

The First Responsibility

by Aqqaluk Lynge*

Introduction

I am a representative of a people who have lived on the Arctic land and sea for thousands of years. Our home has been changed forever – not only because of the melting ice cap in Greenland, not only because of the shrinking sea ice cover in Canada, not only because of the eroding shores of Alaska and the increased shipping along the coast of Chukotka, Russia, but also because of the intense interest that the Arctic region is generating now and will generate forever.

The First Responsibility

Everyone these days sees opportunities in the Arctic and seems to want a piece of the Arctic. Arctic States see opportunities to make greater sovereignty claims. Industry sees opportunities to exploit new resources and to discover simpler transportation routes, academics see new research opportunities, and tourists see previously unexplored vistas. Add to these uniquely Arctic-focused impacts the more general impact of globalization, and one is left with no other conclusion than that the Arctic has been changed forever.

We gathered in Berlin to talk about opportunities for resource exploitation, fishing, maritime traffic, and scientific and technological research. And we talked about the new responsibilities that come along with all these new opportunities. We talked about governance and sovereignty issues and the law of the sea. But as the title of the Berlin conference astutely reminds us, with opportunities also come responsibilities. I am glad that this other side of the equation was also recognized. While I am greatly interested in the new opportunities arising in the Arctic – as are all Inuit – I present this paper to share some of my thoughts on this more important *other side*.

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Germany is a recognized world leader in responsible development, as are Denmark and Norway, and the EU in general. As Germany and others take even greater interest in the Arctic, I would like to underline the most important responsibility of anyone who comes to work in the Arctic or seek economic opportunities in the Arctic: your *First Responsibility* is to work in partnership with Inuit.

Inuit are the maritime indigenous people of the Arctic. Our unique knowledge and comprehensive understanding of the Arctic is unsurpassed, and there is no one in this world who cares more about what happens in the Arctic than we do – just as there is no one in the world who cares more about what happens in Germany than do Germans. Therefore, I would like to invite you to come to the Arctic and even to seek opportunities. But first of all, I ask you to consider the *First Responsibility*.

Who Are the Inuit?

Because Inuit will be essential partners in the greater foray into the Arctic, I would like to explain to you who we are, the challenges we are facing as we attempt to deal with new Arctic policies and new interests that are coming at us from as far away as China, and the ways in which Europe's escalating Arctic interests may affect us. I would also like to tell you what the Inuit Circumpolar Council¹ has been doing about some of these challenges and why it is important for Germany, and the whole of the EU for that matter, to deal with Inuit directly and not just with Arctic governments.

Who are the Inuit? We are an Arctic people. The November 2008 European Commission Communication on “The European Union and the Arctic Region” defines the Arctic region as the “area around the North Pole north of the Arctic Circle” and strongly emphasizes marine issues.² Both the EC Communication and the October 2008 European Parliament Resolution on “Arctic Governance” promote a strong linkage between the EU's Arctic policy and the EU's “Integrated Maritime Policy”.³ The USA's new Arctic policy says “the Arctic region is primarily a maritime domain”.⁴

¹ See <<http://www.inuit.org/>> (3 July 2009).

² Commission of the European Communities ‘Communication from the Commission to the European Parliament and the Council—The European Union and the Arctic Region’ COM (2008) 763 final (20 November 2008) 2.

³ Ibid. 2, 12; European Parliament Resolution ‘Arctic Governance’ P6_TA(2008)0474 (9 October 2008) para. A; Commission of the European Communities ‘Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions—Integrated Maritime Policy for the European Union’ COM (2007) 575 final (10 October 2007).

⁴ United States National Security Presidential Directive and Homeland Security Presidential Directive NSPD 66/HSPD 25 ‘Arctic Region Policy’ (9 January 2009) <<http://www.fas.org/irp/offdocs/nspd/nspd-66.htm>> (7 July 2009), ch B.3.

Who are the Inuit? We are a true *maritime* people of the Arctic, stretching across the Arctic regions of four nation States: we live in Russia, Alaska, Canada and Greenland. As the maritime people of the Arctic, Inuit cannot be ignored by Arctic policies and development.

