

SUB-COMMITTEE ON POLLUTION
PREVENTION AND RESPONSE
7th session
Agenda item 14

PPR 7/14/1
12 December 2019
Original: ENGLISH
Pre-session public release: ☒

**DEVELOPMENT OF MEASURES TO REDUCE RISKS OF USE AND CARRIAGE OF
HEAVY FUEL OIL AS FUEL BY SHIPS IN ARCTIC WATERS**

Arctic Indigenous Support for the Ban of Heavy Fuel Oil in the Arctic

Submitted by FOEI, WWF¹ and Pacific Environment

SUMMARY

Executive summary: This document describes Arctic Indigenous support for the ban on the use and carriage of heavy fuel oil as fuel by ships operating in the Arctic. It is a compilation of interventions delivered by Indigenous leaders at IMO and resolutions passed by Arctic Indigenous communities and organizations.

*Strategic direction,
if applicable:* 6

Output: 6.11

Action to be taken: Paragraph 11

Related documents: MEPC 70/17/10; MEPC 72/11/1; MEPC 73/19; MEPC 74/18 and PPR 6/20

Background

1 In October 2016, six Arctic Indigenous leaders from three nations travelled to IMO to outline the benefits and threats posed by shipping to food security and way of life in the north. During their historic visit at MEPC 70, the contingent discussed specific measures MEPC could take, including banning heavy fuel oil, in order to reduce spill risk and emissions effects.

2 While meeting with the Indigenous leaders, Secretary-General Kitack Lim reiterated his support for United Nations Secretary-General Ban Ki-moon's affirmation that the UN Declaration on Rights of Indigenous Peoples is "our inspiration for how to recognize and respect Indigenous Peoples through our actions and initiatives".²

¹ The Environmental Investigation Agency contributed to the development of this document.

² Lakshmi, A. (27 October 2016). Arctic Indigenous leader meet IMO Secretary-General. MarineLink. Available at <https://www.marinelink.com/news/secretarygeneral-leaders417469>

3 Following that momentous gathering of Arctic Indigenous leaders at IMO, leaders have returned to participate in each MEPC since. This participation coincides with growing support throughout the Arctic region for the ban on the use and carriage of heavy fuel oil in the Arctic. This submission is a compilation of interventions delivered by Indigenous leaders and resolutions passed by Arctic Indigenous communities and organizations highlighting heavy fuel oil and its potential impacts to food security, culture, ways of life and other important concerns of Arctic Indigenous communities in a changing Arctic.

Arctic Indigenous leaders at IMO

4 At MEPC 70, the Arctic Indigenous leaders present included Austin Ahmasuk (Kawerak Inc., Alaska, USA), Eduard Zdor (former director of the Chukotka Marine Mammal Hunters Association, Russian Far East), Hans Lennie (Inuvialuit Game Council, Northwest Territories, Canada), Nikolay Ettyne (Chukotka Marine Mammal Hunters Association, Chukotka, Russia), Tagak Curly (former member of the Legislative Assembly of Nunavut, Canada), and Verner Wilson (formerly with Bristol Bay Native Association, Alaska, USA, now with Friends of the Earth US). Both Mr. Ahmasuk and Mr. Lennie addressed MEPC:

- .1 Mr. Ahmasuk: "[Document MEPC 70/17/10] describes 14 food security concepts that have been widely discussed in the Arctic. They are issues that have taken very high-level of consideration by Arctic communities."³
- .2 Mr. Lennie: "The food that comes to our tables directly involve daily from the ocean... And I just want to make that very known...the vulnerability of the area."⁴

5 At MEPC 71, Mr. Ahmasuk, Mr. Zdor and Mr. Wilson returned, in addition to Carole Simon (Inuit Circumpolar Council-Canada). The contingent again met with Secretary-General Kitack Lim. During plenary discussion of document MEPC 71/16/7 (FOEI, WWF and Pacific Environment) titled "Application of the Polar Code marine mammal avoidance provisions", Mr. Ahmasuk told MEPC:

