be taking over the Arctic Council chairmanship in 2013 and mentioned the tasks that will continue under Canada's mandate. He then called for comments and views from each delegate, in no particular order, and requested an overview of what they are dealing with in their communities.

### PERSPECTIVES

*Michael Hoffman, Executive Vice President, Association of Village Council Presidents, Bethel, Alaska*



Michael Hoffman called attention to a concern that had not yet been reviewed as much as he had hoped. He explained that he comes from the Southwest part of Alaska, which is still very much a part of the Inuit map. He lives in a town along the Kuskokwim River, which is only

accessible by air. Along the Yukon and Kuskokwim River, there are 56 villages. The issue he faces is not so much oil and gas but rather minerals that have been discovered in the region. He explained that in Donlin Creek they are anticipating 6 barges a day to supply the gold mine. He voiced his concern that no environmental response or protection is ready and they have already experienced oil spills, both large and small. The Kuskokwim River is not ready, he contends. And furthermore, before anybody can think about using the Northwest Passage they need to be ready to protect the environment. He reflected on the previous day's presentations and said that while good points were made, he believes they were not prioritized. *"We talk about our people", Mr. Hoffman continued, but " if we don't have our environment then we don't have our people, so it is very important to protect our environment"*.

Hoffman also pointed out that, while he and his colleague John Hopson Jr. both come from Alaska, they come from very different areas with different languages. However, they are bonded by the Bering Strait and face similar issues. He believes they are not ready, and not being ready means that although he lives on the river, he also lives along the coast with most of our people out on the sea ice. He explained that they have three different areas, three different groups of people, three different dialects; all of them will be affected. *"It is going to be a wild, wild west,"* he stated.

He felt that they were waiting for the Arctic Council to get it all together, and they had their own vested self-interests. He noted that there are a few treaties (Yukon River with Canada), but even that is in limbo due to the fisheries crash. There is a need for lot of people to come together and they have not been at the table collectively. *"No one is supervising, no one is organizing,"* Mr. Hoffman concluded.

*Duane Smith, President, Inuit Circumpolar Council (ICC) Canada and Workshop Chair*

Duane Smith felt that they should continue with that discussion, as it would seem that some are not familiar with the environmental process. Within Canada and in the Land Claims process, he explained, there is a very in depth process that allows Inuit to be a part of the EIA process, screening and review. It could be a cabin or it could be a gold mine that is being proposed. The screening process in respective regions would review the proposal through their own screening bodies, which are co-management bodies. We appoint our representatives and other levels of government assign theirs; everyone then comes together to figure out how to deal with the issues.

Nunavut is dealing with a large iron ore project, for instance, and even though it is welcomed, there is a process to follow and concerns as to the environment impact. There continues to be a need to identify hunting and fishing areas. He explained that an environmental screening could elevate it up to a full review and hearings. He talked of creating a panel, developing recommendations to the Federal minister, neither for nor against a project, just to provide a certain number of recommendations.

Mr. Smith declared they are not trying to gather data for or against these activities, but rather just taking a snapshot as to each region's Inuit activities on the ice and how it can be used for the AMSA report to identify Inuit's relationship to the ice and the ecosystem around it.

*John Hopson Jr., Whaling Captain, Community Leader, North Slope Borough, Alaska*



John Hopson Jr. spoke of his experience with Arctic shipping. Two years ago he was not as concerned as he is today. When talking about shipping, the discussion is usually about oil and gas tanking from Chukchi down, transiting back and forth. However he noted, of the 217 vessels in transit the Coast Guard monitors only 17. This is because they deal primarily with oil and gas.

This has raised serious concerns; first, for human life and second, for the environment. Inuit know the environment and they are not ready for Arctic shipping he contends. With only 4 communities and approximately 2000 people, they would not have the resources to go out and help if there was an accident with a cruise ship. These vessels appear 50 to 300 miles off the coast, he continued, and there is no infrastructure to even re-supply these ships. "There is nothing and it is mind-boggling". He

believes that the further they go forward, the better understanding they will have as to how it will impact Inuit.

On the subject of hunting, he explained that they have hunting and whaling year round. When they are whaling they will pull the whale on top of the ice to cut it up and bring it home. Whaling will go until the end of May. At that time, hunting will shift to other species such as geese, bearded seal, or walrus. There is a timeframe for each and every month to do something on the ice and also on the land. There will definitely be impacts with shipping.

He stated that all hunting is for subsistence. Food is not sold. When a family can't hunt, people will go hunt for them. He explained that they are feeding other families and inland communities, or bartering for caribou. Often they are feeding 2000 people on a yearly basis, as it is a shared resource they were brought up with.

As for Arctic shipping, he believes that as long as the environment is safe they will continue to do all of these activities but asked what ICC is thinking about sustainable development. He said that he has not seen any documents.

The issues of revenue sharing and impact funds need to be hashed out in each country. He stated that he is not familiar with how other countries deal with impacts or how they are mitigated. He asked, "*If you can't access or use marine resource, how will your government take care of you?*" He emphasized that they cannot lose their culture because it is too precious and must be cared for together, "*what happens to me will also impact others in Canada and Chukotka.*"

"*It is a bigger impact than we realize,*" said Mr. Hopson. "*How do we figure these things out?*"

As to whether or not to support commercial activity, Mr. Hopson says he supports development in the community, because currently, 85% of revenue coming from property tax in the North Slope Borough is used to

maintain schools, runways and overall infrastructure. "And this is not sustainable". With the current declining revenues, the idea of cutting budgets and reducing services will hurt people. Jobs, services education funds will suffer, he commented. "As a leader, how do I continue these services?"

He believes oil and gas may be the answer and welcomes the activities, but it under Inuit conditions and rules. Industry must allow them to protect themselves which means regulating how many ships, people and routes are entering the region.

John Hopson Jr. believes it is 'kind of like being stuck between rock and hard place'. They want to hunt but they also need economic development. The question is, can these co-exist?

He would like to see what a circumpolar rescue concept might be, and said that they have their own local search and rescue with a local helicopter and Medivacs for both land and water rescue.

*Duane Smith, President, Inuit Circumpolar Council (ICC) Canada and Workshop Chair*

Mr. Smith mentioned that search and rescue is addressed in an Arctic Council document. Currently, there is an agreement between the eight arctic states that is legally binding. However, this tends to be more focused on large incidents, like plane crashes. It explains overall, how they would collaborate if there were a major polar incident.

*Yegor Vereschagin, Member, ICC Chukotka, and Member, RAIPON Chukotka Division*



Mr. Vereschagin thanked those at the table for extending an invitation to him. He was grateful to have the opportunity to attend the workshop.

He explained that in 2012 the hunting industry basically filled their quota of 321 specimens, which also included whales and seals. As far as legislation goes, people of Arctic can hunt without any limits and can hunt year round. The count is for statistical purposes only.

He then spoke of Arctic shipping and explained that in terms of transit and shipping in 2012, there were 104 vessels overall. Within the last two years, the number of vessels has doubled. The Northwest Passage will see over a million tons in product being shipped, he asserted. Tourism in Chukotka has also tripled between 2009 and 2011. In January 2013 a new law was enforced, which stipulates the number of vessels passing through the Northwest Passage must



have mandatory insurance, contingency planning, emergency planning, and plans for mitigating environmental impact.

He explained that right now, there are a number of control points in various settlements and he feels that the Government has undertaken maximum efforts to assure the prevention of environmental calamities. He understands that Arctic Shipping overall presents greater risk for environmental impacts and ultimately for wildlife. However, he also recognizes that they cannot regress and that they are “past the point of no return”. Now they must look to establish symbiosis.

He has two viewpoints regarding climate change. First, as a biologist, he believes that climate change is a cyclical process in which there are warm and cool periods. From a hunter’s perspective, however, they are seeing growth in some species, but in some instances, a decline. He believes that at present they are experiencing momentum from climate change, but that it will soon start cooling off.

In regards to icebreakers, he believes to regulatory documents they would serve for the benefit of global communities. He also pointed out that there is an obligation to publish amendments to regulatory documents that pertain to the population of Chukotka so that the people are aware of the changes. The people can also be involved in discussions about the development of regulatory documents so there is no need for working groups. He described the experience they had in participating in laws regarding hunting and fisheries, stating that hunters had to pay many taxes, but now they can hunt all year round, and this is important to be able to sustain their lifestyle all year round.

*Alfred Jakobsen, Executive Director, ICC Chair's Office, Greenland*



Mr. Jakobsen felt that the workshop was very timely and recognized that the Arctic Council is working very hard. He feels that they are right in the middle of the storm. Climate change is new and does not happen all at the same time. It is one of the triggering events and it may be good to call another conference to discuss it further.

He noted that all the political agreements made are based on access to resources: water, living, non-living, oil or gas. These resources are the basis for all political agreements.

Regarding continental shelf research, they now believe that shipping activities will escalate.

*“We are standing at the beginning of the future,” Mr. Jakobsen declared, “but we must also learn from history.”*



There is a need to put forward our real concerns, he continued. Inuit still need to be able to survive in the Arctic and the way they will survive is to have access to the resources they use now, such as for hunting. On the other hand, Inuit are also facing global markets. It not a question of if development will escalate, it is only a matter of time. He was grateful to ICC over the years, for developing important tools such as the Declarations and Inuit Arctic Policy. These tools will enable Inuit to argue and work together with institutions like the Arctic Council and to develop political and management agreements.

He believes that the mandate to be here is in the two Declarations, the Inuit Arctic Policy, and the Nuuk Declaration. Inuit are in the middle of a lot of things happening in the Arctic. The escalating reduction in glacial ice is presenting new opportunities, like the Northwest Passage and Northeast Passage for instance. He questioned whether industry has enough resources to invest in potential new shipping requirements within international agreements that the IMO and Arctic Council are proposing.

Mr. Jakobsen then presented an overview of national and international legal regimes that influence Greenland. He explained that with Self Government, Greenland is responsible for all waters up to 12 nautical miles offshore, but beyond that the jurisdiction lies with Denmark. He provided an overview of international conventions within the IMO and touched upon the importance of a Polar Code.

He discussed the issues surrounding conflicting activities in Arctic waters and feels that pre-existing Inuit uses should have priority over newly proposed projects unless there is an agreement in place. He affirmed that marine ecosystems are interconnected and that this must be recognized in Arctic marine management plans. He also stressed the importance of coastal zones and their high biological activity, and highlighted the need to

have Inuit consent, knowledge and expertise in the managing these important resources.

He shared his concerns about search and rescue capabilities with increased use, and concerns regarding the accident response mechanisms in place for human or environmental catastrophes. He believes that cooperation, information sharing and bilateral agreements are pre-requisites for tackling some of these significant challenges.

Mr. Jakobsen also provided an overview of current activities in Greenland and explained that presently there are 9-10 trawlers in west and east Greenlandic waters. Additionally, there are about 72 local communities, towns and villages that are located along the shore of Greenland. Greenland is facing offshore exploration, which began in 2010 and 2011. There is also a growing tourism industry, with cruise ships visiting Greenland waters more frequently.

Looking to the future, Mr. Jakobsen feels it would be good to reference data on all ship traffic through Arctic Command (a Danish institution).

In regards to ice and types of ice, in Greenland there are very productive glaciers and the country receives a lot of scientific attention to monitor what is happening. Greenland also has various marine protected areas that have been established for various conservation purposes.

Mr. Jakobsen wondered how they should engage in IMO discussion because it is important to collaborate and come up with a statement or resolution. He mentioned that he was already working on some draft wordings.

So within the next 10-15 years, Mr. Jakobsen thinks it will be necessary to identify marine areas that are special to marine mammals and birds, as Inuit are highly dependent on these areas. If ships interfere in these areas, they will be facing a lot of risk and trouble for them and their communities. It is important to determine

how these areas can be identified and avoided. Another alternative would be to establish seasonal “no go” areas due to breeding or other special features. Although the Arctic Council is working on identifying breeding grounds and other areas, it will be essential to identify where these most sensitive are located and when, if at all, they can tolerate Arctic shipping. Building on that statement, Mr. Jakobsen asserted that they need to be very much aware of the possible risks that would be triggered with development of some sort of shipping activity.