Who are the Inuit? We are an indigenous people of the Arctic. That means we have lived in the Arctic since time immemorial and we intimately know and understand our environment. It also means that we have rights and obligations under various international instruments that pertain to indigenous peoples.⁵ These instruments should not be ignored by any of our future partners in the Arctic. These instruments are important for all of Europe as they have signed on to most of them. And Europe is a recognized world leader in promoting and supporting the rights of indigenous peoples.

Who are the Inuit? We are people who believe in negotiating and forming partnerships, even with those who have colonized us and have attempted to take our lands and seas from us. Inuit have entered into various self-government arrangements and land claims agreements with Arctic States. These cannot be ignored by others: not by Germany or Denmark or Norway, not by anybody.

Who are the Inuit? While we are a single people with a strong sense of unity, we also have long-standing ties to the Russian Federation, to the USA, and to Canada. And we have a very strong connection to Europe through Greenland. While Greenland opted out of the European Community in 1985,⁶ it remained connected to Denmark, which is an EU member. Furthermore, Greenland has many separate agreements with the EU regarding fisheries and so on – just as Norway does, though it is also not an EU member.⁷

Who are the Inuit? We are a people who rely on traditional knowledge, as well as western science. We hunt seals and whales, eat eggs gathered from Arctic birds, and use Arctic plants. We eat seal meat and sell seal skins and create works of art from the parts of animals we do not use. We have been taught by our parents and grandparents to conserve our flora and fauna and use them in a wise and sustainable manner. Inuit are committed to being active partners in the new Arctic, not only so that some of the economic benefits are fairly enjoyed by us, but because we fear that if we are not partners, and are not at the table, then the Arctic's physical, cultural, and social environments will suffer irreversible harm. It is our intimate knowledge of the Arctic and our commitment to the health and well-being of our Arctic home that together justify our position regarding your *First Responsibi-*

⁵ Cf. e.g. United Nations Declaration on the Rights of Indigenous Peoples (13 September 2007) UN Doc A/Res/61/295.

⁶ Treaty Amending, with regard to Greenland, the Treaties Establishing the European Union (signed 13 March 1984, entered into force 1 February 1985) [1985] OJ L25/1.

⁷ Agreement on Fisheries between the European Economic Community and the Kingdom of Norway (signed 27 February 1980, entered into force 16 June 1981) [1980] OJ L226/48; Fisheries Partnership Agreement between the European Community on the One Hand, and the Government of Denmark and the Home Rule Government of Greenland, on the Other Hand (signed 2 June 2006, entered into force 2 July 2007) [2007] OJ L172/4.

lity. Your *First Responsibility* is to work in partnership with Inuit because we know the Arctic and we are committed to safeguarding the well-being of the Arctic.

What Is the Role of the Inuit Circumpolar Council (ICC) in This?

ICC was founded to promote Inuit unity, to promote the protection of the Arctic environment, and to make sure Inuit are involved in policy-making and in the development plans others have in mind for our homeland. ICC has used its United Nations consultative status to promote the international interests of Inuit for the past 25 years. ICC was centrally involved in the process of drafting the UN Declaration on the Rights of Indigenous Peoples. Germany, and in fact all EU Member States, and Norway strongly supported the adoption of this Declaration at the UN General Assembly. ICC has been instrumental in promoting and supporting various international agreements, often in partnership with European Member States, such as the Stockholm Convention on the Elimination of Persistent Organic Pollutants.⁸ ICC was instrumental in the establishment of the Arctic Environmental Protection Strategy,⁹ an eight-nation Arctic initiative that promoted environmental cooperation in the Arctic, and was a forerunner of the Arctic Council. ICC is active in the UN Permanent Forum on Indigenous Issues, has worked with the UN Framework Convention on Climate Change,¹⁰ has made submissions to the Convention on Biological Diversity,¹¹ and has participated actively in the International Union for Conservation of Nature and the United Nations Environment Programme. ICC is deeply involved in the projects of the International Polar Year. As you can see, ICC is not a newcomer to working at the international level so that a difference can be made at the local level. I invite the EU and the German government to work with ICC directly, bilaterally.

ICC was a strong promoter of the Arctic Council, established in 1997, and helped create the status of “permanent participants” on the Arctic Council for the exclusive use of international indigenous peoples’ organizations of the Arctic. As permanent participants, indigenous peoples have much more direct input than those with observer status. Arctic Council members understood that indigenous peoples must be front and center in all decisions affecting them. Having this participa-

⁸ Stockholm Convention on Persistent Organic Pollutants (concluded 22 May 2001, entered into force 17 May 2004) (2001) 40 ILM 532.

