

Controlled Sealing Market: The European Union's Control on Inuit Sovereignty

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### **Introduction**

Inuit (Inuk) communities across the Arctic face distress and are stripped of their sovereignty by the European Union (EU) on the grounds of the 2009 EU Seal Regime. The following will address how the 2009 Seal Regime, which places a ban on seal products that would be imported into the market, causes a vicious cycle around sovereignty as it relates to environmental resources, food, and economics in the Inuit community. Key issues center around the lack of information that is made available to the public regarding the Inuit sealing culture and the Inuit representation and input placed into the policy updates by the EU. The EU needs to eliminate its ban of seal related products and replace it with policy reforms that include direct input from Inuit parties, guarantee representation from Inuit community members in their policymaking, and demonstrate cultural awareness and appropriation as it relates to Inuit, and other Indigenous peoples, sealing cultures.

### **History of Inuit Culture and Sealing**

Inuit communities make up areas in Canada, Greenland, and Alaska. Seals and seal hunting are a major part of Inuit culture. Nearly all of Inuit history indicates the presence and importance of the seal, primarily the ringed seal, *natsiq*, as it makes up a primary source of nutrients and energy for the Inuit year-round (Wenzel, 1987). Seal hunting is a **legal** activity, and this is an especially important concept to understand when discussing the abominable economic disparity that makes up the sealing market within Inuit communities. In the early 1800s, Inuit hunters sold and/or traded furs and sealskin. By the late 1800s, the Inuit relied heavily on seals for economic prosperity, and since the 1950s has become the “main cash-producing commodity available locally to Inuit” (Wenzel, 1987).

### **1960's & 1970's Protests & ECC (EU) Sealskin Ban of 1983**

There have been two detrimental bans that have significantly impacted the Inuit sealing community. The first is the European Economic Community (EEC) Sealskin Ban of 1983. Things began to change in numerous Inuit communities following World War II when they were relocated by the Canadian Government to a more centralized area; the Canadian government inherently interrupted their culture and lifestyle by moving them. To avoid over-exploitation of the local area, and continue consuming seal for satiation purposes, the hunters were required to purchase snowmobiles and fuel. Now that the hunters had to travel further distances, it required more time to hunt, and the traditional forms of hunting were not as quick in catching seals as what could be with more modern tools, which placed a need for guns and ammunition into the hunting mix. Snowmobiles, fuel, guns, ammunition, and other tools required money to purchase.

Insert animal rights activists and the anti-sealing campaigns of the 1960s-1980s, which led to policies and restrictions placed on sealskin sales. Activists began appearing in the 1960s, which eventually led the Canadian government to implement

the Seal Protection Regulations under the Fisheries Act, which placed regulations on sealing, set quotas, and implemented a licensing system (DFO, 2022). The breaking point came in 1976 when protests and anti-sealing activism caused the price for a sealskin to go from over \$18, on average, to under \$2 (Wenzel, 1996).

In 1983, the ECC banned the import of seals by the 83/129/EEC Directive (EU). Inuit responded to the ban by showing representation at the International Union for the Conservation of Nature and Natural Resources (IUCN) meeting, to address the need to not put all seal species on the IUCN endangered species list (Wenzel, 1987); especially considering that at the time ringed seals had estimated populations of “1.5-2,000,000 animals across the circumpolar basin” and was further identified, that ringed seals never approached the maximum sustainable yield explored by wildlife managers (Wenzel, 1996; Hawkins & Silver, 2017). Despite the ban being only on products made from white coat harp seal pups, and not being a ban on ringed seals specifically, it still caused the sealing market to collapse (Wenzel, 1996; Arnaquq-Baril, 2016; Farquhar, 2020).

#### **European Union and Ban of 2009**

The seal market eventually returned and at one point, in 2006, it hit a historic high harvest value of \$34.1 million (DFO, 2022), and in 2008 sealskin prices rose to almost \$100 a skin (Arnaquq-Baril, 2016). As a response to animal rights activists and the inhumane treatment of seal claims, the DFO implemented a three-step approach to striking, checking, and bleeding seals, which in turn tripled the harp seal populations (Farquhar, 2020). The ECC later became the European Union and created the second detrimental ban that significantly impacted the Inuit sealing community in 2009 when it created the EU Seal Regime. The European Parliament and Council placed regulation (EC) No. 1007/2009, a ban on seal products in the market on the means of morality (Official Journal of the European Union, 2009). Before the 2009 ban, Inuit hunters sold about 60,000 skins per year, but that number dropped to around 30,000, which is especially insignificant when we factor in the thought that the price of a seal skin went from about \$100 to about \$10 per raw skin (Arnaquq-Baril, 2016).