*Rodd Laing, Environmental Assessment Manager, Nunatsiavut Government*



Nunatsiavut has its own Environment Protection Act and environmental assessment process that is in addition to federal process, Mr. Laing explained. He wants to convey a regional perspective of the Environmental Impact Assessment (EIA) process in Canada.

He explained that in terms of ocean base, like Greenland, their land claim also extends 12 miles into the ocean, and that beyond that, there is the duty to consult.

Search and rescue is also a real concern for Nunatsiavut, having recently experienced a tragedy in their region when a teenage boy was lost. It took two days to find him. And if search and rescue cannot find one individual lost on the ice, what will happen if there is a large scale offshore accident?

Rodd Laing also spoke of the uniqueness of the Labrador coast and how it works with ocean currents. He said that anything that happens in waters “upstream” will essentially be travelling “downstream” and affecting their region. This is a real concern as they have little say in what happens “upstream”.

To manage this, they have a locally based environmental consulting company that puts markers along the ship track and they install two pontoons over ship track, allowing people to cross the track. In addition to the pontoons, they will also build ice bridges over the ship track so people can cross and monitor ice thickness along the ship’s track weekly. Each winter, the ship is required to use the same track when traveling through the ice.

Mr. Laing explained that they have two community-based monitoring stations run by both local hunters and youth. Their role is to communicate the thickness of the sea ice to the community, as well as mark the ship track. *“It is essential for residents to have access to the land and ice, as it is the basis of their lifestyle.”* He also noted that they are experiencing a dramatic increase in cruise ships.

In addition, there are significant concerns regarding increased seismic activity. Deep-water basins off of the Labrador Coast are being identified and due to this, they are seeing a lot of seismic activity. Inuit fishers who own fishing vessels have reported significant decreases in fish and crabs when seismic ships go through.

He stated that they have brought this concern up with the board (CNLOPB) but nothing has been done.

*Senator Charlie Watt, Senate of Canada*



Senator Charlie Watt believes there is a great deal of interest from industry wanting access to their communities. So it is important to determine how to engage with industry while also considering the needs of the people.

He feels that the environment would be heavily impacted inland, coastal and offshore. He presented some of the challenges of living up north, in particular regarding the economy and purchasing power in the north. *"People cannot make ends meet"*, he stated.

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*"The purchasing power of people in the north is 25 cents relative to one dollar in Ottawa. ... the people are disadvantaged."*

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He explained that because of this, people are starving and have a difficult time, not only within Nunavik but in many other regions.

Inuit must take these factors into consideration, explained Senator Watt. Industry needs something from Inuit so Inuit must determine what they need from industry.

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*"If Inuit are going to sacrifice their privacy, and if land and resources are not accessible, what does the future hold?"*

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The environment is a very important issue. It is hard enough to have government stick to a commitment, even if legislated. Inuit should recognize that the government, is not doing it for Inuit, but because they want access. *"I know. I am on the inside here in Ottawa, I am part of Senate."*

Department of Justice, the Senator continued, is not willing to enforce commitments made by government. So Inuit must have agreements not only within Canada, but also with Russia. At present, in the Arctic there is nothing, no equipment, and no infrastructure. People in the north are not ready to deal with a disaster.

The Senator asked if it was possible to look towards Americans or Russians. In Russia, they have infrastructure and ships to break through ice, he noted.

The Senator believes it is very important to consider a treaty with both the Russian and Canadian government and commented, *"If it is not legally binding, forget it."* Even legally binding agreements are hard enough to make stick, he declared.

He said that he had lived through negotiations and commented that all is not well; there is a lot of hard work to do. He cautioned the delegates to take care with what they recommend to their regions and organizations as they are in



unchartered territory that has never been dealt with before.

Senator Watt believes the challenge continues to be economic. If people don't have access to their own resources, a lot of people will have hard time making ends meet. This is the reality facing many people today; this challenge is contributing to increased suicide.

*"So, focus and think about what is in it for you and your community",* recommended Senator Watt. Inuit have hard decisions to make if their life is not going to be same in the future. While Inuit cannot ignore industry, remember that you need them but they also need you.

Today there are a number of different countries that want to take part in the Arctic Council and there must be caution. Inuit should be having direct dialogue with those who want to join the Arctic Council. Right now, this is not happening. Inuit must be educating them on who the Inuit are and how they use the Arctic. There is no other mechanism than this. Inuit have the Arctic Council but what else is available?, he asked. *"What other mechanisms exist for government to government discussions?"*

The Senator went on to say that Inuit should have been more forceful at the beginning to have more of a say on the matter. Now they are finding discovering that they are not involved, and yet other countries are dealing with our country. There is a need to have further dialogue within our own regions, organizations and international organizations, he affirmed.

Senator Watt urged workshop participants to be very cautious in their approach if they develop a statement or resolution,. The news is becoming very well connected and a lot of young people are becoming very interested, he observed. Inuit will be feeling the pressure so there is a need to pace yourselves well. There is nothing wrong with saying that things are going too fast.

He talked of his residence in the North and that he is very connected to his people. While part of

the Senate, he continues to live in the north to understand what the people are going through. As the only Inuk Senator, he explained, *"it can be lonely, especially when trying to get your point across."*

Duane Smith thanked the Senator for his good advice, insight and direction.

*Cathy Towtongie, President, Nunavut Tunngavik Incorporated (NTI)*



*"I am a seamstress in the ancient way,"* began Cathy Towtongie. She talked of knowing the mammals and their skins and recognized that she is a professional in her own right. She spoke of hunting animals to make clothing and the features they look for when hunting seals, explaining the colours and the beard must appear a certain way. When dealing with Inuit clothing designed for survival, a lot of Inuit women are coming across skins not suitable, she continued. The animals have lesions and hard dark spots, they don't work with goose fat oil,

because the skins have mutated. She questioned why this would be happening and voiced her concern.

*"I see marine life from a different perspective"* she continued. First, for clothing, but she recently has seen polar bears and caribou impacted by climate change and chemicals. She also sees animals from the food security perspective. She explained how they were taught to use bones for firewood. But now, she sees new joints in sea mammals; joints that are not supposed to be there. When looking at fish liver and fish eggs, she finds red dots not orange. While this probably is not a big deal to some, she is concerned. There have been invasions, she stated.

Ms. Towtongie further described her concerns about food security, speaking of Arctic Bay and the cost of food. She said a turkey could cost 200 dollars. That is why they have started to use cyber space to purchase food as opposed to purchasing at the store. Because of these costs, they continue to rely on their own food just to make ends meet. Everything they hunt, they eat and use to make clothing. Nothing is wasted. She reminded the delegates that the Inuit women are very talented seamstresses.

When she questioned the marine policy, she was told that she would not understand. *"But I do understand"* she declared. *"The animals that they are writing about, I know all the muscles and membranes, when to kill it - if it is milking, it is too rich to consume."*

In regards to an Inuit response to AMSA, it must be emphasized that Inuit have rights to be equal participants. While NTI agrees with the AMSA, there are concerns that recommendations are not strong enough to ensure immediate action by arctic states.

Marine traffic and shipping must be addressed, she continued. Current infrastructure is inadequate. This endangers lives and the environment. Legislation should be developed.

Search and rescue was again a topic of discussion. Ms. Towtongie feels that search and rescue should be improved and brought closer to home. She talked of the tragedy of two hunters who went out on the ice with GPS and one lost their life; the GPS did not show the river. She believes a focus on cyber technology is important. There is an information highway in the Arctic and they should explore how to connect to this activity. She suggested that perhaps this technology could be used to map movements of ocean currents, marine mammals and other Arctic activities.

She commented on the lack of infrastructure and noted that they had no experience, infrastructure or technology to deal with a spill in ice conditions. Looking at Greenland, she noted that they are all coastal communities. For the most part, it is the same for Alaska and Russia. So looking at the Gulf spill, an important question is: how would this affect Inuit communities and marine species? Ms. Towtongie believes they are experiencing both an artificial and natural environment, and that the environment is changing each season and is affected by climate change.

She spoke of using the wisdom and knowledge of Elders. She provided the example of technicians from Trenton, Ontario that had been flown in to rescue hunters. Elders warned that it was not the time to land but the technicians did not heed this advice. As a result, they did not listen and lost one of their technicians. Ms. Towtongie expressed the importance of making room for both knowledge bases. When there is one dominant culture or one knowledge, this creates a very simplistic view. Inuit did not mindlessly survive. They had to use the concept of the mind.

With NTI, she stated, commercial fishing must be conducted in accordance with sustainable practices and in conjunction with Inuit and relevant management bodies. She felt that if Inuit are going to survive they must look at water. Water is a scarce resource and soon the



rest of the world will need our water. Inuit must ensure the water is pristine, to be able to sell it in the future.

She also spoke of both the non-traditional and traditional economy and the need to find balance between the two, as they are both based in part on marine resources and global demand for those resources. She noted the importance of understanding traditional and current use and identified the need for the rest of the world to see where Inuit traditional knowledge can be integrated. *“For the rest of the world, they need it,”* commented Cathy Towtongie, *“without it they will kill themselves.”*

In closing, Ms. Towtongie also mentioned her concern for the sexual health of marine species and sexual health of women. This is of growing concern with all of the changes they are facing.

*Jim Elias, Director, Tuktoyaktuk Hunters and Trappers Committee*



*“We as Inuvialuit make use of our ocean year round,”* began Jim Elias. He too reflected that the prices in the north are outrageous and on top of that, the difficulty of getting work is significant. He stressed the importance of preserving the land and made a presentation about how they are able to use their shorelines. He said that they are often able to get 10 miles out from shore on the ice to trap fish and hunt geese.

He contends there is a growing concern with increased Arctic shipping and a need to watch the coast for contaminants. He spoke of traditional lifestyle and family. He stated that they always have their children with them and this is how they bond and spend time together.

His other concerns include contaminants from foreign boats and tourists. Search and rescue is also a significant issue and while the region does have a written response plan they are unable to carry it out. He described his people as very approachable and friendly and not like the fast-paced south.

He noted that if the Federal government wants access to the resources, they will find a way. While they will talk to Inuit, he believes this would be only as a means to get to the resources and the land. So they must find a way to prevent this, he stated. Right now, anyone can use waterways with little restriction. The coastal shore is eroding as the beaches and land are at sea level. This is of significant concern. He recommended the need to avoid dredging as this will speed up the erosion that is happening.

We need to act on policy and plans, he continued. He again mentioned their emergency response plan and that they had no way to implement it. There must be more policing and restrictions to communities. Officers need to be around, especially in northern country. He noted that they have the only port in Arctic Ocean available to clear hulls. A policy for hulls in the Arctic Ocean needs to be developed.

Jim Elias then talked of ships, ice and people. He voiced his concern with the growing number of ships coming to the region in the summer and the impact to communities. Other ship activities include running streamers and seismic ships. They don't know the effects on the mammals, as it has never been proven or tested, particularly with seed ducks and other birds. He explained that from a hunter's perspective, ducks have the tendency to dive not fly as a way to escape underwater, so seismic activity is a concern.

Mr. Elias was also concerned that their pure blood is thinning. This is both a recent observation and from information from previous times with the gold rush. He felt the need to keep congestion out and to keep their country pristine.

Senator Watt interjected and urged that search and rescue be an issue brought forward immediately. He feels that this is a very real and urgent issue facing each of them.

### **Informal Roundtable Discussion**

Search and rescue continued to receive a lot of debate among workshop participants. It was recognized that at present each area seemed to have somewhat of an ad hoc approach to search and rescue.

While there is an umbrella understanding or agreement by Arctic Council states, this is a broad overview and deals more with large-scale search and rescue. There is a need to focus on issues that are much more domestic and regional in nature. The example was given of Denmark, which took the lead and conducted a search and rescue exercise. They would like to see this work continue.

### *Senator Charlie Watt, Senate of Canada*

Senator Watt asked if he could present his "idea of the moment". He explained that over the years they have heard and witnessed a number of incidents within Canada, and he was interested to learn if, on the Alaskan and Siberian side, they have had similar experiences.

As a Senator, he explained that they could begin drafting legislation for search and rescue and lay pressure on the government, and that eventually it would accelerate through the system. He suggested that, as it is an area they know well, they could do it from an Inuit perspective, rather than the perspective of industry.