In Alaska, we are not underestimating the risks and impacts to marine mammals. Marine mammals are very important to our lifestyle. They comprise a significant portion of our diet. I would like to have this body consider the paper represents a very important part of a movement in Alaska and the United States in incorporating Indigenous knowledge into decision-making. We believe that the melding and incorporation of Indigenous knowledge provides for the best available science and I welcome this body's consideration.⁵

6 At MEPC 72, Mr. Ahmasuk, Mr. Zdor and Mr. Wilson returned to IMO, participating on the side-event panel, "New Shipping Routes and Arctic Indigenous Communities: Solutions for Mitigation and Adaptation". Additionally, Sheila Watt-Cloutier (former chair of Inuit Circumpolar Council) presented on a panel titled "The Climate Crisis: A Message from the Arctic". In Ms. Watt-Cloutier's address, she spoke of the impact of climate change on Arctic Indigenous peoples and the need for immediate action from the global community:

³ See IMODOCS meeting audio, MEPC 70, 28 October 2016 morning session, agenda item 17, FOEI delegation.

⁴ See IMODOCS meeting audio, MEPC 70, 28 October 2016 morning session, agenda item 17, WWF delegation.

⁵ See IMODOCS meeting audio, MEPC 71, 6 July 2017 morning session, agenda item 16, FOEI delegation.

- .1 "In the international arenas, where I have personally been involved, the language of economics and technology is always calling for more delays. We are constantly reminded how taking action on greenhouse gas emissions will negatively impact our economy. I understand this same lame excuse, which is a very outdated card to play at this stage with our climate crisis, I would say do not play this card when it comes to banning heavy fuel oil, which has potential to create extreme irreparable damage to our Arctic oceans...and I repeat the oceans are the life force and source of life for us as Inuit of the Arctic."
- .2 "You know what you need to do in this room. IMO and everyone involved, it's urgent. It's a human issue, a human rights issue, and the wisdom and solutions lie within us. Together we can do this."⁶

7 At MEPC 73, Delbert Pungowiyi (President of the Native Village of Savoonga, Alaska) and George Edwardson (Inupiat Community of the Arctic Slope, Alaska) joined Mr. Zdor and Mr. Wilson on a panel titled "Arctic Shipping: Reducing Risk and Protecting Indigenous Communities – The Heavy Fuel Oil Ban and Other Issues". Additionally, Mr. Wilson addressed the Committee during plenary discussion:

As an Indigenous person from Alaska the future of our Arctic communities and wildlife such as walrus, polar bears, whales, seals and salmon are under stress from increased shipping activities due to less ice pack from climate change. The threats are varied, but the use and carriage of heavy fuel oil by Arctic shipping is one that can be addressed quickly. We urge this and other Committees to progress quickly on this agenda item, and for the work to develop a ban on the use and carriage of HFO as fuel by Arctic shipping to start as soon as possible.⁷

8 At PPR 6, Lisa Koperqualuk (Vice-President, Inuit Circumpolar Council) joined Mr. Wilson on a panel titled "New Research and an Indigenous Perspective on a ban of HFO use and carriage as fuel in the Arctic". Additionally, Ms. Koperqualuk addressed the Sub-Committee during plenary discussion:

As Inuit, our Indigenous rights not only include language and cultural traditions or cultural artifacts, but also our harvesting rights on Arctic waters. As indeed it is very important for our hunters – contemporary modern hunters of today – providing nutritious food to their families. And there is the high cost of foods that must be brought from faraway places by ship to our remote communities. Therefore, food security is very important for those living in our communities. The risk of spills of heavy fuel oils present serious risk of damage to the environment, which we live in and depend on. It is absolutely necessary to ensure that there is capacity for clean-up of any spills that may occur, as well as having the infrastructures and the involvement of Inuit communities. The United Nations declaration on the Rights of Indigenous Peoples recognizes our cultural rights, economic right, our Indigenous knowledge, and self-determination. The PPR Sub-Committee must ensure that our communities are not negatively impacted culturally, socially or economically by engaging Inuit communities during the work of the plan to ban of use and carriage of HFO on Arctic waters.⁸

⁶ A complete transcript of Ms. Watt-Cloutier's address is available at <https://www.pacificenvironment.org/a-message-from-the-arctic/>

⁷ See IMODOCS meeting audio, MEPC 73, 25 October 2018 morning session, agenda item 9, FOEI delegation.

