

Let's ban bans in the Arctic

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An update on this column's coverage so far—mostly of the disquieting potential consequences for Northerners of proposals to ban various economic activities in the Arctic.

Here in Iqaluit, the short but fine [season of aujaq](#) has finally begun, when the land is free of snow and the sea is clear of ice. The air has warmed, the bay lies placid and open, and wildflowers paint the tundra in a lively pointillist abstract of white, yellow and purple. A special and long-awaited visitor beckons me out on holiday.

As this column will be my last for the brief Arctic summer, I thought it an appropriate opportunity to update readers on the issues that I've covered so far. By coincidence rather than design, all of them have involved proposals to ban or otherwise proscribe economic activity in the Arctic—suggested mostly by people who don't have to make a living here.

Harb seals

Senator Mac Harb's [bill to ban commercial sealing](#) in Canada still awaits proper public debate. On June 14—just a day before his bill would have died on the order paper—Harb's senatorial colleagues formally gave him the floor, in return for a deferment of debate until the Senate reconvenes in late September. This procedural courtesy ensured that his bill remained alive while the Senate concentrated instead on the busy government agenda, including the controversial budget bill.

Before moving to adjourn debate until the autumn, Harb took a moment to make [a brief speech](#). He reiterated his conviction that the commercial sealing industry is finished, and that the government has squandered a chance to help Canadian Inuit take advantage of the exemption that the [European Union's \(EU's\) seal-trade ban](#) affords them:

Canadians are asking these questions: Why not use this exemption for Inuit and First Nations to promote economic development in these struggling communities? Why not facilitate the processing plants, training, certification, labelling processes and marketing initiatives, which are concrete actions that could generate real jobs and real export opportunities for our First Nations? The government should be helping these hunters and not using them as a decoy to defend the unviable commercial seal hunt.

It would be a wonder if Canadians were aware enough of the so-called “Inuit exemption” even to formulate these questions, let alone ask them. Despite being EU citizens themselves, the [Danes certainly aren't](#)—much to the [frustration of the Inuit](#) in Greenland. What's more, Harb's sanguine opinion of the “real jobs and real export opportunities” that he thinks Inuit could muster out of this exemption suggests that he doesn't quite understand it either.

As explained in [my earlier post](#), the EU's seal-trade ban has helped destroy the value of all seal products, whether from Inuit harvests or not. Harb's suggestion that Inuit invest in sealing as an economic development opportunity under these circumstances looks faintly patronizing. Moreover, the EU applies its exemption only to seal products from “hunts traditionally conducted by Inuit and other indigenous communities and which contribute to their subsistence.” Even interpreting the key notions of “tradition” and “subsistence” broadly, this is at best an unnaturally limited base on which to encourage someone to build a business. At worst, it seems discriminatory.

But what Inuit might find most objectionable is Harb's judgment that Canada supports their hunt as a “decoy” to distract attention from a failing sealing industry, rather than as a commercial activity in its own right to which international trading freedoms should apply. Harb, like the EU, appears to tolerate Inuit sealing merely as a cottage industry, and maybe even just as a cultural relic. Neither seems to countenance the possibility that Inuit, like any other producers, wish to sell their product for a fair price on an unrestricted open market.

If the Senate does finally take up Harb's bill for debate, Inuit should expect their representatives to argue the case for commercial sealing convincingly. Over to you, Senators Patterson and Sibbeston.

The hole in the Arctic donut

The Pew Environment Group has not reported any developments since the release of its [open letter to the international community](#)—signed by over 2,000 scientists—calling for a moratorium on commercial fishing in the international waters of the “[Arctic donut hole](#)” until a proper fisheries management regime is in place. Perhaps the idea that distant-water fleets will soon be harvesting fish from the recently ice-choked central Arctic Ocean seems too remote a possibility. Perhaps the lack of urgency is simply in keeping with the international community’s record of massive over-exploitation of high-seas fisheries in other oceans.

Or perhaps, as explained in [my earlier post](#), the issue touches too closely on geopolitically sensitive concerns about the legitimate interests that non-Arctic states have in the Arctic, and about accommodating those interests without attenuating the control Arctic states and peoples currently enjoy over their region. For its part, Nunavut Tunngavik Incorporated hasn’t clarified further [its position on the moratorium proposal](#), nor how it views the involvement of non-Arctic states in managing Arctic resources. In the meantime, [attention is turning](#) to the impacts of fishing within Canada’s own Arctic waters, including the Beaufort Sea and Baffin Bay.

Given the trajectory of climate change, the issues surrounding access to Arctic fisheries seem destined to intensify in importance sooner rather than later. They will not be easily resolved. Recently, the US Senate [rejected yet another call](#) to ratify the 1982 [United Nations Convention on the Law of the Sea \(UNCLOS\)](#), despite [broad support](#) from many government, business and environmental leaders. UNCLOS establishes the basic rules governing the waters of the Arctic donut hole, which belong to the international community as a whole. All states may exploit its resources in common, and so they all must conserve them in common.