There continue to be a number of unknown factors. "*Many outsiders come and make mistakes,*" he commented. He believes that in order to prevent this from happening they need to get a handle on the situation, perhaps formulate a law; they need to determine how these issues should be dealt with and run with it.

He commented that elders are trying to give advice but this advice is not being heeded, and as a result, they are paying the cost. Consequently, he would like to begin formulating ideas with elders and youth to circulate through the Arctic Council.

### *Cathy Towtongie, President, Nunavut Tunngavik Incorporated (NTI)*

Cathy Towtongie commented that these issues are not purely domestic and that uniform regulations are required. They need to consider a circumpolar approach. In the case of search and rescue for example, how to deal with 24 hours of darkness. Search and rescue is currently only suited to southern parts of the region and applied like a blanket. The fact that there is a 24-hour waiting period is a concern. For the north, it has to be legislated differently; perhaps based on daylight, or on wind and snow conditions. She explained how, if you are Inuk, you can get direction from snow and movement of ice, or the tides and seaweed. The seaweed will bend in the direction of land. She talked about how a compass in the north will become unreliable, people need to know how to use seaweed, or other features for navigational purposes.

She also referred to an example of drafting legislation for whaling and harpoon use, and said they had drafted something for Inuit in

Canada. Specific regulations from an Inuit perspective could be done she felt.

*John Hopson Jr., Whaling Captain, Community Leader, North Slope Borough, Alaska*

John Hopson Jr. agreed that these processes they have used to survive should be incorporated into western world search and rescue techniques. This could help save lives and that is what is most important.

He talked about search and rescue in his region and gave a synopsis of each community. He explained that each community has a local, volunteer search and rescue team. They go on missions on land and sea. He explained that the North Slope Borough deals with air rescue but there are times they will not fly. In those instances, they will dispatch snow machines, for medical purposes or for lost people and/or broken down machines. While they still lose people because of accidents and unpreparedness, it is rare with their people. Mr. Hopson said that the North Slope Borough uses traditional knowledge and always seeks input from local people.

How they will deal with industry, cruise ships oil and gas will be a different story, he continued. They don't have the resources to deal with an extra 1000 people. Currently, they deal with family-size missions so they are trying to determine how to deal with this much bigger issue.

He recommends having a workshop on search and rescue exclusively to see what they can do as circumpolar process.

*Michael Hoffman, Executive Vice President, Association of Village Council Presidents, Bethel, Alaska*

Michael Hoffman concurs with his colleague and the need to identify what they are going to do on the "big level". On a local level, he related how he often flew commercially on many search and rescue missions before becoming a bureaucrat. He told the story of when a local

man had disappeared on a snow machine for five days with a temperature of 30 below and the blowing wind. They looked for 5 days, he continued, and they flew and flew. The missing person was the brother of his search and rescue colleague. On the 4<sup>th</sup> night, his colleague came to him and said, "The elders said if I keep looking I will never find my brother." So Michael went alone. After 5 days they found him.

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*"As unbelievable as it can be, elders are always right, we need local knowledge".*

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*Jim Elias, Director, Tuktoyaktuk Hunters and Trappers Committee*

Jim Elias also talked of search and rescue and the Canadian Rangers. He explained it was a process that started but was never completed. Nowadays, they have too much media associated with the Canadian Rangers. He said that a lot of northern people are becoming Canadian Rangers but they have never been out on the land. He said if you have a criminal record, no matter how much knowledge you have, you could not be part of team. He thinks many of the Canadian Rangers are not experienced. However, if there a way could be found to influence and change the Canadian Rangers, they could have a complete search and rescue team all along the north coast.

*Duane Smith, President, Inuit Circumpolar Council (ICC) Canada*

Duane Smith wanted to keep perspective and discuss what the Senator had suggested. He felt a good approach would be to begin to draft and circulate ideas, to provide comments and input, and at least go through a process and provide the issue with the needed attention, keeping some of the reservations in mind.

He spoke of the high respect he has for Jim Elias who lives out on the land.

He also commented on how ICC needs to grapple with developing capacity and tackling some of the bigger issues, for instance, the capacity for large-scale tourism. He suggested that a Polar Code recommendation could be to restrict tourism due to the limited capacity to deal with an emergency. *“Unless we are ready to deal with 4000 people dying,”* he commented.

Senator Watt said that he has been discussing this issue with another colleague in the Senate. He recognized that now is the time to build up infrastructure and expertise in the north. He commented that there is opportunity and a great deal of interest flooding the Arctic, even with the military. He again referenced an upcoming meeting in April (April 9-11) and invited

workshop delegates to participate. The Senator said it was a follow-up to the earlier workshop he had hosted.

Alfred Jakobsen tried to improve his understanding of the idea. The Arctic Council signed a search and rescue agreement so he wanted to know if this would be considered a supplementary to Arctic Council document or a stand-alone document.

Senator Watt stated that what has already been done needs to be taken into consideration. He feels there is already a committee in the Senate but they need to find facts and develop an information package. He commented that nothing would go through until other states have had an opportunity to comment.





## SESSION 11: THE SEA ICE IS OUR HIGHWAY

### Duane Smith

President, Inuit Circumpolar Council (Canada) and  
Workshop Chair

Duane Smith began the afternoon with a discussion about sea ice use. He wanted to get a very brief snapshot of what is happening in the respective regions and requested a list of Inuit people knowledgeable within four regions of Canada, to expand upon and complement work being undertaken within Arctic Council.

He talked of the Inuit Land Use and Occupancy Project from 1970s and questioned why it was referencing only land use, and not sea ice use. He said that while they should keep the land part, they should also consider sea ice use, as they are often out on the ice. The work being

conducted through the Arctic Council is a follow-up to the ILUOP but on a much smaller scale. It is to document Inuit occupancy of the Arctic and where we traveled; to understand certain codes used from Inuvialuit and Inuvik, and record why Inuit go to certain areas. He also referenced the north Hudson Bay areas and the difficulty accessing these regions.

Although it is a little bit dated, (from 2008), shipping companies (and others) have indicated that multi-year thick ice is receding so much that ships can pass over new travel routes options, explained Smith.

He provided an overview of some of the other AMSA recommendations, and again encouraged workshop delegates to consider how to continue the important work initiated in 2008 in their own regions.





## SESSION 12: SEA ICE AND ARCTIC CHANGE: DATA COLLECTION IN GREENLAND

### Lene Kielsen Holm

Greenland Institute for Nature and Climate Change



Lene Kielsen Holm provided an overview of her work with Inuit hunters under the Siku – Inuit – Hila project.

As the research scientist and Project Lead working for the Greenland Climate Research Center (GCRC), she said that until recently, the GCRC was only dealing with natural sciences. Last year however, a society group was established to deal with the human face of

climate change. This society is reaching out to youth and students of the university to bring these issues to the table for the students and people of Greenland.

Some future projects worth mentioning will focus on human beings and the environment, in particular, a project mapping use around Nuuk that includes past, present and future use. In Greenland they are seeing a lot of future development and exploration with significant interest in the area. She believes that before they start to develop, it is important to understand pre-development and create baseline data.

She then focused on the Siku – Inuit – Hila project, funded by National Science Foundation and Health Canada. She noted that a book is to be published shortly titled *“The meaning of Ice – People and Sea ice in 3 Arctic Communities.”*

The Siku-Inuit-Hila Project involved Inuit from Greenland, Alaska and Canada along with other academic researchers in these countries. Members of the project include elders, men and women, young hunters and academics. The project, she explained, has seven major components.

The first component is sea ice knowledge exchange. In this stage, residents of all three participating communities and researchers are working together. Participant observation is the primary methodology. During trips on the ice, there is emphasis on traveling on sea ice together. “Exchanges happened everywhere,” she explained. Both Alaskan Inuit and Inuit from Nunavut were exchanging information regarding where and how sled routes are changing because of sea ice change. One observation was that they may have to travel more on land than before.

*“Sea ice is the common dominator for all participants,”* notes Kielsen Holm.

In addition, there was an exchange of knowledge about diverse issues, tools, clothing, fishing, and navigation. There were discussions

about changing ice formations and whale hunting in ice filled waters.

Led by local experts, the working groups that were created in the study provided opportunities to assess current sea ice conditions, document knowledge of sea ice and traditional knowledge, including strategies for hunting and managing changes in sea ice. Maps were used to discuss trends, forming and breaking of ice, and document changes to travel routes. They also mapped annual timelines of sea ice characteristics and related human and marine activity.

A workshop hosted in 2009 focused on documenting sea ice terminology, which will be included in the book to be launched in the summer of 2013. Overall, they documented 69 terms all relating to sea ice. From this terminology exchange, it is apparent that the Inuit language is very much the same in all Inuit regions. The language is very elaborate in comparison to scientific terminology and the two knowledge bases can complement each other and fill gaps.

Kielsen Holm continued with an explanation of maps, glaciers, sea ice, and spoke of marking maps for future reference. She discussed how they took measurements and used sea ice monitoring networks that were supported by a handbook and managed by local technicians who measure sea ice and snow weekly. She explained that the local sea ice experts would choose an area of importance for monitoring and using available climate data and local knowledge. Measurement data would reflect ice thickness, snow depth and reflect how the ice thins.

The core of the project however, is the team spending time together on sea ice. Through the knowledge exchange and time together, traveling and visiting partner communities, they learned that while they possess different knowledge and perspectives, the sea ice ties them together through common interests and experiences.

For instance, the use of different transport methods is apparent. Dog sleds continue to be used in some areas as it is the only way of travel; while in other snowmobiles are used. However, there seems to be a revitalized use of the dog sled she observed.

*“Traveling, living and working together has been intense,”* but it presented an inside view of life with ice. In Greenland, she explained, they traveled by dog team to the most northerly community in the world. On that trip in 2007 there was open water, which was very unusual for this time of year. On the way there they traveled on ice so thin that legs of dogs were punching through. For the local people, this is now becoming a regular spring experience. Travel routes are being adjusted as a result, she noted.

She finished by stating that there is “some saneness in what we were doing”. It was becoming clear that to study sea ice is to not study sea ice at all but rather to study use. Throughout the project they looked at an array of topics including food, tools, dogs, family and gender roles.

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*“The greatest change is to connect as humans through our experiences as humans”*

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*Duane Smith, President, Inuit Circumpolar Council (ICC) Canada*

Duane Smith stated that this presentation provided some insight as to what we are trying to achieve at this workshop. These will all complement what we are trying to achieve but will also provide background information as a tool for other forums and for other regional bodies like the AFN. *“Sometimes it’s important to go far away from home to protect your home,”* he stated.

## SESSION 13: SIKU – KNOWING OUR ICE, DOCUMENTING INUIT SEA ICE KNOWLEDGE AND USE

### Claudio Aporta

Carleton University



Claudio Aporta began by speaking of the movie *Atanarjuat*, for which he was asked to look at the history of place names for the story of an Inuit boy running away from people that were chasing him. The story speaks of a very old island, which now appears to be an archipelago. This reflected how the sea ice and Arctic have changed and continue to change.

Claudio Aporta then talked of features on the sea ice and how these features can be used as reference points for people. He reflected on the Igulak Area and described the previous existence of three traditional camps. One is now in water, he explained. It was a previous ice camp that was recorded for the first time in 1820s. Many elders recall having been in that camp. It was recorded again in 1920.

Non-Inuit, Aporta continued, tend to think of the sea ice as an obstacle and there is a vision or perception of the harshness of the Arctic. For instance with past exploration, this image was always reflected in addition to the idea that water is this empty blue, blank space not systematically in use. This is one of the most important questions, Aporta affirmed. “Once you put Inuit use of the sea ice on the map, the picture of the arctic changes. ... The power of the map should not be underestimated.”

Claudio Aporta feels that Inuit use of the sea ice should be the main emphasis of the mapping of sea ice. “For Inuit, the sea ice is an extension of the land, not an obstacle; it’s a place that people go home.”

#### **The Inuit Sea Ice Use and Occupancy Project**

(ISIUOP) is a collaborative project investigating the importance, uses, and knowledge of sea ice from the perspective of northern Inuit communities and Inuit experts. ISIUOP is also contributing to the Sea Ice Knowledge and Use (SIKU) project. This project is lead by Dr. Claudio Aporta.

