

The European Union, Canada, and the Arctic: Challenges of International Governance

Carleton University

Ottawa, September 23, 2011

Speaking Notes for National Inuit Leader Mary Simon
President of Inuit Tapiriit Kanatami

(Inuktitut)

For those of you still working on your Inuktitut, good morning. Thank you for the opportunity to speak with you.

My intention today is to speak honestly and openly about some issues of central importance to Canadian Inuit.

In turn, I invite you to be similarly candid with your questions and comments.

As there is ongoing litigation between Inuit and the European Union on EU legislation banning seal product imports, I must qualify my remarks by saying that they are without prejudice to that litigation.

Before I begin, I would like to offer a little bit of context about the people I represent as president of Canada's national Inuit organization.

Here is your next lesson of the day: In the Inuit language, Inuit Tapiriit Kanatami means "Inuit are united in Canada."

We are one of this country's three constitutionally recognized Aboriginal peoples. The Arctic is our homeland. We call it Inuit Nunangat.

Inuit Nunangat is made up of four distinct regions with varied social and political histories. But we share a common culture. We also have much in common with the Inuit of Alaska, Russia and Greenland, and we work

closely with them on areas of international importance, such as climate change.

Our community-based organizations are the building blocks of our regional organizations, which in turn form the basis of national organizations, and our national organizations work together through an international body called the Inuit Circumpolar Council.

Across Canada, we inhabit 53 communities. The vast majority of these – in fact, all except one – are coastal communities.

And Canadian Inuit have concluded five contiguous land claims agreements stretching from the Yukon border to the Labrador coast.

These are constitutionally protected treaties between Inuit and the Crown and they form the basis of our relationship with the Government of Canada and the governments of

Quebec, Newfoundland and Labrador, Nunavut and the Northwest Territories.

Land claims agreements provide us with tools for shaping our lives and developing our lands and resources. And they equip us with critical roles in the governance and economies of our regions and communities.

Collectively, Inuit own large parcels of land, some with full subsurface rights. We now share in the management and, to some extent, the benefits, of natural resource development.

In Nunavut, we have created the largest public government jurisdiction in the Americas that was built on an aboriginal majority.

We are also working on innovative regional government models in the Nunatsiavut region of Labrador, the Nunavik region of Quebec, and the Inuvialuit region of the Northwest Territories.

Indeed, we have used – and will continue to use – our voices to make significant contributions to Canada’s well-being and to help shape national events.

(Pause)

Historically, and in many and important ways continuing today, we are a hunting and gathering people.

But we have responded to the challenges of new technologies and global forces to stretch our culture, and to re-organize how we go about our lives and business.

Over the past 30 years we have been active at the international level, participating in processes and projects as diverse as...

- The negotiation of the UN Declaration on the Rights of Indigenous Peoples,

- The Convention on International Trade of Endangered Species, known commonly as CITES,
- The Convention on Biological Diversity, and
- The creation and ongoing work of the Arctic Council

The relationship between Inuit and the people of Europe is a long and complex one.

What began long ago as mutually beneficial commercial exchange soon became a thoroughly one-sided colonial relationship in the 19th and 20th centuries.

We are still working through some of the negative effects of those experiences, from coerced relocations, residential schools abuse, and inter-generational crises brought about by disregard for our culture and values.

We have made progress. And we have hope.

But, as anyone knows who looks at some basic socio-economic indicators of well being in the Arctic, we have a long way to go.

At the same time, we are mindful of the extraordinarily rich and diverse contributions Europe has made to the world across virtually every field of human endeavour and ingenuity.

In more recent times, we have observed with great interest and great admiration the determined efforts of European states to turn aside the record of centuries of conflict, culminating in two world wars, to create a united and peaceful Europe.

The example of European unity is of importance to the world, as are the lessons that surround Europe's efforts to strike a balance between central power and regional diversity.

Of course, the creation of the European Union, and the steady enhancement of the roles and responsibilities of its central legislative, executive, and judicial institutions, have a profound effect on relations between Inuit and Europe.

I would, like to take this opportunity to address a number of important topics that currently figure in our relationship.

The first is sovereignty, governance and indigenous rights.

In 2007, the UN General Assembly adopted the UN Declaration on the Rights of Indigenous Peoples. In that context, Inuit issued a complementary statement about the rights of Inuit as a people.

A Circumpolar Inuit Declaration on Sovereignty in the Arctic was adopted at the 2009 General Assembly of the Inuit Circumpolar Council.

It asserts that Inuit are an indigenous people of the world ... with the rights and responsibilities of all indigenous

peoples ... including the right to self-determination, the right to freely pursue our economic, social, cultural and linguistic development, and the right to manage our natural wealth and resources.

The Declaration articulates the desire by Inuit to develop innovative and creative jurisdictional arrangements that balance our rights and responsibilities with those of states.

Put simply, the old ways of doing business in the Arctic are gone. Moreover, in this discussion of the Challenges of International Governance, it is important to emphasize that Inuit have governance structures in place that must be respected. And our existing structures must be acknowledged as the foundation for new ones.

Any major decisions affecting the Arctic require transparent communication with Inuit, active and constructive partnership with Inuit, and, in many cases, appropriate consent of Inuit.

(Pause)

Next, I would like to address legislation adopted by the European Parliament in 2009 banning the import of seal products.

The legislation says volumes about the enduring, if somewhat puzzling place of anti-seal activists Brigitte Bardot and Paul McCartney in European popular culture. But it ignores some centrally important, if highly inconvenient, facts.

