

# A breathing hole for Arctic hunters

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*The defeat of proposed bans on commercial sealing and the international polar bear trade gives some welcome breathing space to Inuit and other Arctic hunting peoples—at least for now.*

Here in England, we're probably experiencing the [coldest March in five decades](#), as winter lingers through the beginnings of spring. But back in Iqaluit—where a [March whiteout](#) is within normal bounds, but temperatures above freezing [are record-breaking](#)—my friends would likely find the tendency to exaggerate Britain's current "[Arctic conditions](#)" amusing. On their visit here this [potentially white Easter](#), to help celebrate my upcoming wedding, they'll probably enjoy the respite from the real Arctic.

When I met my wife-to-be—a true English [snowdrop](#)—she told me she found London too hot in summer. Our honeymoon will take us to Iceland rather than to warmer climes. And with our wedding day fast approaching, this post will be the last before some time away up North.

With that in mind, I thought it a good opportunity to update readers on two proposed bans that I've criticized in this column—one on commercial sealing in Canada, and the other on the international trade in polar bears. Both have been defeated, which is welcome news for Inuit and other indigenous peoples in the Arctic. Yet real concerns remain for the future of their hunting economies.

## Seals in the Senate

On February 27, the Senate [formally voted down](#) a bill to ban commercial sealing in Canada, which Mac Harb, Liberal Senator for Ontario, had introduced in May of last year. This was Harb's third defeat on this issue—but his first defeat at second reading, since his fellow senators refused even to debate the two previous anti-sealing bills he'd introduced in 2009 and 2010. While Harb might take some satisfaction from finally bringing his bill to the floor, [the ensuing debate](#) was

extremely one-sided. Not a single senator spoke in favour of the bill apart from Harb himself.

Considering the dearth of support in the Senate, perhaps Harb's bill never had any real chance of passing. But its defeat should still cheer Inuit and other Northern Canadians for whom seal hunting is economically and culturally significant. They should be especially satisfied that the Senate didn't seem to accept Harb's assertion that [his bill](#) provided a meaningful exemption for Aboriginal treaty beneficiaries. In Harb's view, this exemption would have preserved the right of Inuit and other Aboriginal people to sell seal pelts and other products on the open market.

However, as I argued in [my first post](#) for *Northern Public Affairs*, it's hard to see what value this exemption would have in a market for seal products that has already been strangled by bans like the one Harb was promoting. The year before Harb introduced his bill, Inuit from Canada and Greenland had travelled to the European General Court in Luxembourg to challenge the 2009 [EU seal-trade ban](#), which closed one of the world's biggest fur markets to seal products. Like Harb, the EU also exempted the Aboriginal trade, but Inuit hunters saw the prices for their seal pelts [tumble nonetheless](#).

As I explained in [a separate post](#), the EU made no secret of the fact that it intended to suppress the seal hunt in other countries as much as to prevent consumption at home. Its motivations were explicitly moralistic—in the view of European parliamentarians, there is simply no practical way to harvest seals humanely. Yet these parliamentarians had also convinced themselves that the so-called “Inuit exemption” to their ban would somehow preserve a market in the EU for a product they had otherwise declared beyond the pale.

For its part, the European General Court [dismissed the Inuit case](#). [The Court's ruling](#) was fairly technical, but it turned at least partly on the Court's opinion that the claimants—which included Canadian and Greenlandic fur marketers and individual Inuit hunters, as well as the political organizations Inuit Tapiriit Kanatami and the Inuit Circumpolar Council—could in principle continue to market seal products in the EU under the exemption to the ban. In reaching this judgment, the Court simply bypassed the question of whether the ban had effectively collapsed the market for seal products from any source, making the exemption worthless.

The Inuit [have appealed](#) to the EU Court of Justice, and it's as yet unclear how their appeal will fare. What is clear is that the EU seems strangely deaf to complaints about the damaging effects of its ban from the very people it sought—however ineptly—to exempt from them.

## **Bears in the CITES**

At their recent meeting in Thailand, signatory states to the Convention on International Trade in Endangered Species (CITES) [rejected a US proposal](#) to transfer the polar bear from CITES Appendix II to Appendix I, where it would have joined elephants, pandas, whales and other endangered species. Had the international community “uplisted” polar bears under CITES, the tiny cross-border commercial trade in polar bear pelts and other products would have been prohibited.