⁹ Arctic Environmental Protection Strategy ‘Declaration on the Protection of the Arctic Environment’ (14 June 1991) <http://arctic-council.npolar.no/Archives/AEPS%20Docs/artic_environment.pdf> (6 July 2009).

¹⁰ United Nations Framework Convention on Climate Change (with Annexes) (concluded 9 May 1992, entered into force 21 March 1994) 1771 UNTS 107.

¹¹ Convention on Biological Diversity (concluded 5 June 1992, entered into force 29 December 1993) 1760 UNTS 79.

tory status is one thing, but having the necessary resources to actively and adequately participate in all the Arctic Council's working groups is another. We welcome new observers, such as the EU, at the Arctic Council, but we believe that any application for membership should come with a record of support to Inuit and a plan as to how they will support the aspirations and rights of Inuit and other indigenous peoples in the Arctic. In other words, when you apply to the Arctic Council, tell us how you will meet your *First Responsibility*.

ICC has worked with Inuit organizations across the Arctic to present our strong concerns to Germany and other EU members. We expressed our concern to Germany in particular about the proposed import ban on seal products.¹² It is well documented that past actions such as this have contributed significantly to increased social problems, including suicides, in Inuit communities.¹³ We were frankly disappointed that Germany did not make direct contact with ICC on this matter before acting. This was uncharacteristically irresponsible of Germany. Dialogue must continue on many fronts, and it does not have to happen only inside the Arctic Council. In fact, given the range of issues that the Arctic Council will not touch, this bilateral relationship between Inuit and European States is imperative.

Last year, ICC hosted a very successful Inuit Leaders' Summit on Arctic Sovereignty in Kuujuaq, Canada. While others have been talking about who owns the Arctic, who has the right to traverse the Arctic, who can use its resources and so on, Inuit have often been left out of the dialogue. In May of last year, I was invited to speak at the "Oceans Five" summit in Ilulissat, Greenland that was chaired by Denmark's Minister for Foreign Affairs, and I was grateful for being allowed to make the case for Inuit from Russia, Alaska, Canada and Greenland. However, it is ICC's belief that these types of meetings should afford ICC at least the same participatory status it now has at the Arctic Council – that of sitting at the same table as ministers and taking active part in talks. Inuit leaders at the Kuujuaq summit asked ICC to draft a declaration on Arctic sovereignty.¹⁴

There are many matters unique to the Arctic and to the Inuit who live there that require focused attention. Matters of seals, polar bears, sea transportation, unique flora and fauna research, Arctic sovereignty, and many other issues deeply concern Inuit, as we are the first to feel the effects when others take these matters into their own hands. We would urge Germany and other EU members to play a strong and supportive role in the Arctic Council, but we equally urge them to enter into a separate dialogue with ICC. There are many issues that are not discussed at the

¹² Commission of the European Communities 'Proposal for a Regulation of the European Parliament and of the Council Concerning Trade in Seal Products' COM(2008) 469 final (23 July 2008).

¹³ Cf. e.g. Inuit Circumpolar Conference *The Arctic Sealing Industry, A Retrospective Analysis of its Collapse and Options for Sustainable Development: Prepared by Inuit Circumpolar Conference as a Contribution to the Arctic Environment Protection Strategy Task Force on Sustainable Development and Utilization* (Inuit Circumpolar Conference Ottawa 1995).

¹⁴ Inuit Circumpolar Council 'A Circumpolar Inuit Declaration on Sovereignty in the Arctic' (28 April 2009) <<http://www.inuitcircumpolar.com/files/uploads/icc-files/PR-2009-04-28-Signed-Inuit-Sovereignty-Declaration-11x17.pdf>> (21 July 2009).

Council, as noted earlier, and there are many issues that require focused attention between us as partners.

Conclusion

I would like to conclude by repeating once again: you are welcome to come to the Arctic. You are welcome to seek opportunities. But only on the condition that your record of responsible development, demonstrated elsewhere, will be applied in the Arctic as well. And your *First Responsibility* is to seek out Inuit, give us support and become our partners.