

First, I wanted to thank you for allowing me to represent my fellow residents of Arctic Bay, Nunavut. I was recently sworn in as a Vice-Chair of the Ikajutit Arctic Bay Hunters and Trappers Association.

Speaking with me will be:

Qaumajuq Oyukuluk who will join via zoom at the Ikajutit office

Jonah Oyukuluk who will join via zoom at the Ikajutit office, along with

Qaumajuq

Lori Idlout, technical advisor attending here in Iqaluit (Lori will be reading the material submitted to NIRB).

The updated material is highlighted in blue, and in addition quotes from Sheila Watt-Cloutier are added throughout the presentation, with her permission. The translated version will be updated and submitted prior to the deadline. In addition,

We are disappointed that the NIRB Board decided not to grant the motions to delay these public hearings to the end of March. As you will recall we submitted a letter to delay the proceeds and agreed with:

- a. Mittimatalik Hunters and Trappers Association;
- b. Hamlet of Clyde River;
- c. Sanirajak Hunters and Trappers Organization;
- d. Nunavut Tunngavik Inc.;
- e. Qikiqtani Inuit Association;
- f. Oceans North; and
- g. World Wildlife Fund.

While we appreciate that our motion was granted, we continue to share our concerns of limiting oral questioning and responses. These so-called procedural changes on the agenda result in NIRB receiving insufficient information from the perspective of the Inuit, for whom NIRB's recommendation will ultimately have the heaviest impacts on, and for whom the Minister will base his decision.

I will begin by posing two questions that, I've had permission to use by Sheila Watt-Cloutier in her presentation entitled "A Rights-Based Approach to Climate Change and Development in the Arctic" Montreal, Quebec, June 12, 2019

1. Despite the poverty levels of many of our Arctic communities, is it possible that we can leave these resources underground as a signal to the world that

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we who suffer from the negative impacts of globalization on so many levels have decided to reject the attractions of resource development?

2. Is there hope that the existing leaders or, alternatively, the younger generation of leaders can turn around this already fastmoving development and call for a more inclusive process that will engage all voices, especially those at the grassroots?

In addition, we note that while the Phase 2 hearings have been delayed, a very important issue that warrants the delay must be addressed. That is the Inuit Certainty Agreement. The ICA was agreed to with no Inuit input, consultation or any formal information sessions prior to it being signed with BIM, shortly after the NIRB public hearing abruptly ended in November 2019. NTI was correct in arguing that Inuit had to be part of the NIRB process, as Inuit involvement was not sufficient. And still limited today.

The signing of the Inuit Certainty Agreement resulted in Qikiqtani Inuit Association and communities to lose its focus on analysing the evidence that was submitted to the NIRB in November 2019. The Ikajutit lost time to analyze the evidence. We were made to hear presentations in QIAs efforts to get our buy in for Phase 2, when we could have been spending time reviewing the technical supporting documents, technical memos and annual reports.

After we heard of the signing of the ICA, our HTA was instantly at a loss. We did not feel represented and we have remained greatly concerned by this act. We participated in some of the weekly meetings organized by QIA. Unfortunately, QIA staff were providing unsatisfactory responses to our issues and we, agreed with our fellow HTOs and Hamlets, to stop participating. Three main concerns are:

- a. The ICA has terms that are contrary to what QIA have said. For example, it seems that consensus is interpreted differently in the ICA and by what QIA deems necessary to decide whether they support Phase 2.
- b. The Inuit input are not clearly defined. We are concerned with the process and by which Inuit will, **presumably**, have a voice in decision-making.
- c. The ICA proposes modifications to NIRBs use of Precautionary Principles. I will address this later in my presentation.

Before I continue the rest of my presentation, I wanted to note two new items that I did not include in my formal submission. The first is that [the](#) community of Arctic Bay has not reached one united voice about the Phase 2 proposal submitted by Baffinland. The Ikajutit Arctic Bay Hunters and Trappers Organization was surprised to see a letter submitted to NIRB from the Hamlet of Arctic Bay in October 2020. At that time, our HTO has not stated its support for Phase 2.

The second issue is with the consultation that the Hamlet said it held. I would like it noted that in that meeting presented to NIRB, there were only about 6 residents that attended that so called public meeting. [Just as the Mittimatalik Hunters and Trappers Organization pointed out this morning with regards to Baffinland consultations.](#)

This is a similar issue we have about the NIRB public hearings now. The numbers allowed to participate should not be considered a complete consultation. There are too many Inuit that are not allowed to participate. NIRB will not have enough information to make an informed recommendation to the Minister responsible for hearing our concerns. Everyone here, does not have enough, let alone, adequate, information to support the Baffinland Phase 2 Application. Yet, here we are.