Information is available at:

<http://gcr.ccarleton.ca/isiuop>

One way of documenting the history of sea ice use is through documenting and digitizing written history. Many explorers met Inuit and mapped what they did. Another way to map

Aporta recommends is through workshops and working groups that do participatory mapping sessions to map historical and current use.

Along the way, they remember and document stories that they have heard.

Mr. Aporta provided an overview of the Siku project and how they have used GPS to document trails and current use. He explained that in 2007 he was the principle researcher for Inuit Sea Ice Use and Occupancy Project (ISIUOP), developed as a follow-up to the Inuit Land Use and Occupancy Project of the 1970s. This new project however, had a focus on the sea ice, and worked with four communities in Nunavut and three in Inuvik. Some of the features that were mapped and documented were flow, tidal cracks, land fast ice, floe edge and polynyas.

One particular part of the project focused on the Clyde River. In collaboration with the University of Calgary, they developed technology with Inuit hunters to track routes and record observations. They developed a screen and interface for the hunters to capture and merge all information onto a database.

Some of Aporta's findings talked of the strategic significance of doing this kind of research. He holds that land use and sea ice use are difficult to separate and are inextricably linked. The connection between the land and sea is inseparable, he noted.

He also spoke of hunting on floe edge and moving ice. He noted the impressive knowledge Inuit possessed of how the sea ice was connected to the winds, the faces of the moon and how their knowledge of sea ice reflects what is happening on the ice. He advised that elders are worried that younger generations do not have as much knowledge as they should to manage safely.

Some of the sea's ice features occur yearly and have names, he continued. Many of these features are mapped. People recognize many of the places on the sea ice; the sea ice has

topography and a history that people can recognize.

People talk about change and this is a common trend, Mr. Aporta commented. All of the people we have spoken with are saying the floe edge is forming closer, the sea ice freezing later, break-up is happening earlier. Old travel routes are becoming less reliable and knowledge is being challenged with such rapid changes. The sea ice routes are also changing with significant economic consequences.

Mr. Aporta presented the current atlas, database and website that they have online, stating that it is available to anyone.

The value of mapping and the meaning of Inuit routes, Aporta contends, is that it presents a reflection of the connection between land and sea ice. There is something to be said about mapping Inuit trails that reflect how Inuit have been and are using the sea ice; there is a historical connection. It also reflects the accuracy of Inuit oral knowledge and oral geography, it presents a different perspective on land use. Overall, it is quite remarkable to see how people are using ice, particularly where ice breakers will be going. There is definitely something to be said for mapping regional issues.

As for the Northwest Passage, Inuit have been using land and water for many years and this is documented in maps since the 1930s. Maps present the opportunity to see the overlap of shipping routes and Inuit sea ice trails and open water travel. These routes were documented in the 70s but used since the 30s. The emphasis is often too focused on fixed locations; what is really important is to reflect the movement of people from place to place.

### Comments

*Senator Charlie Watt, Senate of Canada*

Senator Watt questioned whether, at some point down the road, there would be a combination or collaboration of knowledge between each



independent study group. He felt it would be good to combine and condense all the mapping and other data.

*Duane Smith, President, Inuit Circumpolar Council (ICC) Canada*

Duane Smith commented that researchers are not working in that sense. It is up to organizations like ICC, to bring researchers together and present a combined effort. He mentioned that there is similar research in Alaska. He believes this is something that they can and should examine in more detail; completing this type of research west to east, north and south and extending that research to include Chukotka. He also suggested that ICC could work with academics to collect research.

*Cathy Towtongie, President, Nunavut Tunngavik Incorporated (NTI)*

Cathy Towtongie referred to the Inuit land use and occupancy project and the current lands claims agreements in Canada. She commented on the ability to input on project-specific data and spoke of the Mary River project and proposed arctic shipping activities.

She feels that there would be value in another land use and occupancy study but did see value in developing a detailed Inuit circumpolar response to the AMSA. NTI is concerned about time and resources, she explained. An occupancy study would detract from important resources and she felt that they should gather current information into a database. She also believes that there is greater value in Inuit knowledge and the scientific research needed for marine mammals and species. With regard to the impacts of Arctic shipping, it would be important to research and document wildlife patterns.

Again in the Mary River project, they are estimating 21 ships a year traveling in and out of the region. Regarding Inuit use of sea ice, it will be important to look closely at use and cost. More resources should be focused on gathering information on migration patterns and fish use.

Duane Smith feels that it seems there is a misunderstanding as to where ICC is going with their response to the AMSA report. He explained that the objective is not to change historical documents, but to document changing ecosystems. The objective is to document how arctic change is impacting or affecting Inuit in a traditional sense and to document impact to the ice and ecosystems that Inuit use. He states that they do recognize the need for enhanced research on marine life and fish and that they have suggested working closely with management boards within Inuit regions.

Cathy Towtongie feels they already have their baseline data through the Inuit land use and occupancy of the 1970s and there needs to be focus and work on other critical areas.

Mr. Smith agreed that there is a need to identify sensitive arctic ecosystems and key habitat areas. In terms of gathering data, there is information from exploration, and it will be important to determine how far back to go in the records.

He explained that the Land Use and Occupancy Project of the 1970s is just a snapshot and that Inuit will always be moving and using the ecosystems. He underlined the importance of understanding the regional use of ice and documenting how the elders were connected.

*John Hopson Jr., Whaling Captain, Community Leader, North Slope Borough, Alaska*

John Hopson Jr. commented on Claudio Aporta's slide that showed mapping of ice travel between Greenland and Alaska and noted that the mapping should extend all the way to Chukotka.

He also said that they had mapping on use and occupancy in their area, but at the time it was maps of use by dog teams and skin boats. Now with new technology such as 4-wheelers and motorboats, they are traveling further and using the ice more extensively. He stated that they are using what the elders used in the past but now



travel farther away using GPS and personal locator beacons. It is possible to travel from Wainwright to Anchorage. Use and occupancy now cover a bigger area.

*Duane Smith, President, Inuit Circumpolar Council (ICC) Canada*

Duane Smith commented that the intent is to just take a snapshot; similar to what was done in the 70s but not the same scale or level. He wondered if they should find an academic or university to document their traditional routes. There is still connection and unity, he noted. Inuit are still using the ice.

*Jim Elias, Director, Tuktoyaktuk Hunters and Trappers Committee*

Jim Elias commented on the Northwest Passage and referred to some studies that have been done by the Canadian Government. He asked if other countries would also be doing something similar, specifically regarding the introduction of new species and the loss of species, or about accidents. He feels there is a need to communicate with other countries, and to understand what big species feed on, like phytoplankton. He would like to know how Inuit can work together to ensure all these issues are addressed and notably, how to get two sciences working together so they complement each other as much as possible.

Duane Smith reminded everyone at the table that he is looking for direction and feedback from Inuit delegates in order to continue to conduct surveys. This would include surveys in Greenland, Alaska, Chukotka and Canada, travelling to regions to discuss everything they had been talking about throughout the day, with the goal of putting these findings into a report to the AMSA.

*Alfred Jakobsen, Executive Director, ICC Chair's Office, Greenland*

Alfred Jakobsen felt that the workshop was very important and timely. "The Siku and shipping project data is very impressive," he commented,

"but it comes down to question of funding." He was very impressed to see the data and knowledge base that had been collected over the years.

He recommended that the workshop come up with recommendations to the ICC Council on how to move forward with this project. In terms of questions from the binder, the question of funds still remains. He is sure that, with funding, they could commit a lot more work to the project. He mentioned that there was another task force under the SDWG and suggested that perhaps this could be linked.. Overall, he feels the need to develop guiding recommendations on how to continue this project, but stated that they were unable to commit without securing funds.

Right now only Canada is providing support, Mr. Smith replied. While there has been verbal interest, there is no financial commitment yet from other countries.

*Cathy Towtongie, President, Nunavut Tunngavik Incorporated (NTI)*

In regards to the AMSA, Inuit need to develop a circumpolar response. She agreed with Senator Watt that they should digitize all the work that has been done so far. She said that they are not against research but must consider what the information will be used for and by whom. She talked of project-specific input that is available through the environmental review board. Currently at the international level, she would like to see an Inuit response report.

*Duane Smith, President, Inuit Circumpolar Council (ICC) Canada*

Mr. Smith agreed that it would be very important to digitize research. He believes it is crucial to have that information but it is also important to document how the effects of changes, for example, how they are getting to their traditional hunting and camping areas. With that data, Inuit could prove land and ice use. He also realized that he had neglected to speak of the Nunatsiavut region but is aware

that they have a lot of valuable data to contribute and that he would like to see further research on marine habitat. He gave the example of haddock and the changing quota in relation to the changing population.

Mr. Smith thanked Dr. Aporta and all of the delegates for their comments about the sea ice documentation project. He then opened the floor up to a second round table discussion.

## SESSION 14: ROUND TABLE 2

*Senator Charlie Watt, Senate of Canada*

Senator Watt stated that “we have heard a great deal” and felt that they needed to come up with some form of statement. He advised that he had a draft resolution that needs to be brought to the Arctic Council level. It would be similar to a statement of understanding. He said it was circulated to the delegates and asked them to consider it as a statement coming from this workshop.

*Duane Smith, President, Inuit Circumpolar Council (ICC) Canada*

Mr. Smith stated that, before making any statements, they would have to take it to the ICC executive council, as the workshop was not a body that included a sufficient number of Inuit leaders at the table. Alfred Jakobsen agreed but recommended the alternative approach of making it a statement that has resulted from the workshop, suggesting that the statement could be presented as an attachment to the workshop report, rather than a formal Inuit leadership position.

*Cathy Towtongie, President, Nunavut Tunngavik Incorporated (NTI)*

Cathy Towtongie highlighted that she came to Ottawa with Inuit priorities from her region that deal with UNDRIP and the right to informed consent. She maintained that the document in front of them was just dealing with principles; particularly with Arctic Marine principles. She expressed her concerns about ships that have been stranded and shipping activities in Alaska.

*Senator Charlie Watt, Senate of Canada*

Senator Watt added argument that he is also worried about the timing factor. Canada will be putting forward their plans into the international instrument very soon. As Inuit, he

felt they may need to also put something forward, not just from a Canadian perspective but also an international perspective. Inuit must take into account what is going to happen soon, and the deadline for submission is September.

*Duane Smith, President, Inuit Circumpolar Council (ICC) Canada*

Duane Smith explained that one of the objectives of the workshop was to gather these concerns but he did not support a resolution without adequate review and direction from executive council. He suggested that it could be part of a broader product or outcome of the workshop. He recognized the need to have legal counsel. He was clear that the intent of the workshop was not to make political statements.

*Alfred Jakobsen, Executive Director, ICC Chair's Office, Greenland*

In terms of content and message, Jakobsen feels it is something very important to pursue because of limited time they have left. He also suggested that it be forwarded to executive council.

*John Hopson Jr., Whaling Captain, Community Leader, North Slope Borough, Alaska*

John Hopson Jr. commented that he had not yet had time to review the proposed document from the Senator, and that he would need to take this to his leadership in Alaska in order for them to be sure what it implied in terms of commitments or financial implications

*Duane Smith, President, Inuit Circumpolar Council (ICC) Canada*

Mr. Smith acknowledged the recommendation from Mr. Hutchins to get their foot in the door. He recommended that Inuit delegates take draft statements back to Inuit Leadership and get hold of Canada's draft submission to the UN, and make sure that they make a submission to the various bodies. But the workshop chair stressed that because this workshop was not meant to be an “Inuit leaders' summit”, he would shy away from making significant

political recommendations that had not been thoroughly vetted throughout the Inuit world and their elected bodies.

The Senator asked if this submission would be from a Canadian perspective or whether Inuit should make their own submission.

Duane Smith repeated his encouragement to delegates to bring this back to leadership of lands claims and self-government organizations as a first step. He repeated this requires more time for legal review, yet he acknowledged the recognized the urgency of the situation. He wanted to be sure to keep this opportunity open for Inuit.

He reminded delegates that there is an ICC Canada board meeting in 6 weeks and that other ICC offices in Alaska, Greenland, and Russia would have meetings soon as well. He thinks they should set a deadline sometime after this meeting to provide an opportunity to discuss a submission or resolution with Inuit land claims leadership.

