4.8 Arctic Climate Change Law: Strengthening Cooperation, Compliance and Coherence
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4.8 Research Topics

- Governance
- Human Rights
- Economic/Insurance
- International Law
- Land Claims Agreements

Kativik Science Camp: Camper’s rendition of the advancing treeline due to climate change
The Inuit argued before the InterAmerican Commission on Human Rights (ICHR) that the US's behaviour puts it in breach of its legal obligations. The Inuit delegation stated that:

"The impacts of climate change, caused by acts and omissions by the US, violate the Inuit's fundamental human rights protected by the American Declaration of the Rights and Duties of Man and other international instruments. Because Inuit culture is inseparable from the condition of their physical surroundings, the widespread environmental upheaval resulting from climate change violates the Inuit's right to practice and enjoy the benefits of their culture."
Canadian Inuit Speak to Climate Change: Inuit Perceptions on the Adaptability of Land Claims Agreements to accommodate environmental change

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Inuvialuit Settlement Region: Aklavik & Inuvik

Southern Kivalliq: Arviat, Nunavut

Kangiqsujuaq, Nunavik
The Inuvialuit claim was accepted for negotiation on May 13, 1976. The final agreement was signed in June 1984 and came into effect in July 1984. The settlement provided the Inuvialuit with a financial component of $78 million (1984$) and a one time payment of $10 million to an economic enhancement fund and $7.5 million to a social development fund. It also includes wildlife harvesting rights, socio-economic initiatives, and participation in wildlife and environmental management.
Images from Inuvik/Aklavik
Nunavut Land Claims Agreement

This claim represents the largest comprehensive claim settlement in Canada. The settlement provides the Inuit with $580 million (1989$) plus interest in financial benefits over 14 years; a share of resource royalties; guaranteed wildlife harvesting rights; and participation in decision-making bodies dealing with wildlife, land use planning, screening and review of environmental impact of developments and regulation of water use. Approximately 351,000 square kilometres of land, of which 37,000 square kilometres includes mineral rights.
Images from Nunavut
James Bay and Northern Québec Agreement

This comprehensive land claim agreement is considered to be the first modern treaty and covers all the land in Quebec which drains into James and Hudson Bays, including the offshore islands. The Final Agreement was signed in 1975, and came into effect in 1977. The settlement provided for $135 million (1975$) for the Cree and $90 million (1975$) for the Inuit, which has been paid in full; full harvesting rights over 150,000 square kilometres; participation in an environmental and social protection regime; an income security program for hunters and trappers; and self-government under the Cree-Naskapi (of Quebec) Act and the Kativik Act.
Science Camp

Kangiqsujuak was the site of the 2007 Kativik School Board Science Camp sponsored by the Kativik Regional Government. The Camp welcomes campers from all Nunavik communities and provides these students with a fun and intellectually stimulating environment to learn scientific principles. In 2007 the theme for the Camp was climate change. The campers constructed personal windmills capable of charging batteries for their electronic devices and were made aware of the science behind the climate changes evident in their everyday lives. The camp also put great emphasis on taking the campers out on the land, playing knowledge building games, sports and highlighted traditional Inuit knowledge and knowledge holders while discussing climate change.
First, our collaborators generally asserted that there are quantifiable climatic changes occurring across the Canadian Arctic. Inuit experience these changes in their daily lives, and particularly for Elders who are active on the land and have done so for many years. There does not, however, appear to be a consensus as to why these climactic changes are occurring.
Second, Inuit perceive that their respective land claims agreements, including the processes of preparation and negotiation for them, led to greater awareness and enfranchisement of these communities about their rights to lands and resources. Land claims negotiations and their outcomes, they observe, shifted the power balance between communities and the provincial and national governments. In this way, Inuit regained control of their voice and ability to represent themselves to larger governing bodies.
Lastly, Inuit perceived their land claims agreements not as rigid legal documents with predefined constraints, but as active and flexible documents that are subject to ongoing negotiations and alterations.
**Sample of Inuit Climate Change Observations**