As I explained in [my previous post](#), the five polar bear “range states”—Canada, Denmark (for Greenland), Norway, the USA and Russia—banned the polar bear hunt except by indigenous peoples in 1973. The present-day commercial trade in polar bear parts is essentially the by-product of a traditional harvest by the Inuit of Alaska, Canada and Greenland. It's also a welcome source of income for hunters in remote Inuit communities, who would in any case continue their harvest by right and in accordance with domestic laws. The international community's decision to reject the US proposal seems at first glance like a victory for the Inuit, and for indigenous economic and cultural rights generally.

If so, it may be only a temporary victory, and Inuit may find themselves defending their hunt again at the next CITES meeting in 2016. In its [uplisting proposal](#), the USA blamed the warming Arctic and melting sea ice for the existential threat to polar bears—conditions that don't look set to change in three years' time. At the previous CITES meeting in 2010, the USA had unsuccessfully advanced the same uplisting proposal on the same grounds, but there's some reason to believe they could be third time lucky.

In the voting on March 7, the US proposal attracted significant support, with 38 states in favour, 42 against and 46 abstentions—16 votes shy of the [two-thirds needed](#) to pass. Many of the very large number of abstaining states were members of the EU, which had voted as a bloc against uplisting polar bears in 2010. Before this year's CITES meeting, there was speculation that EU member states would reverse their position and vote in favour—and if they had, the US proposal would almost certainly have passed. The only EU member state

actually to vote against the US proposal was Denmark, presumably on behalf of Greenlandic Inuit.

Instead, the EU tabled an amendment to the US proposal that would have continued to allow international trade in polar bear parts, but subjected the polar bear management regimes of Canada and other range states to sharper international oversight. In particular, it would have required range states to justify their domestic polar bear quota using data from the international Polar Bear Specialist Group, as well as to take into account the possible future impact of climate change. It would have also required them to [set export quotas](#) separately for each sub-population of polar bears.

Canadian and Inuit delegates spoke out against the EU's compromise proposal, on the grounds that it would undermine Inuit rights to manage their traditional hunt—rights guaranteed in Canada by treaty. Nevertheless, the EU proposal had real momentum, with 63 countries in favour, 43 against and 17 abstentions—only eight votes shy of passing. Despite the failure of the US uplisting proposal, Inuit and other Northerners should take note that many in the international community are persuaded that polar bears are under threat, and they want a greater say over the harvest.

With the failure of the EU compromise, polarization over the issue of hunting polar bears seems likely to grow. It's worth noting that more than half of the states voting against compromise subsequently voted for uplisting. Further predictions that polar bears will be decimated or even driven extinction as the sea ice melts might push the EU off the fence and into the US camp.

If the international community eventually uplists a not-yet-endangered animal such as the polar bear because of climate change, an important precedent will have been set. US authorities are already concerned about the [impact of climate change on walrus](#), which Inuit and other indigenous people also traditionally hunt. With their valuable ivory, some populations of walrus are currently listed on [CITES Appendix III](#). Is an uplisting proposal far off?

As I argued in [my previous post](#), the most discouraging aspect to all this is that, if polar bears are at risk from climate change, Inuit aren't to blame. Yet having invoked a state of emergency, the USA is essentially demanding that Inuit sacrifice their economic rights in exchange for a ban that would do next to nothing to address that risk. At the same time, the USA and other countries

supporting the ban have shown little willingness to sacrifice the economic benefits of their own carbon-intensive industries and lifestyles.

The international community isn't entirely blind to this moral sleight of hand. In [its compromise proposal](#), the EU reminded CITES signatories that “ultimately, polar bears are primarily threatened by climate change and the associated loss of Arctic sea ice,” and encouraged them “to take action at all levels, including at national and international level, to mitigate against the impacts of climate change.” With their own communities vulnerable to melting permafrost and eroding coastlines, Inuit could at least agree with the EU on this point.

But the EU's exhortation to act was deleted before voting at the request of Brazil—which has [championed the view](#) that developing countries aren't historically responsible for climate change, and that any action to mitigate against it should not cost them their economic right to industrialize. If delegates sensitive to Inuit economic rights found this ironic, their reactions aren't recorded in the CITES summary reports.

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