Fact. There are currently no conservation concerns relating to seal populations being used for products exported to Europe.

Fact. The EU's own veterinary research has not found that seals in Canada or Greenland are being harvested in an inhumane way.

Fact. There is reason to believe that EU residents are harvesting more seals than Canadians for reasons related primarily to wildlife management.

These facts should have been sufficient for EU legislators to resist the emotive, highly selective, and crassly manufactured arguments of animal rights groups.

In January 2010, we invoked recent changes in the Treaty of Lisbon to challenge, in the European Court of Justice, the validity of EU Parliament's seal ban legislation.

You will appreciate that I am not a lawyer, and I will not discuss all the legal subtleties.

But broadly stated, our lawsuit is built around three propositions:

1. The legislation is animal rights law masquerading as trade law and has therefore been adopted for an improper purpose.
2. The legislation is excessive. For example, the EU

could have allowed consumers to make informed decisions through an appropriate labeling system – at EU expense.

3. The legislation offends European human rights guarantees with respect to Inuit.

The legislation, on its face, held out the prospect of some kind of exemption for Inuit, to be finalized by EU officials in the run-up to the coming into force of the legislation in August 2010.

For Inuit, this feature looked very much designed to ease European consciences, with precious little grasp of social, economic and cultural realities for Inuit.

In fact, EU consultants dispatched to Canada and Greenland to assess impact of the ban on Inuit reported that the regulation system contemplated for seal exports would impose substantive costs on Canadian Inuit.

Days before the legislation was to come into force, the EU

then published details of the Inuit exemption that institutionalize the very hardships its consultants identified.

We have responded to all this by bringing a second, lawsuit, stating that the Inuit exemption regulations fail to meet the very modest “do no harm to Inuit” requirements of the enabling legislation itself.

Earlier this month we heard the disappointing news that the European General Court dismissed the first of our two linked, but separate, legal challenges.

Obviously this is not the outcome we wanted, and we await the judgment on our second case.

Ultimately, we will do whatever we can to preserve our way of life. Yet, regardless of the outcome, the ban will affect on how Inuit assess ongoing relations with the EU.

Before closing on this topic, I would like to add that there is another aspect of this ban, and related litigation, that I,

and other Inuit, have found particularly offensive.

That is an implied, sometimes overt, assumption on the part of architects and supporters of this ban that they live in a morally superior universe on the broad matter of how human beings make wise or acceptable use of animals.

The assumption is as self-serving as it is poorly founded and culturally arrogant.

(Pause)

In contrast with my criticism of the EU seal products ban, I would like to acknowledge the leadership shown by EU countries in the global effort to combat climate change.

Where Canada has demonstrated an inability or unwillingness to commit to necessary targets for reductions in carbon emissions, many European countries have shown commendable initiative, creativity and perseverance.

There are explanations offered from the Canadian side, including issues of geography, climate, demographics, and inter-jurisdictional coordination, but none of these are adequate.

The problem boils down to political will and political choices, and the need to be upfront about the central importance of such matters as carbon pricing.

No matter what we have done or committed to do, we need to do better.

As you can imagine, Inuit have been very active in political discussions on this issue.

We were among the first to share with the world our observations of climate change. And we lead the world in ingenuity and knowledge to adapt.

Not surprisingly, there are costs associated with these changes – costs of adaptation measures and changes to traditional economies.

We have urged world leaders to make adaptation programs and financing available to populations at risk in both developing and developed countries, with particular attention to “areas dependent on ice and snow.”

We have also called for the creation of an International Climate Change Adaptation Fund, financed by G20 countries, with an initial investment of \$20 billion, to help global citizens adapt to the inevitable changes and to accelerate technology transfer.

We are observers but we are also key players. Our voices, we hope, lay a moral and ethical foundation for strong leadership on climate policy.

(Pause)

I would like to end by commenting on the place of trade, investment and other commercial issues in EU-Canada relations, particularly the Arctic dimensions of such issues.

Various estimates suggest that a significant share of the world's natural resources is located in the Arctic.

No doubt the matter of resource development has figured in some of the noticeable deepening of the EU's demonstrated interest in Arctic issues, including its desire to play a role in the work of the Arctic Council and its development of its own Arctic Policy.

Inuit have responded to this changing reality with a statement aimed at setting the context for resource development in the modern Arctic.

A Circumpolar Inuit Declaration on Resource Development Principals, which was adopted by circumpolar leaders in May 2011, sets the tone for new forms of economic development with Inuit.

It says that development must be conducted in an environmentally responsible way, and must deliver direct and substantial benefit to Inuit.

It is about striking a balance, and it is about making economic development work in tandem with social development.

(Pause)

It has been my intention through these remarks to tie together a number of matters connecting Inuit, the Arctic and the EU.

As I near the end of my allotted time, I offer this summary.

- Relations between Inuit and the EU should build on the basis of mutual respect and shared interests.
- Whatever the discrepancies in overall economic and political clout between Inuit and the EU,

evolving principles of international law mean that Inuit are a necessary partner in Arctic affairs.

- And there are important connections in key Arctic political and policy issues – for example, a crude, hostile and unrelenting EU policy with respect to seal products and other wildlife issues will have ripple effects in many other directions.

Within those general points, I believe there is considerable scope and incentive for the EU and Inuit to invest political attention and energy to explore more constructive, creative, and reliable ways to work together.

(Inuktitut)

Thank you for your attention.

I would be happy to answer your questions, and hear your comments, as time permits.