⁸ See IMODOCS meeting audio, PPR 6, 18 February 2019 afternoon session, agenda item 12, WWF delegation.

9 At MEPC 74, Mellisa Heflin (executive director of Bering Sea Elders Group, Alaska) and Willie Goodwin (member of Inuit Circumpolar Council Food Security Committee) presented during an off-site evening reception, in which they called for IMO delegations to listen to Indigenous communities and support black carbon emission reductions and the HFO ban. Additionally, Ms. Heflin addressed the Committee during plenary discussion:

Black carbon is a short-lived climate pollutant that stays in the atmosphere only days to weeks. But during that time it does a tremendous amount of damage, contributing as much as 25% of Arctic warming when it settles onto ice and snow increasing the heat they absorb, affecting my communities, my people, and others who live in the Arctic. However, because black carbon leaves the atmosphere so quickly, it provides a significant opportunity. And it is that opportunity that we are discussing now. If this body wants to urgently act to reduce the effects of climate change and the impacts to those who rely on ice as an Indigenous way of life, then rapidly lowering the emission of black carbon by the shipping industry will provide the best route to near-term reductions in warming, particularly in the Arctic. The only way to accomplish this is by immediately switching to distillate or alternative fuels for ships that use or can use residual fuels. Subsequent action, such as the addition of diesel particulate filters can reduce emissions of black carbon and its warming effects even more. We urge the Committee to take the simple step of switching to lighter or alternative fuels to achieve immediate reduction in black carbon emissions.⁹

Community and Organization resolutions

10 In July 2016, after the nearby grounding of a ship with 14 million gallons of petroleum products aboard, the Native Village of Mekoryuk, Alaska requested then-US President Barack Obama to consider a ban on HFO.¹⁰ The following December, President Obama announced a joint strategy to phase out HFO in the Arctic with Canada Prime Minister Justin Trudeau.¹¹ In the years since, several more Indigenous communities and organizations have called for a ban on HFO in the Arctic and/or expressed support for Indigenous representation at IMO due to the threat of oil spills from vessels traveling in the region:

- .1 In March 2017, Curyung Tribal Council in Dillingham, Alaska, passed a resolution supporting formal Indigenous participation at IMO, citing risk of oil spills as a primary reason.¹²
- .2 In March 2017, Bristol Bay Native Association, a consortium of 31 tribes in Southwest Alaska, passed a resolution supporting formal Indigenous participation at IMO, citing risk of oil spills and threats associated with heavy fuel oil as a primary reason.¹³

⁹ See IMODOCS meeting audio, MEPC 74, 16 May 2019 afternoon session, agenda item 5, Pacific Environment delegation.

¹⁰ Native Village of Mekoryuk (8 July 2016). Letter to Ambassador Brzezinski. Available at https://www.dropbox.com/s/kaoa5ns8bh8ifqv/Mekoryuk_HFO-letter-to-Amb.-Brzezinski.pdf?dl=0

¹¹ Office of the Press Secretary (20 December 2016). United States-Canada joint Arctic leaders' statement. The White House. Available at <https://obamawhitehouse.archives.gov/the-press-office/2016/12/20/united-states-canada-joint-arctic-leaders-statement>

¹² Curyung Tribal Council (8 March 2017). A Resolution Supporting Formal Indigenous Participation and Representation at the International Maritime Organization. Available at <https://foe.org/resources/?s=&fs-tax-project-type%5B%5D=arcticindigenousvoices>

¹³ Bristol Bay Native Association (23 March 2017). A Resolution Supporting Formal Indigenous Participation and Representation at the International Maritime Organization. Available at <https://foe.org/resources/?s=&fs-tax-project-type%5B%5D=arcticindigenousvoices>