<table>
<thead>
<tr>
<th>Inuvialuit Elders &amp; community members, Mackenzie/Beaufort Region</th>
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<tbody>
<tr>
<td>ᖃᖅᑎ ᐅᖏᓐᓂ ᖐᓕᐊᔨ ᐤᓂᓕᒃ, ᖈ芨芨ᖅ/ᐅᔪᖅᓛᖅ Region</td>
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<tr>
<td>ᖃᖅᑎ seems like everything is changing, but just to see different type of birds in the area, we saw some here in the community last summer, totally foreign to usÓ(Billy Archie)</td>
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<tr>
<td>Four years ago there was an invasion of grasshoppers (Cathy and Topsy Cockney)</td>
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<tr>
<td>The warmer weather leads to rain in the winter, which then freezes. This layer of ice prevents the Caribou from being able to reach their food source (Topsy Cockney)</td>
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<tr>
<td>ᖃᖅDefinitely with climate change you look at beluga hunting, it really effected our hunt on the west side because of the windsÉ it is riskier for our peopleÓ(Billy Archie)</td>
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Observations con’t

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<tbody>
<tr>
<td>Thickness of the ice has changed, before there was always some ice, now there is clear ocean (Cathy and Topsy Cockney)</td>
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<tr>
<td>Ice was more than 6 feet in old daysÉ never less than 5 feetÉ now 2-3 feet (Frankie Stefansson)</td>
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<tr>
<td>30-40 years ago there was 6 to 7 feet thick ice, last year only 2 feet (Danny and Annie C Gordon)</td>
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<tr>
<td>Tides are different (Cathy Cockney)</td>
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**Observations con’t**

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<tr>
<th>鲸鱼来得更早，走得也早（Billy Archie）</th>
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<tr>
<td>之前是有一个好几个月的-50度，现在3-4周而已，我们就开始抱怨了！（Cathy and Topsy Cockney）</td>
</tr>
<tr>
<td>毫无疑问全球变暖正在发生，我们30年来还没有见过这么低的温度！（Danny C Gordon）</td>
</tr>
<tr>
<td>更多阴天的天气，有点令人沮丧（Billy Archie）</td>
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**Observations con’t**

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<th>Padimiut Elders &amp; community members, Western Hudson Bay</th>
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<tbody>
<tr>
<td>Far more windy days and much more warmer (Arviat Elders)</td>
</tr>
<tr>
<td>Different birds, more vegetation (Arviat Elders)</td>
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<tr>
<td>Ptarmigans are moving inland (Arviat Elders)</td>
</tr>
<tr>
<td>Hardly any thunderstorms in summer (Arviat Elders)</td>
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<tr>
<td>The tree line is moving north (Arviat Elders)</td>
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</tbody>
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Observations con’t

The ground level is shifting (Arviat Elders)

Taste of seal is different now, and is used for dog food instead of eaten by people, because they don’t like the taste anymore (Shirley Tagalik)

More killer whales attacks on belugas (Shirley Tagalik)

More polar bear attacks on belugas since the polar bears cannot get to the seals (Shirley Tagalik)
**Observations con’t**

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<th>Kangiqsujuap, Nunavik Youth, Arctic Quebec</th>
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<tr>
<td>Shorter winters, less permafrost &amp; ice</td>
</tr>
<tr>
<td>More animals</td>
</tr>
<tr>
<td>Warmer sun</td>
</tr>
<tr>
<td>More flowing water</td>
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<tr>
<td>More wind</td>
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Conclusion

As advised by William David and Scot Nickel from the Inuit Tapiriit Kanatami (ITK) earlier in the paper, land claims agreements interpreted under strict western legal interpretation may not be sufficiently adaptable to keep pace with climate change in the north. It remains to be seen how western courts or arbitration tribunals will interpret challenges brought on by Inuit groups concerning their rights under these agreements. Irrespective of these interpretations, the perceptions of many of our collaborators in Canadian Inuit communities are that these are flexible and evolving documents. Should the courts and arbitration tribunals fail to recognize and take into consideration this perception, conflicts concerning land claims agreements will supersede climate change issues and delve into the larger cultural and legal divides that continue to separate Aboriginal Peoples and the Canadian nation state.
Next Phase Highlights

- Train Aboriginal law students to conduct fieldwork research
- Engage Inuit collaborators, especially the youth, in a dialogue with Indigenous people from the South discussing climate change adaptation strategies
- Provide a forum for dialogue between Inuit collaborators and Canadian and International policy makers and legislators
- Provide research results in Inuktitut to increase information access in Inuit communities
- Expand our research to all four IRIS regions
- Create further involvement of other disciplines in our research and most especially the applied sciences to ensure the any legal adaptation strategies are founded on sound scientific principles
Thank you to:

And Especially:

[Logos and names of organizations]