#### **Inuit Response to the 2009 Ban**

The Inuit were not content with this ban. The EU is the governing body that holds the most leverage when it comes to the seal market. Canada and Norway filed an appeal against the ban in 2009 (Farquhar, 2020), but was rejected. However, Canada was able to block the EU from receiving official “observer status” on the Arctic Council (Stepien & Koivurova, 2017). This feels like the first time the government is supporting and recognizing Inuit culture. But, being rejected from the Arctic Council is not a good thing for the EU, the governing body restricting the seal market.

#### **Legal Grounds and New Seal Regime**

Discrepancies arose from the 2009 Seal Regime ban. Questions came up about this ban's motives because it appeared

to address animal welfare, the seal market, and/or Indigenous rights. Inuit argued that 30% of the global trade of seals were within the EU market, thus the ban would cause another collapse in their market value; that animal welfare activists made Inuit out to be savages, not having any insight into their actual culture involving seals; and the precedent around seal hunting, in general, was concerning (Fakhri, 2017). These concerns began years of legal battles between the EU and the World Trade Organization (WTO) and resulted in a New Seal Regime in 2015.

The New Seal Regime is an amendment to the 2009 EU Seal Regime. The Commission Implementing Regulation (EU) 2015/1850, which was an agreement led by the EU and Canada to implement indigenous exception that allows Inuit seal products into the EU market and noted that seal hunting in the Inuit communities may fall under self-determination (Official Journal of the European Union, 2015). Along with this amendment, Canada was now in support of the EU joining the Arctic Council with observer status (Fakhri, 2017). This policy was set to allow Inuit hunters into the market and recognize their culture. The Inuit government responded well to this amendment, addressing publicly the role seals have in their culture and showing interest in working alongside the EU (Fakhri, 2017). The EU and the Governments of Canada, Nunavut, and Greenland are working together to bring about seal hunting policy through the EU. Which is the caveat. The EU still sets the overarching policies, the EU still has the control of sovereignty over the Inuk.

To follow the New Seal Regime, the Inuit hunt for seals must be done through traditional methods by the community, it must be used for subsistence and not solely for commercial uses, and the hunt must be conducted in a way that places consideration on the welfare of seals (Official Journal of the European Union, 2015b). Once the hunter has produced the seal product, they must get an attestation form from the governing body, which follows the seal product into the EU market, however, even then, the EU member states must determine the “authenticity or correctness of the attesting document” (Fakhri, 2017). This means the EU has the final say in the seal product entering the market, given the circumstances. Because of this system, the Canadian Government has funded 5.7 million CAD to create the Certification and Market Access Program for Seals (CMAPS). This shows a willingness to help the Inuit communities, which now it appears the Canadian Government is actively trying to do. However, it follows the EU and in retrospect, that money could have been allocated to go directly into the communities as opposed to inserting seal products into the EU market, had the New Seal Regime not existed. A large issue, and the idea that should have been considered, is when the EU was making the amendment to the Seal Regime, to include direct input from the Indigenous people they are taking sovereignty from.

#### **Policy Description (2015 “New” Seal Regime Amendment)**

In 2015 amendments were made to the Seal Regime. The amendment to article 3 permitted seal products into the market by

Inuit, or other indigenous communities, so long as it was the result of a traditional hunt (Official Journal of the European Union, 2015b). The amendment to article 5 noted the recognition that must be made to the public and customs about traditional Inuit culture, the hunting of seals, and the result of seals being placed into the market because of a traditional hunt (Official Journal of the European Union, 2015b).