Senator Watt and Ms. Towtongie endorsed this approach, with Senator Watt clarifying the next steps: he agreed that the lands claims leadership would meet, make a Declaration, and provide a deadline before summer. This would allow time for all four lands claims agreement to respond.

Duane Smith then asked that the discussion return to the roundtable about sea ice study methodologies. Duane Smith explained that delegates should work with their respective contacts in each region, and that he was interested in getting a list of people or participants that could contribute to a sea ice study. He also wanted to clarify the approach for gathering data and if it would be carried out face to face or conducted by phone. He recognized that everything including what they could achieve depended on a budget.

He then shifted his focus back to the AMSA recommendations and other areas; listing some of the work ahead, including the need to draft a

more formal response, and the need to become more involved with the Polar Code.

*Michael Hoffman, Executive Vice President, Association of Village Council Presidents, Bethel, Alaska*

Michael Hoffman stated that they came to Ottawa because they understood the importance of the workshop. He hoped to bring information back to Alaska and apply what he has heard to Alaska. He noted that they have a lot of information and that they are still charting out their subsistence trails to fishing, caribou, belugas, and so on. "To come here and gather information has been very enlightening and to hear from other presenters," he stated, "I think ICC is the cornerstone of the Arctic, I think everything should be funneled through ICC, not the Arctic Council." He explained how ICC had reached out to his community as part of the Southwest Alaska region. "To be invited was very enlightening, very educational," he continued. "But it is a workshop and therefore we are not in position to make decisions. Senator Charlie Watt is right, time is of the essence; we need to move quickly, Mr. Hoffman said, "but with common sense."

*Duane Smith, President, Inuit Circumpolar Council (ICC) Canada*

Mr. Smith advised Michael Hoffman that he strongly encourage his people back home to continue to work closely with the Chukotkans in recognition of the good relationship they have with one another. He thinks they could be tied in through Beringia meetings, and that combination, if possible, could provide a better snap-shot of current sea ice use and use of the sea in general. Should this happen, he asked to be kept in mind to see if they might also send an observer to those meetings. "It is invaluable to understand and learn," he remarked, and suggested exploring a similar forum between Baffin and Greenland as they are both whaling and both dealing with similar ice conditions.



# SUMMARY OF MEETING AND CLOSING

## Closing Remarks

The workshop chair, Duane Smith, then opened the floor to a brief and final roundtable before closing the meeting.

John Hopkins Jr. thanked his colleagues. He believes the workshop allowed him to learn a lot about Canadian and Greenlandic issues and “opened his eyes” about the issues surrounding Arctic Shipping. He stated that he is not worried just about his community, but also about the bigger picture. One incident can affect all four countries.

Duane Smith commented that these challenges would affect Inuit people regardless of where they live. Inuit are one people and depend highly on marine wildlife, which reflects on comments provided throughout the workshop. He recognized that with oil and gas, there will be even more ships. *“It is not just about a tsunami coming; it is already here and increasing in magnitude.”*

He suggested a workshop, or an economic forum to look at what is taking place in Arctic. Not just impacts but how to take advantage of developments for the betterment of Inuit.

Cathy Towtongie told the story of when she was the secretary treasurer in 1972 for the National Inuit Brotherhood and they took Canada to court on mining permits around Baker Lake. She was tasked with raising money to fight this lawsuit and shared what they were up against in this lawsuit. The government had 5 lawyers, the mining company had 5 lawyers, and they had one Inuit lawyer. Their focus was to stop the government from issuing permits.

She remembered an elder being questioned by a lawyer about igloos. The elder explained to the lawyer that the igloos are not just shelters, *“these*

*igloos were the size of a gymnasium,”* she explained. While being questioned, the lawyer said to the elder, that Inuit are nomads and that they had no concept of property or the land. The elder explained to the lawyer that the reason they were nomads was due to the wildlife and the resources available. The elder explained that they would stay there for 2 years and then move to another location. The elder also explained the meaning of the inukshuk and how it identified the breadth of the island and where one could find fish, simply by measuring and comparing the two. They won that case, she said.

*“When I think how much we have put down our own culture,”* Ms. Towtongie continued, *“we cannot continue to be dismissed, we cannot afford to be dismissed.”* She declared that their economic survival depends on it. She further commented on the increasing artificial environment and is amazed at the lack of adaptation she sees to the policies around the natural environment. *“Truly,”* she argued, *“they do not know how to regulate and write policies. There needs to be an integration of the natural currents and knowledge of the snow, ice and moon. This is missing in policy and research.”*

Duane Smith further remarked that he felt they did not do enough documentation. *“Our culture seems to be diminishing to a degree, but we need to hold our heads up high and be proud”*, he stated.

Alfred Jakobsen also expressed his gratitude to the workshop delegates and participants. “In terms of shipping,” he noted, “there is a very huge potential impact.” He feels that all of these expected activities will certainly have an impact on their lives and on generations to come. Climate change and warming of the sea has brought new species to Greenland, he noted. He recommended that precautionary measures and other sustainable principles be followed.

Jim Elias commented that he heard on the news that morning, that two cruise ships were stranded down south and they were busy trying to accommodate 7000 people. So, this kind of

stuff happens and there is a need to track records, maybe there are too few shipping regulations. In the north, we would not be able to deal with something like this, he affirmed.

Yegor Vereschagin also provided closing comments and expressed his gratitude to everyone. He stated that this was the first time he participated in something like this, and he believes that he would be taking a lot of helpful information back to Chukotka to share with his colleagues. He may do this through video communications and on Youtube. Mr. Vereschagin also expressed his gratitude to the translator that had attended over the course of 2 days. He also commented that he felt the climate is playing in their favour and spoke of the institutes in Russia and Antarctica and their findings.

Taitsianguaq Olsen thanked everyone for the opportunity to share knowledge regarding shipping activities. He wanted to add comments to what Alfred Jakobsen had said; stating that in addition to the sea ice diminishing, climate change has been creating

new challenge in Greenland. He said that there is more glacial ice and icebergs that drift down to eastern Canadian shore and create activities in Newfoundland.

Rodd Laing also expressed his thanks. He commented that it was very interesting to see different people facing the same issues and to see that they have a strong unified Inuit voice. Climate change is having significant impacts in Nunatsiavut, with a recent Statistics Canada report stating that the Labrador Coast has experienced a 73% decrease in sea ice coverage over the past 40 years.

## Closing Prayer

Cathy Towntongie brought the workshop to an end with a closing prayer, and thanked everyone for their attendance. She asked for strength in dealing with many of the challenges ahead, and wished all delegates safe travel and a safe home upon their return.

# ANNEXES

## Participants

### Workshop Chair

**Duane Smith**

President, Inuit Circumpolar Council (ICC) Canada

### Delegates

**Yegor Vereschagin**

Member, ICC Chukotka, and Member, RAIPON Chukotka Division

**Cathy Towtongie**

President, Nunavut Tunngavik Incorporated (NTI)

**Jim Elias**

Director, Tuktoyaktuk Hunters and Trappers Committee

**Neil Greig**

Director, Economic Development and Marine Division, Makivik Corp.

**Rodd Laing**

Environmental Assessment Manager, Nunatsiavut Government

**Alfred Jakobsen**

Executive Director, ICC Chair's Office, Greenland

**Taitsiannguaq Olsen**

General Manager, Royal Arctic Havneseervice, Greenland

**Vera Metcalf**

ICC Executive Council Member and Bering Straits Representative

**John Hopson Jr.**

Whaling Captain, Community Leader, North Slope Borough, Alaska

**John Goodwin Sr.**

Ice Seal Chairman, Traditional Knowledge Specialist, Northwest Arctic Borough, Alaska

**Michael Hoffman**

Executive Vice President, Association of Village Council Presidents, Bethel, Alaska

### Speakers

**Patrick Borbey**

Chair of the Senior Arctic Officials of the Arctic Council (2013-2015)

**Harald Finkler**

Canada's Head of Delegation to the Arctic Council's SDWG

**Renée Sauvé**

Canada's Head of Delegation to the AC Working Group on Protection of the Arctic Marine Shipping Assessment

**Shawn Morton**

Senior Policy Advisor, Canadian Department of Foreign Affairs and International Trade

**Dr. Rick Riewe**

University of Manitoba

**Senator Charlie Watt**

Senate of Canada

**Peter Hutchins**

Hutchins Legal Inc.

**Dr. David VanderZwaag**

Dalhousie University

**Julie Gascon**

Head of Delegation for Canada at the IMO's polar code negotiations

**Lene Kielsen Holm**

Greenland Institute for Nature and Climate Change Centre

**Dr. Claudio Aporta**

Carleton University

**Andrew Kendrick**

Vice President, Operations, STX Marine Corporation

**Martin von Mirbach**

Director, Canadian Arctic Program WWF-Canada

## Invited Observers

**Bob Carson**

ADM, Intergovernmental  
Affairs, Government of  
Nunavut

**Claudette Fortin**

Senior Advisor, Circumpolar  
Affairs Directorate, AANDC

**Jyoti Bhargava**

Circumpolar Analyst,  
Circumpolar Affairs  
Directorate, AANDC

**Russell Shearer**

AMAP Chair

**Brad Spence**

Marine Police & Standards  
Officer, Transport Canada

**Cathrine Schandler**

Hutchins Legal Inc.

**Lisa Smith**

Policy Advisor, Senator Watt's  
Office

**Rosemarie Kuptana**

Project Director on Sovereignty  
Issues, Senator Watt's Office

**Malaya Mikijuk**

Acting Executive Assistant to  
the President, NTI

**Stephen Hendrie**

Executive Director, Inuit  
Tapiriit Kanatami

**Karen Kelly**

Senior Researcher, Inuit  
Qaujisarvingat: IKC

**Laurie Pelly**

Legal Counsel, NTI

**Geoff Green**

Executive Director, Students on  
Ice

**Drummond Fraser**

Standard and Regulations  
Officer, Transport Canada

**Kathy Tsui**

Policy Advisor, Transport  
Canada

## Workshop Facilitators, Interpreters & ICC Staff

**Teymur Suleymanov**

Russian Interpreter

**Chester Reimer**

Policy & Strategic Advisor, ICC  
Canada

**Stephanie Rozak**

CRCI Consulting

**Peter Farris-Manning**

CRCI Consulting

**Yvonne Moorhouse**

Special Projects Assistant, ICC  
Canada

**Corinne Gray**

Executive Director, ICC  
Canada



# Circumpolar Inuit Response to Arctic Shipping



WORKSHOP  
14-15 March 2013 Ottawa, Canada

Lord Elgin Hotel, Ottawa, Canada

## Agenda

### Workshop Objective 1:

**Understanding AMSA** - Understanding the AMSA - to assist Inuit from Greenland, Canada, Alaska, & Russia explore, discuss and understand the Arctic Marine Shipping Assessment (AMSA) findings, and their relevance to Inuit.

### Workshop Objective 2:

**Responding to AMSA** - to seek guidance from Inuit on how ICC might best respond to the AMSA recommendations and to consider what products Inuit wish to develop as an outcome of the workshop.

### Workshop Objective 3:

**Documenting Sea Ice Use by Inuit** - to provide a forum for Inuit to determine how best to collect data on coastal zone and sea ice use by Inuit in a way that promotes the rights and interests of all Inuit.

## Day 1

08:30 - 08:50 - Registration & Coffee

08:50 - 09:00

Inuit Throat Singing - Kendra Tagoona and Kathy Kettler

09:00 - 09:05

Opening Prayer - John Goodwin, Sr., Northwest Arctic Borough, Alaska

09:05 - 09:15

### **Welcome, Introductions, & Workshop Objectives**

**Duane Smith, ICC Canada President & Workshop Chair**

**Vera Metcalf, ICC Alaska Vice-President, and Director, Eskimo Walrus Commission**

**Alfred Jakobsen, Office of the ICC Chair, Executive Director (Greenland)**

09:15 - 09:35

### **Session 1: The Arctic Council**

**Patrick Borbey, Chair of the Senior Arctic Officials of the Arctic Council (2013-2015)**

Mr. Borbey will describe Canada's priorities as it takes over the Chair of the Council in May 2013

**Harald Finkler, Canada's Head of Delegation to the Arctic Council's Sustainable Development Working Group (SDWG)**

Mr. Finkler will describe the importance of the Arctic Council to Inuit and, in particular, how the SDWG injects the "human dimension" into the work of the Council.