UNCLOS has the force of international law, having been ratified by 162 states worldwide. The USA generally acts in accordance with it, including with respect to fisheries. But it’s telling that those US Senators who rejected it stood firmly on their belief that it compromises “US sovereignty” on the high seas—and the potential for the USA to exploit international waters and resources as it sees fit.

Whaling commissions and omissions

At its recent meeting in Panama, the International Whaling Commission (IWC) did not reach its elusive [grand bargain on the future of whaling](#). This bargain would permit limited commercial whaling by Japan—and a measure of greater legitimacy for whaling by Iceland and Norway, which have already opted out of the IWC’s moratorium—in exchange for an end to Japanese “scientific whaling” and an agreement to establish a new whale sanctuary in the South Atlantic Ocean. The bid for a new sanctuary [failed to win approval](#), and Japan was [unable to achieve consensus](#) among its fellow IWC members to form a working group on limited commercial whaling. Complicating matters was South Korea’s announcement that it [intends to start up](#) a Japanese-style scientific whaling program of its own.

However unlikely it may have been that the pro- and anti-whaling factions of the IWC would reassemble their fractured organization, the continuing impasse helps keep international attention away from whaling by Canadian Inuit. As explained in [my earlier post](#), Canada permits Inuit whaling outside the auspices of the IWC, having quit its membership in 1982. It has been previously sanctioned internationally for its stance, but scientific and commercial whaling by Iceland, Japan and Norway attract much of the anti-whaling criticism. A reinvigorated IWC, able to accommodate these countries’ practices within its rules, might have been less willing to tolerate its lack of control over Inuit whaling in Canada.

The IWC did scrutinize whaling by two other Inuit groups this year, illustrating the politicking that Canadian Inuit have avoided. The Alaskan Iñupiat [left the meeting with the same subsistence quota](#) that they’ve received for the past 15 years. A member of their delegation credited a bill introduced by Alaska’s Congressional representatives for supporting their case. Essentially, the bill threatened that the USA would unilaterally permit Iñupiat whaling if the IWC didn’t.

Denmark may have to do just that for Inuit whaling in Greenland. The IWC [rejected Denmark’s application](#) for an increased subsistence quota for Greenland—and rather than accept the same quota, the Danish delegation preferred to leave the meeting without any at all. An investigation by the Whale and Dolphin Conservation Society and the Animal Welfare Institute, which found that [whale meat is readily available for sale](#) to tourists in Greenland,

[seems to have motivated](#) anti-whaling IWC members to vote against the increase, [including some of Denmark's own EU colleagues](#).

[According to IWC rules](#), subsistence whaling by Aboriginal peoples is meant for their own nutritional and cultural needs. At least in the eyes of the IWC, there is a bright line between Aboriginal subsistence whaling and fully-fledged commercial whaling. In the eyes of others, including perhaps the Greenlandic Inuit, selling part of their harvest to visitors to their traditional lands who savour their traditional foods might count as a benefit to their culture. Denmark and Greenland have decided to weigh their options, but they [have previously made it clear](#) that they believe the Greenland Government should be defining its own quota.

Some observers have suggested that the IWC—stuck between the entrenched and irreconcilable positions of its members—could [quietly slip into irrelevance](#). After all, Canada, Iceland, Japan, Norway and perhaps now Denmark and South Korea all permit whaling of some sort more or less by their own rules. An attempt by Monaco to raise the profile of these disputes by taking them to the UN General Assembly [also met with failure](#) at this year's meeting. The IWC membership decided it could not vote itself out of its mandate without consensus—a quality sorely lacking in the international politics of whale conservation.

More Arctic saviours

Over one million people [have now subscribed](#) online to Greenpeace's "Arctic Scroll," the centrepiece of a campaign to "save the Arctic" from the threat of overfishing and oil pollution. Greenpeace has now set its target at two million names, and it plans to deposit the signed Arctic Scroll on the seabed at the North Pole, together with a "Flag of the Future" to supplant the flag that [Russia planted there](#) in 2007. The aim of this campaign is to [secure a ban](#) from the UN General Assembly on all forms of industrial activity in the central Arctic Ocean, as well as on commercial fishing and oil exploration from the wider area of the Arctic historically covered in ice.

As explained in [my earlier post](#), Greenpeace rests its case for a ban on a dubious analogy between the Arctic, which is for the most part under sovereign state control, and the Antarctic, which is not. International laws, particularly UNCLOS, already apply in the Arctic, as do domestic laws. The Arctic has also been home to Aboriginal peoples for millennia, many of whom have protected

[rights to benefit](#) from development of its lands, waters and resources. It is hardly *terra nullius*—or even *mare nullius* for that matter. Only the waters—but not necessarily the seabed—of the Arctic donut hole belong to the international community as a whole.

Greenpeace is certainly right to draw attention to the very real threats of overfishing and oil pollution in the Arctic. But it's certainly wrong to appeal to the court of world opinion over the heads of Arctic peoples and their states. It seems to have misjudged its past victories in Antarctica, where [it was instrumental](#) in bringing about a ban on mining. Through such victories, Greenpeace helped elevate environmental values around the world, including among citizens of Arctic states—values that the first peoples of the Arctic share. How doubly unfortunate it is, then, not to cooperate more with them

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