-
- .3 In April 2017, Kawerak, Inc., the regional non-profit corporation for the Bering Straits region, passed a resolution supporting formal Indigenous participation at IMO, citing risk of oil spills as a primary reason.¹⁴
- .4 In July 2018, the Inuit Circumpolar Council, representing Inuit in Alaska, Canada, Greenland and Russia, declared support for participation at IMO and calls for a phase out of HFO to minimize impacts.¹⁵
- .5 In September 2018, Bristol Bay Native Association passed a resolution supporting the phase out of HFO in Arctic shipping. They submitted the resolution to the Alaska Federation of Natives for consideration at their annual convention.¹⁶
- .6 In October 2018, the Alaska Federation of Natives passed the resolution submitted by Bristol Bay Native Association supporting the phase out of HFO in Arctic shipping.¹⁷
- .7 In October 2018, Nunavut Tunngavik Inc. (NTI), which coordinates and manages Inuit responsibilities set out in the Nunavut Agreement in Canada and ensures that the Canadian federal and territorial governments fulfill their obligations, passed a resolution calling on Canada to ban the use, carriage, and transportation of HFO in Arctic waters. NTI board members include representatives from the Kitikmeot Inuit Association, Kivalliq Inuit Association and Qikiqtani Inuit Association.¹⁸
- .8 In October 2018, the Native Village of Savoonga, Alaska passed a resolution supporting formal Indigenous participation at IMO, citing issues related to HFO and potential accidental oil spills as one of the primary reasons.¹⁹

¹⁴ Kawerak Incorporated (June 2017). A Resolution Supporting Formal Indigenous Participation and Representation at the International Maritime Organization. Available at https://www.dropbox.com/s/t7qmcngexbygz2b/Kawerak_IMO-Resolution.pdf?dl=0

¹⁵ Inuit Circumpolar Council Canada (29 October 2018). Press Release. Available at <https://www.inuitcircumpolar.com/press-releases/inuit-support-ban-of-heavy-fuel-oil-hfo-proposed-at-international-maritime-organizations-marine-environment-protection-committee-meeting-in-london-uk/>

¹⁶ Bristol Bay Native Association (28 September 2018). A Resolution Supporting the Phase Out of Heavy Fuel Oil in Arctic Shipping. Available at https://www.dropbox.com/s/g3gy12qm7qn1s41/BBNA_HFO-Resolution.pdf?dl=0

¹⁷ Alaska Federation of Natives. 2019 AFN Resolutions. Available at <https://www.nativefederation.org/2019/10/2019-afn-resolutions/>

¹⁸ Nunavut Tunngavik Incorporated (14 October 2018). RSA 18-10-14 Ban on Heavy Fuel Oil. Available at https://www.dropbox.com/s/qnrjuwirepeqwx0/NTI_HFO-Resolution.pdf?dl=0

¹⁹ Native Village of Savoonga (July 2018). A Resolution Supporting Formal Indigenous Representation at the International Maritime Organization. Available at https://www.dropbox.com/s/cj1weaz69xzkyvt/Savoonga_IMO-Resolution.pdf?dl=0

- .9 In March 2019, the Inuvialuit Game Council (IGC), which represents the collective Inuvialuit interest in all matters pertaining to the management of wildlife and wildlife habitat in the Canadian Inuvialuit Settlement Region (ISR), passed a resolution to support the ban on HFO in the Arctic. The IGC includes representatives from Hunters and Trappers Committee (HTC) in each of the six ISR communities, which are Aklavik, Inuvik, Ulukhaktok, Paulatuk, Sachs Harbour and Tuktoyaktuk.²⁰
- .10 Additionally, several Canadian Nunavut community organizations have voiced support for the HFO ban, including Hall Beach Hunters and Trappers Organization (HTO), Taloyak HTO, Cambridge Bay HTO, Igloolik HTO, Arviat HTO, Kugaaruk HTO, Kitikmeot Regional Wildlife Board and the Hamlet of Chesterfield Inlet.

Action requested of the Sub-Committee

11 The Sub-Committee is requested to take account of the concern of, and widespread support by, Arctic Indigenous peoples when considering the proposal for a ban on the use and carriage of heavy fuel oil as fuel in Arctic waters.

²⁰ Inuvialuit Game Council (10 July 2019). Inuvialuit Game Council Position on HFO Ban in the Arctic. Available at https://www.dropbox.com/s/3kp3mz7l8ng5o68/IGC_HFO-Resolution.pdf?dl=0