09:35 - 09:50

### **Session 2: Introduction to the Arctic Council's Arctic Marine Shipping Assessment**

**Renée Sauvé, Canada's Head of Delegation to the Arctic Council's Working Group on Protection of the Arctic Marine Environment (PAME)**

Ms. Sauvé will give the Inuit delegates a summary of the impetus for the AMSA, how it was undertaken and the importance of its recommendations to Inuit.



09:50 - 10:00  
Questions & Discussion

**10:00 - 10:10**  
**Session 3: Two International Legal Instruments Negotiated in the Arctic Council: Arctic Oil Spills & Arctic Search & Rescue**

**Shawn Morton, Senior Policy Advisor, Canada's Department of Foreign Affairs & International Trade**

Mr. Morton will briefly describe two legally-binding treaties that have been negotiated at the Arctic Council, and which have implications for Inuit and for Arctic shipping in general.

10:10 - 10:15  
Questions & Discussion

**10:15 - 10:30**  
**Session 4: Mapping & Documenting Inuit Land Use in the 1970s and 1980s**

**Rick Riewe, University of Manitoba**

Dr. Riewe will describe his work in the 1970s Inuit Land Use and Occupancy Project and the 1980s Nunavut Atlas Project.

10:30 - 10:40  
Questions & Discussion

10:40 - 11:00 - COFFEE BREAK

**11:00 - 11:50**  
**Session 5: Community-based Shipping Challenges & Opportunities**

**11:00 - 11:15 - Vera Metcalf, ICC Alaska Vice President and Director, Alaska Waiirus Commission**

Ms. Metcalf will speak on the subsistence and shipping challenges facing the Bering Straits region.

**11:15 - 11:30 - Taltsiannuaq Olsen, General Manager, Royal Arctic Havnesevice, Greenland**

Mr. Olsen will provide an overview of current shipping challenges and opportunities facing Greenland.

**11:30 - 11:45 - Martin van Mirbach, Director of Arctic Program, WWF Canada**

Mr. van Mirbach will speak about best practices in Arctic shipping.

11:45 - 12:00  
Questions & Discussion

**12:00 - 12:10**  
**Session 6: Two Circumpolar Inuit Declarations - Arctic Sovereignty & Arctic Resources**  
**Duane Smith, ICC Canada President**

Mr. Smith will describe two recent declarations that Inuit leaders have developed in the last four years that are of importance to Arctic Shipping.

12:05 - 14:00 - LUNCH

12:20 - 12:40 - Luncheon address by Senator Charlie Watt, Canada

**13:30 - 14:40**  
**Session 7: The Law of the Sea & Other Legal Regimes: Whose Seabed? Whose Resources?**

**13:30 - 13:55 - Peter Hutchins, Hutchins Legal Inc.**

Mr. Hutchins will describe a number of important legal issues for Inuit to address and consider as they face increasing Arctic shipping in their territories and their adjacent territories. He will also describe the possible alliances that Inuit may wish to pursue with states and international bodies as they assert their rights and interests.

**13:55 - 14:20 - David VanderZwaag, Dalhousie University**

Dr. VanderZwaag will discuss ten strategic issues that he believes Inuit need to address as they face challenges relating to national and international shipping governance, as well as what challenges Inuit may face in the near and distant future.



**14:20 - 14:35 - Whitney Lackenbauer, University of Waterloo**

Dr. Lackenbauer will provide his views on how Arctic shipping may impact upon Inuit and will discuss options for an "Inuit Marine Council".

**14:35 - 15:00**

Questions & Discussion

**15:00 - 15:20**

**Session 8: The role of the International Maritime Organization (IMO)**

**Julie Gascon, Head of Delegation for Canada at the IMO's polar code negotiations**

Ms. Gascon will describe the role of the IMO in the Arctic and, in particular, how the outcome of the IMO's polar code negotiations will impact upon Inuit.

**15:20 - 15:30**

Questions & Discussion

**15:30 - 15:50 - COFFEE BREAK**

**15:50 - 16:15**

**Session 9: Shipping Operations in the Arctic - An Industry Perspective**

**Andrew Kendrick, Vice President of Operations, STX Canada Marine**

Mr. Kendrick, will describe the types of ship operations present (and future) in the Arctic, the challenges they face, and how operators address these challenges.

**16:15 - 16:25**

Questions & Discussion

**16:25 - 16:45**

Summary of the Day's Discussions & Informal Round Table

**16:45 - CLOSE OF DAY ONE**

## **Day 2**

**09:00 - 10:30**

**Session 10: Round Table 1 - Country-specific Inuit Perspectives of Shipping in the Arctic**

**Alaska - John Hopson Jr., John Goodwin, Sr., Michael Hoffman, Vera Metcalf**

**Greenland - Alfred Jakobsen, Taitsiannguaq Olsen**

**Canada - Cathy Towntongle, Jim Elias, Nell Greig, Rodd Laing**

**Chukotka - Yegor Vasilievich Vereschagin**

Through a roundtable format, Inuit delegates will reflect on the previous day's information and inform each other of their particular Arctic marine shipping issues and concerns. At this time, Inuit will also discuss their use of the sea, sea ice and coastal zones and the interface between shipping and sea ice use.

**10:30 - 11:00 - COFFEE BREAK**

**11:00 - 11:10**

**Session 11: The Sea Ice Is Our Highway**

**Duane Smith, ICC Canada President**

Mr. Smith will introduce the work undertaken by ICC in the preparation of their 2008 report, *The Sea Ice is Our Highway: An Inuit Perspective of Transportation in the Arctic*.

**11:10 - 11:20**

Questions & Discussion

**11:20 - 11:50**

**Session 12: Sea Ice and Arctic Change: Data Collection in Greenland**

**Lene Kielsen Holm, Greenland Institute for Nature & Climate Change Centre**

Ms. Kielsen Holm will describe the methodologies used and the data gathered in her work with Inuit hunters and other users of the sea in Greenland.

11:50 – 12:00  
Questions & Discussion

12:00 – 13:30 – LUNCH

**13:30 – 13:50**

**Session 13: Siku – Knowing Our Ice, Documenting Inuit Sea Ice Knowledge and Use**

**Claudio Aporta, Carleton University**

Dr. Aporta will present the work that he and others in the Arctic have undertaken in documenting Inuit sea ice knowledge and use.

13:50 – 14:00

Questions & Discussion

**14:00 – 15:15**

**Session 14: Round Table 2 – Documenting Today’s Use of Sea Ice by Inuit – Developing a Pan-Inuit Methodology**

**Alaska – John Hopson Jr., John Goodwin, Sr., Michael Hoffman, Vera Metcalf**

**Greenland – Alfred Jakobsen, Taitsianguaq Olsen**

**Canada – Cathy Towtongie, Jim Elias, Neil Greig, Rodd Laing**

**Chukotka – Yegor Vasilievich Vereschagin**

Through a second roundtable format, Inuit delegates will discuss a way forward on the project “A Circumpolar Inuit Response to the AMSA” and begin exploring how to undertake an expanded survey of sea ice use that reflects each region’s unique considerations, concerns and protocols for collecting, using and applying traditional knowledge to the AMSA recommendations.

15:15 – 15:45 – COFFEE BREAK

**15:45 – 16:15**

**Session 14 (continued): Round Table 2 – (continued)**

**16:15 – 16:30**

**Summary of Meeting and Closing**

**Duane Smith, Workshop Chair**

Mr. Smith will summarize the work of the two-day workshop and, together with Inuit delegates discuss next steps for documenting Inuit use of the sea, sea ice and coastal zones. He will also guide a discussion on what product the delegates may wish to have come out of the workshop.

**16:30**

Closing Prayer – Cathy Towtongie, President, Nunavut Tunngavik Incorporated





# A CIRCUMPOLAR INUIT DECLARATION ON SOVEREIGNTY IN THE ARCTIC

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We, the Inuit of Inuit Nunaat, declare as follows:

## 1. Inuit and the Arctic

- 1.1 **Inuit live in the Arctic.** Inuit live in the vast, circumpolar region of land, sea and ice known as the Arctic. We depend on the marine and terrestrial plants and animals supported by the coastal zones of the Arctic Ocean, the tundra and the sea ice. The Arctic is our home.
- 1.2 **Inuit have been living in the Arctic from time immemorial.** From time immemorial, Inuit have been living in the Arctic. Our home in the circumpolar world, *Inuit Nunaat*, stretches from Greenland to Canada, Alaska and the coastal regions of Chukotka, Russia. Our use and occupation of Arctic lands and waters pre-dates recorded history. Our unique knowledge, experience of the Arctic, and language are the foundation of our way of life and culture.
- 1.3 **Inuit are a people.** Though Inuit live across a far-reaching circumpolar region, we are united as a single people. Our sense of unity is fostered and celebrated by the Inuit Circumpolar Council (ICC), which represents the Inuit of Denmark/Greenland, Canada, USA and Russia. As a people, we enjoy the rights of all peoples. These include the rights recognized in and by various international instruments and institutions, such as the *Charter of the United Nations*; the *International Covenant on Economic, Social and Cultural Rights*; the *International Covenant on Civil and Political Rights*; the *Vienna Declaration and Programme of Action*; the Human Rights Council; the Arctic Council; and the Organization of American States.
- 1.4 **Inuit are an indigenous people.** Inuit are an indigenous people with the rights and responsibilities of all indigenous peoples. These include the rights recognized in and by international legal and political instruments and bodies, such as the recommendations of the UN Permanent Forum on Indigenous Issues, the UN Expert Mechanism on the Rights of Indigenous Peoples, the 2007 *UN Declaration on the Rights of Indigenous Peoples (UNDRIP)*, and others.

Central to our rights as a people is the right to *self-determination*. It is our right to freely determine our political status, freely pursue our economic, social, cultural and linguistic development, and freely dispose of our natural wealth and resources. States are obligated to respect and promote the realization of our right to self-determination. (See, for example, the *International Covenant on Civil and Political Rights [ICCPR]*, Art. 1.)

Our rights as an indigenous people include the following rights recognized in the *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)*, all of which are relevant to sovereignty and sovereign rights in the Arctic: the right to self-determination, to freely determine our political status and to freely pursue our economic, social and cultural, including linguistic, development (Art. 3); the right to internal autonomy or self-government (Art. 4); the right to recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with states (Art. 37); the right to maintain and strengthen our distinct political, legal, economic, social and cultural institutions, while retaining the right to participate fully in the political, economic, social and cultural life of states (Art. 5); the right to participate in decision-making in matters which would affect our rights and to maintain and develop our own indigenous decision-making institutions (Art. 18); the right to own, use, develop and control our lands, territories and resources and the right to ensure that no project affecting our lands, territories or resources will proceed without our free and informed consent (Art. 25-32); the right to peace and security (Art. 7); and the right to conservation and protection of our environment (Art. 29).

- 1.5 **Inuit are an indigenous people of the Arctic.** Our status, rights and responsibilities as a people among the peoples of the world, and as an indigenous people, are exercised within the unique geographic, environmental, cultural and political context of the Arctic. This has been acknowledged in the eight-nation Arctic Council, which provides a direct, participatory role for Inuit through the permanent participant status accorded the Inuit Circumpolar Council (Art. 2).
- 1.6 **Inuit are citizens of Arctic states.** As citizens of Arctic states (Denmark, Canada, USA and Russia), we have the rights and responsibilities afforded all citizens under the constitutions, laws, policies and public sector programs of these states. These rights and responsibilities do not diminish the rights and responsibilities of Inuit as a people under international law.
- 1.7 **Inuit are indigenous citizens of Arctic states.** As an indigenous people within Arctic states, we have the rights and responsibilities afforded all indigenous peoples under the constitutions, laws, policies and public sector programs of these states. These rights and responsibilities do not diminish the rights and responsibilities of Inuit as a people under international law.
- 1.8 **Inuit are indigenous citizens of each of the major political subunits of Arctic states (states, provinces, territories and regions).** As an indigenous people within Arctic states, provinces, territories, regions or other political subunits, we have the rights and responsibilities afforded all indigenous peoples under the constitutions, laws, policies and public sector programs of these subunits. These rights and responsibilities do not diminish the rights and responsibilities of Inuit as a people under international law.