### **Policy Analysis/Implications**

The New Seal Regime amendment is a push to negotiate for the EU's own agenda; they wanted into the Arctic Council. For this reason, they came to an agreement with the Canadian Government, which was in support of Inuit advocacy, that by amending the 2009 Seal Regime, the EU can have permission to seek "observer status" in the Arctic Council. This would have been a fantastic opportunity to lift the ban altogether or get direct input from Inuk members while amending the policies. The EU made the effort to include a section that describes the relationship between the Inuit people and seals. This came without direct public outreach. A publishing out of *Nunatsiaq News* describes how the seal ban is ineffective, the EU makes no effort towards addressing Inuit culture publicly, and the difficulties Inuit face with the certification system and getting their seal products into the market (Patar, 2020). The EU made the effort to highlight the exemption the Inuit are given that allows them into the EU market. This came with hurdles for Inuit hunters to jump over to get their seal product into the market; even then the EU can still deny the entry. Without public outreach and assurance of the Inuk culture and how it revolves around seals, it will be a long time before the seal market is restored. In addition, by not allowing Inuit seal products into the market directly, the EU makes it that much more difficult for Inuk hunters to sell their products. One study demonstrates the certification system has "limitations in servicing a global market," but supports that, "certifications and traceability may have a future in the seal market but are contingent on the ability to maintain the authentic nature of Nunavut sealing without assimilating the market in a manner that overlooks inherent Inuit rights" (Vanderkaden, 2019). This demonstrates that the current implementation of the CMAPS is an insertion by the Canadian Government in support of the Inuk hunters, the EU only approved it, and in retrospect, if the policy were not in place, could have been allocated more efficiently to benefit the communities and hunters' access to resources to hunt for subsistence. Even with these approaches, the "want" for the Seal Regime to be disbanded is still there. However, on the other flipper, there are still "wants" by activists campaigning against seal hunting. As a result of the 2009 Seal Regime, the Inuk market collapsed. Even with the exemption, in 2015 the Inuit Circumpolar Council (ICC) wrote about how the ban "should be scrapped" and how "the EU Seal Ban is an animal rights victory over Inuit rights" (ICC, 2019). The 2015 amendments were far from a significant fix for the communities. The reason for this is that it was a selfish move that benefited the EU more than the Inuk, to get into the Arctic Council with observer status. In a 12-page briefing

on the “*EU regional policy in the Arctic*,” which was published recently in 2022, there was no mention of sealing efforts (European Parliamentary Research Service & D’Ambrogio, 2022).

### **Recommendation: Co-Management**

The EU is an authority that would not simply overturn the Seal Regime altogether and remove the control it has over the Inuit. The feasibility of the EU getting rid of the Seal Regime ban is, therefore, out of the question. To give the EU their sense of authority on regulatory policies, but to take away their control over the sovereignty of entire peoples, requires a change in management. What is missing in this policy is input from the Inuit people. “Employ and fund Inuit ambassadors, Arctic seal scientists, and Arctic state politicians to travel to EU meetings, as well as non-Arctic member states, in an effort to lessen the knowledge gap between Arctic people and non-Arctic countries” (Hearther, 2019). There needs to be direct co-management input from Inuit leaders on policy. The EU should be held responsible for managing policies that control the Inuk through co-management with Inuit leaders. The Inuit, therefore, should be responsible for having advocates prepared to meet with the EU and producing a co-managed policy for seal hunting. In addition, the EU should invest more in public awareness of Indigenous people’s cultures and what these cultures value.

Co-management by the EU and Inuk advocates is a feasible possibility. Sure, there will still be activists campaigning against sealing. But the EU can help support the Inuit in this regard by providing funding for them to travel to conferences to address their culture and how sealing is a major part of it. If the EU co-manages the implementation and agreement on policies that would otherwise impact Inuk communities directly, then the Inuk can have control over their own environmental resources, culture, economics, and food sovereignty. Co-management holds the opportunity for the Inuk to hunt seals for subsistence, sell seal products into the global market without restraint, have an economy that allows for the purchase of resources to hunt, and overall, have control over their Indigenous culture.

### **Conclusion**

The European Union had the opportunity to release their control over the Inuit people, but instead made amendments to the Seal Regime that made the process of selling seal products more difficult for the Inuit. As the European Union’s seal product ban relates heavily to animal welfare reasons, additional challenges to Inuit sealing come from animal welfare activists which have been attacking the Inuit culture and community since the 1960s. The European Union New Seal Regime needs to be done away with. The European Union needs Inuit representation and advocacy for all future policies that could impact Inuit culture. Direct input from Inuit parties and demonstration of the environment they live in, cultural awareness, and appropriation as it relates to Inuit, and other indigenous peoples, needs to be implemented and funded.

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