[Sheila Watt-Cloutier](#)

[“Many local people often feel abandoned by their own governments. I regret to say that I feel this is a sign of what is yet to come as bigger challenges confront our own national governments which I can say from personal experience has it’s own shortcomings in reaching consensus regarding issues affecting Arctic communities and their peoples. As someone who led the pioneering work on connecting climate change to human rights, I am convinced that the escalating pressures we now face regarding resource development will deepen the need for all parties to adopt a rights-based approach in the search for solutions to these problems”.](#)

In my presentation, I will speak on the following:

- a. Inuit Certainty Agreement (addressed above)
- b. Inuit Qaujimajatuqangit
- c. Precautionary Principles
- d. Climate Change
- e. Canada’s Commitments to combating Climate Change

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## **Inuit Qaujimajatuqangit**

In case members of the NIRB board [and panel](#) did not know, but Arctic Bay and Pond Inlet share hunting areas for wildlife such as caribou and whales. As such we are greatly concerned with the lack of Inuit Qaujimajatuqangit evidence that is being used through the very beginnings of the Mary River Project. Our hunters continue to have stories about our shared lands and wildlife.

We had requested from BIM documentation showing how they use IQ to make decisions. We have not received any of this. We did receive a letter and attachment that showed number of meetings that included IQ and another document that is used as a framework. From our perspective a framework document does not answer our question. We still don't know how IQ is used to impact the Mary River Project.

In the same vein, we have reviewed materials that we could find from NIRBs website about how NIRB uses IQ. Unfortunately, all we have found so far are that NIRB staff and board receive IQ workshops annually. The website is very difficult to navigate and we are still not sure how NIRB ensures IQ is being used by resource companies.

The way IQ is reportedly used is not sufficient for us anymore. Nunavut became a territory because there was a vision to have Inuit make decisions impacting our lives. We are still waiting for much of this to be realized. Most of the administrators in our municipalities, government offices and even Inuit organizations are non-Inuit.

[Sheila Watt-Cloutier](#)

[“The cold, ice and snow are the life force and the source of life for us Inuit of the Arctic. The “THE INUIT RIGHT TO BE COLD” is connected to everyone’s right to a healthy environment”.](#)

Because of this lack of uncertainties of how IQ is used, we have decided to begin the process of setting Inuit Qaujimajatuqangit standards. These standards will be our measure to assess whether Inuit Qaujimajatuqangit has been used properly. Ikajutit submits that there must be a shift in accountability when Inuit Qaujimajatuqangit is discussed. Ikajutit Hunters and Trappers Association and other HTO/As are in the best place to determine whether Inuit Qaujimajatuqangit is being used on our lands.

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We must be given the time to decide the standards to be met, so that we can assess whether IQ is being used.

## **Precautionary Principles**

I update my presentation on this topic. Since our written submission and efforts to meet NIRBs deadlines, we have done some more research.

We have since learned that in September 2012, when NIRB recommended to the Minister to proceed to a regulatory phase in assessing Baffinland's Mary River proposal that NIRB said

“the Board has found it necessary to apply a more stringent approach to the precautionary principle and adaptive management, in order to maintain the ecosystemic integrity of the Nunavut Settlement Area,...”

The reason we have brought this issue up is because QIA and BIM had agreed to use a different version of precautionary principles. We have analysed their proposed model and have grave concerns. We strongly urge that the NIRB continue to work to protect the livelihoods and rights of Inuit and not approve redefining principals fundamental in NIRBs mandate and responsibility.

~~Given the substantial changes proposed in Phase 2, we recommend that you undertake another analysis of the precautionary principles. In addition, QIA and BIM have agreed to use a modified version of NIRB. We have conducted a review of the modifications proposed by QIA and the one used by NIRB.~~

In our assessments, we have observed the following assumptions that must be addressed.

1. The Universal Precautionary Principle (UPP) is an academic approach where indigenous people are the minority in the context of the proposed project.
2. UPP assumes there are competing markets within the context of the proposed project.
3. UPP undermines indigenous decision-making, relegates indigenous ability to make decisions, “Power-sharing structures designed to promote equity between actors should be seen not as ends in themselves, but as “enabling peoples to continue negotiating towards participation [...] as equal partners”

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4. UPP assumes that all land is resilient. It assumes that the arctic environment, lands north of 60, adapt easily to environmental changes. We know how long it takes our environment to recover from changes. Our winters are long, summers and springs short.