## 2. The Evolving Nature of Sovereignty in the Arctic

- 2.1 “Sovereignty” is a term that has often been used to refer to the absolute and independent authority of a community or nation both internally and externally. Sovereignty is a contested concept, however, and does not have a fixed meaning. Old ideas of sovereignty are breaking down as different governance models, such as the European Union, evolve. Sovereignties overlap and are frequently divided within federations in creative ways to recognize the right of peoples. For Inuit living within the states of Russia, Canada, the USA and Denmark/Greenland, issues of sovereignty and sovereign rights must be examined and assessed in the context of our long history of struggle to gain recognition and respect as an Arctic indigenous people having the right to exercise self-determination over our lives, territories, cultures and languages.
- 2.2 Recognition and respect for our right to self-determination is developing at varying paces and in various forms in the Arctic states in which we live. Following a referendum in November 2008, the areas of self-government in Greenland will expand greatly and, among other things, Greenlandic (Kalaallisut) will become Greenland’s sole official language. In Canada, four land claims agreements are some of the key building blocks of Inuit rights; while there are conflicts over the implementation of these agreements, they remain of vital relevance to matters of self-determination and of sovereignty and sovereign rights. In Alaska, much work is needed to clarify and implement the rights recognized in the *Alaska Native Claims Settlement Act (ANCSA)* and the *Alaska National Interest Lands Conservation Act (ANILCA)*. In particular, subsistence hunting and self-government rights need to be fully respected and accommodated, and issues impeding their enjoyment and implementation need to be addressed and resolved. And in Chukotka, Russia, a very limited number of administrative processes have begun to secure recognition of Inuit rights. These developments will provide a foundation on which to construct future, creative governance arrangements tailored to diverse circumstances in states, regions and communities.
- 2.3 In exercising our right to self-determination in the circumpolar Arctic, we continue to develop innovative and creative jurisdictional arrangements that will appropriately balance our rights and responsibilities as an indigenous people, the rights and responsibilities we share with other peoples who live among us, and the rights and responsibilities of states. In seeking to exercise our rights in the Arctic, we continue to promote compromise and harmony with and among our neighbours.
- 2.4 International and other instruments increasingly recognize the rights of indigenous peoples to self-determination and representation in intergovernmental matters, and are evolving beyond issues of internal governance to external relations. (See, for example: *ICCPR*, Art. 1; *UNDRIP*, Art. 3; *Draft Nordic Saami Convention*, Art. 17, 19; *Nunavut Land Claims Agreement*, Art. 5.9).
- 2.5 Inuit are permanent participants at the Arctic Council with a direct and meaningful seat at discussion and negotiating tables (See 1997 Ottawa Declaration on the Establishment of the Arctic Council).
- 2.6 In spite of a recognition by the five coastal Arctic states (Norway, Denmark, Canada, USA and Russia) of the need to use international mechanisms and international law to resolve sovereignty disputes (see 2008 *Ilulissat Declaration*), these states, in their discussions of Arctic sovereignty, have not referenced existing international instruments that promote and protect the rights of indigenous peoples. They have also neglected to include Inuit in Arctic sovereignty discussions in a manner comparable to Arctic Council deliberations.

## 3. Inuit, the Arctic and Sovereignty: Looking Forward

### *The foundations of action*

- 3.1 The actions of Arctic peoples and states, the interactions between them, and the conduct of international relations must be anchored in the rule of law.
- 3.2 The actions of Arctic peoples and states, the interactions between them, and the conduct of international relations must give primary respect to the need for global environmental security, the need for peaceful resolution of disputes, and the inextricable linkages between issues of sovereignty and sovereign rights in the Arctic and issues of self-determination.

### *Inuit as active partners*

- 3.3 The inextricable linkages between issues of sovereignty and sovereign rights in the Arctic and Inuit self-determination and other rights require states to accept the presence and role of Inuit as partners in the conduct of international relations in the Arctic.
- 3.4 A variety of other factors, ranging from unique Inuit knowledge of Arctic ecosystems to the need for appropriate emphasis on sustainability in the weighing of resource development proposals, provide practical advantages to conducting international relations in the Arctic in partnership with Inuit.
- 3.5 Inuit consent, expertise and perspectives are critical to progress on international issues involving the Arctic, such as global environmental security, sustainable development, militarization, commercial fishing, shipping, human health, and economic and social development.
- 3.6 As states increasingly focus on the Arctic and its resources, and as climate change continues to create easier access to the Arctic, Inuit inclusion as active partners is central to all national and international deliberations on Arctic sovereignty and related questions, such as who owns the Arctic, who has the right to traverse the Arctic, who has the right to develop the Arctic, and who will be responsible for the social and environmental impacts increasingly facing the Arctic. We have unique knowledge and experience to bring to these deliberations. The inclusion of Inuit as active partners in all future deliberations on Arctic sovereignty will benefit both the Inuit community and the international community.
- 3.7 The extensive involvement of Inuit in global, trans-national and indigenous politics requires the building of new partnerships with states for the protection and promotion of indigenous economies, cultures and traditions. Partnerships must acknowledge that industrial development of the natural resource wealth of the Arctic can proceed only insofar as it enhances the economic and social well-being of Inuit and safeguards our environmental security.

### *The need for global cooperation*

- 3.8 There is a pressing need for enhanced international exchange and cooperation in relation to the Arctic, particularly in relation to the dynamics and impacts of climate change and sustainable economic and social development. Regional institutions that draw together Arctic states, states from outside the Arctic, and representatives of Arctic indigenous peoples can provide useful mechanisms for international exchange and cooperation.
- 3.9 The pursuit of global environmental security requires a coordinated global approach to the challenges of climate change, a rigorous plan to arrest the growth in human-generated carbon emissions, and a far-reaching program of adaptation to climate change in Arctic regions and communities.
- 3.10 The magnitude of the climate change problem dictates that Arctic states and their peoples fully participate in international efforts aimed at arresting and reversing levels of greenhouse gas emissions and enter into international protocols and treaties. These international efforts, protocols and treaties cannot be successful without the full participation and cooperation of indigenous peoples.

**Healthy Arctic communities**

- 3.11 In the pursuit of economic opportunities in a warming Arctic, states must act so as to: (1) put economic activity on a sustainable footing; (2) avoid harmful resource exploitation; (3) achieve standards of living for Inuit that meet national and international norms and minimums; and (4) deflect sudden and far-reaching demographic shifts that would overwhelm and marginalize indigenous peoples where we are rooted and have endured.
- 3.12 The foundation, projection and enjoyment of Arctic sovereignty and sovereign rights all require healthy and sustainable communities in the Arctic. In this sense, "sovereignty begins at home."

**Building on today's mechanisms for the future**

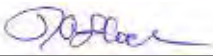
- 3.13 We will exercise our rights of self-determination in the Arctic by building on institutions such as the Inuit Circumpolar Council and the Arctic Council, the Arctic-specific features of international instruments, such as the ice-covered-waters provision of the *United Nations Convention on the Law of the Sea*, and the Arctic-related work of international mechanisms, such as the United Nations Permanent Forum on Indigenous Issues, the office of the United Nations Special Rapporteur on the Rights and Fundamental Freedoms of Indigenous Peoples, and the *UN Declaration on the Rights of Indigenous Peoples*.

**4. A Circumpolar Inuit Declaration on Sovereignty in the Arctic**

- 4.1 At the first Inuit Leaders' Summit, 6-7 November 2008, in Kuujuaq, Nunavik, Canada, Inuit leaders from Greenland, Canada and Alaska gathered to address Arctic sovereignty. On 7 November, International Inuit Day, we expressed unity in our concerns over Arctic sovereignty deliberations, examined the options for addressing these concerns, and strongly committed to developing a formal declaration on Arctic sovereignty. We also noted that the 2008 *Ilulissat Declaration* on Arctic sovereignty by ministers representing the five coastal Arctic states did not go far enough in affirming the rights Inuit have gained through international law, land claims and self-government processes.
- 4.2 The conduct of international relations in the Arctic and the resolution of international disputes in the Arctic are not the sole preserve of Arctic states or other states; they are also within the purview of the Arctic's indigenous peoples. The development of international institutions in the Arctic, such as multi-level governance systems and indigenous peoples' organizations, must transcend Arctic states' agendas on sovereignty and sovereign rights and the traditional monopoly claimed by states in the area of foreign affairs.
- 4.3 Issues of sovereignty and sovereign rights in the Arctic have become inextricably linked to issues of self-determination in the Arctic. Inuit and Arctic states must, therefore, work together closely and constructively to chart the future of the Arctic.

We, the Inuit of Inuit Nunaat, are committed to this Declaration and to working with Arctic states and others to build partnerships in which the rights, roles and responsibilities of Inuit are fully recognized and accommodated.

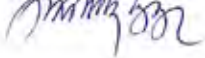
On behalf of Inuit in Greenland, Canada, Alaska, and Chukotka  
Adopted by the Inuit Circumpolar Council, April 2009

  
Patricia A.L. Cochran, ICC Chair

  
Edward S. Itta  
ICC Vice-Chair, Alaska

  
Tatiana Achirgina  
ICC Vice-Chair, Chukotka

  
Duane R. Smith  
ICC Vice-Chair, Canada

  
Aqqaluk Lyngø  
ICC Vice-Chair, Greenland



## A CIRCUMPOLAR INUIT DECLARATION ON RESOURCE DEVELOPMENT PRINCIPLES IN INUIT NUNAAT

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### PREAMBLE

**Recognizing** the Arctic's great resource wealth, the increasing global demand for the Arctic's minerals and hydrocarbons, the scope and depth of climate change and other environmental pressures and challenges facing the Arctic;

**Mindful** of the core rights of Inuit as recognized in the *United Nations Declaration on the Rights of Indigenous Peoples*, as provided for in a variety of other legal and political instruments and mechanisms, including land rights settlement legislation, land claims agreements (treaties), and self-government, intergovernmental and constitutional arrangements, and as asserted in *A Circumpolar Inuit Declaration on Sovereignty in the Arctic*; and

**Respectful** of the ingenuity, resilience and wisdom of previous generations of Inuit, confident of the ability of every generation of Inuit to adapt to change, and determined to provide for the material and cultural well-being of Inuit into the future;

### WE, THE INUIT OF INUIT NUNAAT, DECLARE:

- Healthy communities and households require both a healthy environment and a healthy economy.
- Economic development and social and cultural development must go hand in hand.
- Greater Inuit economic, social and cultural self-sufficiency is an essential part of greater Inuit political self-determination.
- Renewable resources have sustained Inuit from the time preceding recorded history to the present. Future generations of Inuit will continue to rely on Arctic foods for nutritional, social, cultural and economic purposes.
- Responsible non-renewable resource development can also make an important and durable contribution to the well-being of current and future generations of Inuit. Managed under *Inuit Nunaat* governance structures, non-renewable resource development can contribute to Inuit economic and social development through both private sector channels (employment, incomes, businesses) and public sector channels (revenues from publicly owned lands, tax revenues, infrastructure).
- The pace of resource development has profound implications for Inuit. A proper balance must be struck. Inuit desire resource development at a rate sufficient to provide durable and diversified economic growth, but constrained enough to forestall environmental degradation and an overwhelming influx of outside labour.
- Resource development results in environmental and social impacts as well as opportunities for economic benefits. In the weighing of impacts and benefits, those who face the greatest and longest-lasting impacts must have the greatest opportunities, and a primary place in the decision-making. This principle applies between *Inuit Nunaat* and the rest of the world, and within *Inuit Nunaat*.
- All resource development must contribute actively and significantly to improving Inuit living standards and social conditions, and non-renewable resource development, in particular, must promote economic diversification through contributions to education and other forms of social development, physical infrastructure, and non-extractive industries.
- Inuit welcome the opportunity to work in full partnership with resource developers, governments and local communities in the sustainable development of resources of *Inuit Nunaat*, including related policy-making, to the long-lasting benefit of Inuit and with respect for baseline environmental and social responsibilities.

## IN FURTHER DETAIL, WE DECLARE:

### 1. Candour, Clarity and Transparency

- 1.1 The world's peoples and their social, cultural and economic systems are becoming more interconnected, the pace of change is accelerating, the challenges faced by the world are escalating in complexity, and the risks associated with human activities are of increasing significance.
- 1.2 To prosper under these circumstances, the peoples and states of the world must conduct their relations cooperatively with candour, clarity and transparency – an approach in keeping with Inuit culture and custom.
- 1.3 It is our desire to declare our key understandings, positions and intentions in relation to resource development, recognizing that doing so will benefit Inuit and the global community.
- 1.4 While the focus of this Declaration is on the development of non-renewable resources, it must be understood that (a) issues surrounding the appropriate use of non-renewable and renewable resources are inextricably linked, and (b) the principles set out in this Declaration are, in many ways, applicable to the use of renewable resources.

### 2. United Nations Declaration on the Rights of Indigenous Peoples

- 2.1 Resource development in *Inuit Nunaat* must be grounded in the *United Nations Declaration on the Rights of Indigenous Peoples*.
- 2.2 The *UN Declaration* recognizes the right of indigenous peoples to self-determination. Under that right, Inuit have the right to freely determine collectively our political, social, economic, and cultural development. Resource development in *Inuit Nunaat* directly engages our right to self-determination, and many other provisions of the *UN Declaration*.
- 2.3 Our rights as an indigenous people, including our right to self-determination, may be exercised in a practical way through governance structures that combine both Inuit and non-Inuit constituents. No matter what level or form of self-determination the Inuit of any particular region have achieved, resource development in *Inuit Nunaat* must proceed only with the free, prior, and informed consent of the Inuit of that region.
- 2.4 Private sector resource developers, and governments and public bodies charged with the

public management of resource development, must all conduct themselves in concert with the *UN Declaration*. Respect for the *UN Declaration* should be open and transparent, and be subject to independent and impartial review.

### 3. A Circumpolar Inuit Declaration on Sovereignty in the Arctic

- 3.1 Resource development in *Inuit Nunaat* must be grounded in *A Circumpolar Inuit Declaration on Sovereignty in the Arctic*, adopted by the Inuit Circumpolar Council in April 2009.
- 3.2 *A Circumpolar Inuit Declaration on Sovereignty in the Arctic* identified many principles that are relevant to the governance and carrying out of resource development in *Inuit Nunaat*, including the importance of the rule of law and recognition of the rights of Inuit as an Arctic indigenous people under both international and domestic law.

### 4. Inuit as Partners in Policy Making and Decision Making

- 4.1 Central to *A Circumpolar Inuit Declaration on Sovereignty in the Arctic* is the requirement that Inuit must be active and equal partners in policy-making and decision-making affecting *Inuit Nunaat*.
- 4.2 Partnerships with Inuit in relation to resource development will have different characteristics depending on the circumstances, but the spirit and substance of partnership must extend to both public sector governance and private sector enterprise.
- 4.3 Partnerships must include the meaningful engagement and active participation of Inuit in local communities who are most directly affected by resource development in *Inuit Nunaat*.
- 4.4 Partnerships must draw upon the growing capacity and aspirations of Inuit businesses and enterprises through use of vehicles such as joint ventures, commercial mechanisms for facilitating equity participation, and the issuance of land and resource rights through licences, leases and similar instruments.
- 4.5 Inuit recognize the need within *Inuit Nunaat* to create and implement inter-Inuit consultation mechanisms to ensure that approval of major resource development projects in one Inuit region, with major environmental and other implications for one or more adjacent Inuit regions, is accompanied by sufficient opportunity for an

informed exchange of information and opinion between or among the Inuit regions.

### **5. Global Environmental Security**

- 5.1 Inuit and others – through their institutions and international instruments – have a shared responsibility to evaluate the risks and benefits of their actions through the prism of global environmental security.
- 5.2 Resource development in *Inuit Nunaat* must contribute to, and not detract from, global, national and regional efforts to curb greenhouse emissions and should always be seen through the reality of climate change.
- 5.3 In their implementation of mechanisms for adaptation to climate change, states and the international community as a whole must commit to paying the cost of climate change adaptation measures and the upgrading of fuel-related infrastructure in *Inuit Nunaat* regions and communities.
- 5.4 Resource development projects must not exacerbate the climate change-related stresses on the survival of Arctic wildlife.
- 5.5 To minimize risk to global environmental security, the pace of resource development in the Arctic must be carefully considered.

### **6. Healthy Communities in a Healthy Environment**

- 6.1 The physical and mental health of human communities and individuals cannot be separated from the health of the natural environment.
- 6.2 Resource development proposals for *Inuit Nunaat* must be assessed holistically, placing human needs at the centre.
- 6.3 Resource development in *Inuit Nunaat* must promote the physical and mental health of communities and individuals within *Inuit Nunaat*.
- 6.4 Resource development must enhance, not detract from, Inuit food security.
- 6.5 In a contemporary context, healthy communities in the Arctic require the establishment, maintenance and improvement of core infrastructure needs, including housing, education, health care and social service delivery infrastructure, and core transportation and communications networks that facilitate both public sector activities and private sector entrepreneurship.

### **7. Economic Self-Sufficiency and the Sustainable Development of Resources in *Inuit Nunaat***

- 7.1 Inuit seek to make use of the economic opportunities available through long-term development of the resources of *Inuit Nunaat*.
- 7.2 Resource development in *Inuit Nunaat* must be sustainable. It must serve the needs of Inuit today without compromising the ability of Inuit meet their needs of tomorrow.
- 7.3 The proponent of a resource development project bears the burden of demonstrating that the proposed development is sustainable.
- 7.4 In determining the sustainability of a resource development initiative, the best available scientific and Inuit knowledge and standards must be determined and employed.
- 7.5 International standard-setting bodies must seek and secure direct and meaningful input from Inuit. National, regional and local bodies, such as offshore and land management regimes, must be designed and operated to be effective, transparent and accountable, thereby gaining and sustaining the confidence of the Inuit public at all times.
- 7.6 Sustainability standards must emphasize the need for the demonstrated support of those communities directly affected by a resource development proposal.

### **8. Impact Assessment, Prevention and Mitigation**

- 8.1 Notwithstanding property rights or government rights-granting regimes, there is no free-standing or unqualified “right” to proceed with non-renewable resource development in *Inuit Nunaat*. Projects must be scrutinized by Inuit and proved to be in the best interests of Inuit and the wider public.
- 8.2 Land and offshore management regimes must include (a) long-term land use plans that set out ground rules for development applicable to specific projects, and (b) robust impact assessment processes to gauge the likely impacts of specific projects.
- 8.3 Management, land use planning and impact assessment regimes must address the cumulative impacts of existing and potential projects and, where prudent, limit the number and scope of projects permitted.
- 8.4 Impact assessments covering broad geographic areas are important and necessary management tools, and their completion in advance of specific project proposals should be encouraged.



- 8.5 Impact assessments should examine all potential environmental, socio-economic and cultural impacts anticipated both during the project and after the project is completed or abandoned.
- 8.6 In accordance with relevant provisions of the *Rio Declaration on Environment and Development*, the precautionary principle and the polluter pays principle must be applied in all stages of project planning, assessment, implementation and reclamation.
- 8.7 Reclamation and recovery of habitat and affected lands and waters must be thoroughly planned and fully funded in advance of and throughout project implementation.
- 8.8 All development in *Inuit Nunaat* must adhere to the most developed and demanding environmental standards taking Arctic conditions fully into account. (For example, mining operations and offshore hydro-carbon development should entail zero-volume discharge onto land and into Arctic waters.)
- 8.9 Preventing spills offshore and eliminating release of toxic substances to land and waters are paramount. Prevention efforts should be viewed as investments that pay dividends in cost avoidance.
- 8.10 Response to spills, contamination of lands or waters, and mining emergencies must meet the highest technological standards and be anchored in proven cleanup technologies with full Inuit participation.
- 8.11 Proposals for spill response in Arctic waters must include a proven demonstration of the industry's ability to retrieve spilled oil in frozen, broken and refreezing ice conditions. Allowing resource development without such a demonstration would be fundamentally irresponsible.
- 8.12 Effective oil spill prevention and response in Arctic waters requires active monitoring of vessel traffic and swift and effective emergency response in the event of mishap. Public authorities and developers with relevant responsibilities must commit to increased investment in navigation aids, vessel traffic management, ship compliance inspections, security considerations, emergency response capability, and overall port and harbour infrastructure.
- 8.13 Standards and requirements for Arctic marine pilots must be carefully conceived and strictly applied.
- 8.14 An international liability and compensation regime for contamination of lands, waters and marine areas resulting from offshore oil exploration and exploitation must be established.
- 8.15 Respecting the Arctic Council's "Arctic Offshore Oil and Gas Guidelines" as minimum standards.

## 9. Improving Inuit Living Standards and Expanding Inuit Governance

- 9.1 Inuit expect that new resource development projects will contribute to an improvement in our material well-being. This expectation is well-rooted in the fundamental features of relevant international indigenous and human rights laws and standards, in the underlying constitutional constructs and political values of the four Arctic States in which Inuit live, and in the application of fairness and reason.
- 9.2 Through a variety of mechanisms – land rights settlement legislation, land claims agreements (treaties), self-government arrangements, and intergovernmental and Constitutional provisions – Inuit have acquired critical means and levels of control over the governance of *Inuit Nunaat*. Many of these mechanisms provide for direct Inuit participation in specialized resource management bodies, including planning, project review, and regulatory bodies.
- 9.3 While this trend is primarily a result of Inuit effort and determination, it has often been assisted and welcomed as healthy and normative by and within the four Arctic States.
- 9.4 Accordingly, resource development projects must take into account the trend toward greater Inuit self-governance and, to the extent possible, advance it.
- 9.5 Public sector revenues derived from all phases of resource development should be distributed in a fair and visible way according to the following hierarchy of priorities: (1) providing security against unplanned or unintended environmental consequences, (2) compensating for negative community and regional impacts, (3) contributing to the improvement of community and regional living standards and overall well-being, and (4) contributing to the fiscal health and stability of institutions and mechanisms of Inuit governance. Only after the legitimate needs of the Inuit of *Inuit Nunaat* are met, should public sector revenues contribute to the coffers of central State treasuries.
- 9.6 Inuit employment at all levels must be maximized in

resource development activities in *Inuit Nunaat*.  
9.7 Independent of the rate of resource development, Inuit must derive direct and substantial employment income benefit from resource development projects. Accordingly, an Inuit education fund should be established in each of Canada, Greenland, Russia and the U.S.A. with public sector investments.

## 10. Promoting and Accommodating a Dynamic Inuit Culture

10.1 Many international law principles and standards in relation to indigenous peoples are rooted in the strong conviction that the development and preservation of human cultural diversity is both a responsibility and a benefit for all humanity. The *UN Declaration on the Rights of Indigenous Peoples* acknowledges that indigenous peoples have the right to maintain, control, protect and develop their language, traditional knowledge and cultural heritage and expressions.

10.2 Inuit culture is both well-rooted and dynamic. Inuit are committed to ensuring that resource development projects must be planned and

implemented in such a way as to support and enhance Inuit culture, rather than subvert or overwhelm it.

10.3 Inuit are committed to safe-guarding Inuit culture against excess adverse pressures and impacts that could be brought on by an overly ambitious, ill timed, or poorly planned and implemented staging of major resource development projects, particularly insofar as such a scenario precipitated a major influx of non-Inuit while failing to impart the technologies, skills and training, and business opportunities needed by Inuit.

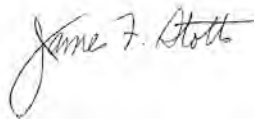
10.4 Governments, public bodies and private sector actors in *Inuit Nunaat* must share in these commitments.

**We, the *Inuit of Inuit Nunaat*, are committed to the principles on resource development in *Inuit Nunaat* set out in this Declaration. Inuit invite – and are entitled to expect – all those who have or seek a role in the governance, management, development, or use of the resources of *Inuit Nunaat* to conduct themselves within the letter and spirit of this Declaration.**



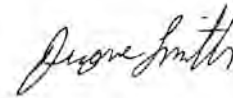
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Aqqaluk Lyngge  
*Chair*  
*Inuit Circumpolar Council*



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Jim Stotts  
*Vice Chair*  
*Alaska*



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Duane Smith  
*Vice Chair*  
*Canada*



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Tatiana Achirgina  
*Vice Chair*  
*Chukotka*



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Carl Christian Olsen  
*Vice Chair*  
*Greenland*