We recommend that

5. The assumptions are addressed in the final analysis prior to any decision regarding Phase 2 application. In considering the assumptions, a report must be provided showing how the assumptions are addressed.
6. The modified version of the precautionary principles state there are four pillars: Systems, Governance, Diversity and Resilience. We advised QIA that changes should be made to two of these pillars.
  - a. Governance – must be changed to be in compliance with section 6(2) of the Impact Assessment Act which directs that “respects the Government’s commitments with respect to the rights of the Indigenous peoples of Canada and applies the precautionary principle”
  - b. Resilience – It is well known that the pristine arctic does not share the same resilience that southern lands do. Southern lands have longer spring, summer and fall to recover from damages caused by humans. This section should be removed entirely as a factor.

## Climate Change

I am not able to share specific data about the impacts of climate change. I felt it important to at least mention the importance of considering climate change and the Mary River Project speeding up the process of climate change to the detriment of our way of life.

Sheila Watt-Cloutier

“We don’t want to just be victims of globalization. We can offer much more to this debate if we could be included on many levels. We have lived states of emergencies for decades now and we have attempted to signal to the world the climate crisis looming in front of us”.

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I am able to share that we were very encouraged with the work of Sheila Watt-Cloutier, who wrote “The Right to be Cold”. We are encouraged by her push for Inuit self-determination and to ensure that our early observations of climate change are acknowledged and respected, that we are part of the decision-making process as leaders.

### **Canada’s Commitments to combating Climate Change**

We have noticed that Canada’s positions and statements on both the Early Revenue Phase and the Phase 2 proposal are in contradiction to Canada’s commitments to the international community. We are aware that Canada is a signatory to the United Nations Declaration on the Rights of Indigenous Peoples, has ratified the Paris Agreement, the United Nations Framework Convention on Climate Changes, International Panel on Climate Change, [to name a few](#). We will be asking questions about how Canada will answer to the international community about seeming to appear to be ignoring these important international instruments.

[If I try to understand the NIRB process correctly, presentations were to be submitted in advance so that parties can have a chance to review and be prepared to submit information. I note that not many of the departments presented information in regard to how international obligations will be met. We will be posting written questions and will be calling on an international expert for the march session.](#)

### **Concluding Remarks**

Ikajutit has observed that BIM has obtained “loans of support” from QIA and private businesses. We include QIA, because they signed the ICA. The loan of support from private business are evident in the letters of supports that were provided by 3 businesses to NIRB. These three businesses have been promised economic benefits by BIM. BIM continues to make threats that if Phase 2 is not approved, that BIM will suffer significant economic losses. [That Inuit will lose income.](#)

### **Sheila Watt-Cloutier**

[We as Inuit cannot be going forward with unsustainable businesses on one end and still be effective helping global negotiations to lower greenhouse emissions globally which are at the root of the huge climate change challenges in our Arctic world. It will only weaken our](#)

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stances at the international levels. And these types of businesses should not be the only carrot being dangled in front of us as though there were no other more sustainable choices.

While we appreciate that NIRB must consider many aspects, we hope that NIRB weighs the negative lasting impacts based on loss of wildlife, damage to our lands, the current overwhelming evidence of climate change that we are already experiencing.

It has been the failures of the Government of Nunavut, Government of Canada and the many agencies that serve Nunavummiut that has resulted in Inuit continuing to face challenges in being gainful and productive in our own means. We continue to experience colonialism. Being told that in order to be gainful and productive, we should be employed.

Yet, we are told, we are not employable because our cultural, harvesting and skills to thrive in our environment are not what these governments and agencies require to employ us. They tell us we need university level education.

As we prepare for the March session, we hope that more questions are raised in regard to how Inuit Qaujimajatuqangit is implemented. To date, we do not know what BIM has understood to be Inuit Qaujimajatuqangit. We do not know how NIRB and the Government of Nunavut assesses whether Inuit Qaujimajatuqangit has been used properly. It is because of these uncertainties that we call for a shift in how IQ is assessed in its use. It is the local hunters and trappers associations that hold this knowledge and can know whether it is being used properly. As we heard from the MHTO that touched and expressed us to our core.

The Ikajuktit Hunters and Trappers Organization stands with the Mittimatalik Hunters and Trappers Organization with our collective concerns on social, marine and terrestrial impacts we are experiencing. Our harvesting rights, constitutionally protected under the Nunavut Land Claims Agreement, remain our fundamental position of protection of Inuit culture, livelihood, and economic prosperity.