



INUIT CIRCUMPOLAR COUNCIL ALASKA

FOOD SOVEREIGNTY AND SELF-GOVERNANCE:
INUIT ROLE IN MANAGING ARCTIC MARINE RESOURCES

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All information and concepts within this report are a product of a collaborative effort among 91 contributing authors (Indigenous Knowledge holders), the project Advisory Committee, the Inuit Circumpolar Council Chair, Inuit Circumpolar Council Alaska, and the Environmental Law Institute. The Project was facilitated by Dr. Dalee Sambo Dorough (ICC Chair), Carolina Behe (ICC Alaska Indigenous Knowledge/Science Advisor), and David Roche (Environmental Law Institute). Legal research and evaluation was done by David Roche and Dr. Sambo Dorough with support from Cynthia Harris and the Environmental Law Institute. Workshops, focus groups, interviews, and information and data analysis were facilitated and conducted by Carolina Behe with support from Shannon Williams Mockli and in collaboration with the project's Advisory Committee.

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Eskimo Walrus Commission

"To protect the pacific walrus population."



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Caribou in the ISR. Photo: Chris Kelly

QUYANA / IGAMSIQANAGHHALEK / QUYANAINNI / KOANA / QUYANAQ!

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Fishing boats eagerly waiting to get back in the water in the ISR. Photo: Chris Kelly



Josephine Aloralrea (left) and Agnes McIntyre (right), members of the Nunamta Yup'ik Singers and Dancers group. From Bethel, AK. Photo: Brian Adams as part of the ICC AK led, J AM INUIT project

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“All governments should know that Inuit are borderless. We are all brothers and sisters. So it doesn't matter if you are in Greenland or Alaska, we are all one.” – ISR

“We want to be sovereign in our own state and way of being, but there is always someone in the way stopping us -- this is the state and federal government.” – Alaska

“We are the keepers of our beautiful land. The lands. We are the keepers. We are being rooted, generation after generation. So I think that it's our responsibility to teach our youth. It is powerful. When I go out on the land, I can feel it.” – ISR

“It is about feeling whole, the hunter being in the right mind, being firm, being stable – [this is] also true for those who aren't the captain or the hunter. It is healthy state of mind, holistic.” – Alaska

“Going home elevates who I am and grounds me. At camp I feel whole. I don't want to lose that feeling.” – ISR

“We learned how animals' behaviors are, and they [hunters] learned how to hunt successfully. When you live in an area, you become part of the environment, we are part of the environment. We have been sustaining this environment for thousands of years without degrading it. Resources keep coming back to us, year after year. And that's one thing millions of people in the world misunderstand: we are actually part of the environment...We've been sustaining this environment and keeping it clean and everything, without hurting the [animals]. It's what I learned as a hunter a long time ago. You better be part of that environment if you want to be a successful hunter.” – Alaska

“We depend a lot on migration here. Which is pretty much everywhere in the North I guess, is how people live, they live off the migration of animals and fish.” – ISR

“Don't like the word co-management, it did not come from us, we are not managed that way.” – Alaska

“... in our own ways co-management is traditionally been used all these years by each village has their own management style they comply by their tribal laws and by voice and by oral record. When I was growing up, I was told you are going to go hunting you don't take too much, you just take what you need. You don't waste. You don't shoot at animals any time anywhere that is against our law. Those were the laws and the policies you have and they were strong. And the respected hunters that oversee these [laws] if there was any wrongdoing or disturbance, the infracted person was taken in front of the Umialik (whaling captain/leader) council.” – Alaska

“Inuvialuit look up to the Inuvialuit Final Agreement (IFA) and it is looked up to from other agreements in Canada, because it is a unique one and it is unique for a reason. It was the Elders before us that put this thing [the IFA] into—they negotiated some good stuff. We can be proud to be Inuvialuit.” – ISR

All quotes provided during interviews, focus group meetings, and/or workshops held within Alaska and the Inuvialuit Settlement Region (ISR) of Canada.

“Because we have the Inuvialuit Final Agreement signed, we have a lot of say in projects that do take place.” – ISR

“Right now, living by other people’s rules – [it is causing] loss of language, culture...”
– Alaska

“When you talk your own language, I find to me that you’re whole, for me I feel [not good] in some way because even when you talk you try to think of a word. And it really limits you.” – ISR

“...beluga whale in English is just beluga whale. But when you go into Inuvialuit and it is [a name for] each, the older whale—it is like people where you have Elders and middle age —same thing with beluga whales. Each one have four maybe five different names. Like the yellow- old one is different [a different name]. There is not just one whale, there are four different names for them. But in English, it is just beluga whale.”
– ISR

“But we have our ways - we were not taught to overharvest—we just take what we need because us as Inuvialuit were around for many, many, many years and that is how we co-managed stuff.” – ISR

“In order to become healthy again, we need to be in control of our lives here.” – Alaska

“The struggle is to pass it on. I can’t tell by words what I have inside of me. You’ve got to live it... Most of us are glad our kids have that in them. That they want to be out there [on the land].” – ISR

“I noticed how much anxiety we all have, you can feel it in town. Fish camp is always a great time and healing. Wanting to fish is in my blood, in my body. [But it is] really hard to go fishing in June because we are not allowed [by outside regulations].” – Alaska

“Laws come already written; pieces of paper dictating how we must live.” – Alaska

“Yeah, I think that is one thing [consultation] that we are continuously working on. For so many years we have been wanting to be consulted and we have never been heard. Even if we spoke, they never listened to us. But more and more now it is starting to work both ways. I think the feds and the territorial governments still have to work on their approach to the consultation process, but for us I think it is starting to work better. We are starting to be consulted more. So that part is a turn-around for us. We are starting to be heard, we are starting to be voiced.” – ISR

“I thought consultation was a back and forth [discussion] and getting permission from us. But it is not about permission, it is about saying [the federal, state, or researchers] this is happening.” – Alaska

14 ABOUT THE INUIT CIRCUMPOLAR COUNCIL (ICC)

Founded in 1977 by the late Eben Hopson, Sr. of Utqiagvik, Alaska (formerly Barrow), the Inuit Circumpolar Council (ICC) has flourished and grown into a major international non-governmental organization (NGO) representing approximately 180,000 Inuit of Alaska, Canada, Greenland, and Chukotka (Russia). The organization holds Economic and Social Council NGO Consultative Status II at the United Nations and is a Permanent Participant at the Arctic Council.

To thrive in our circumpolar homeland of Inuit Nunaat, we had the vision to realize that we must speak with a united voice on issues of common concern and combine our energies and talents towards protecting and promoting our way of life. The principal goals of ICC are, therefore, to:

- Strengthen unity among Inuit of the circumpolar region;
- Promote Inuit rights and interests on an international level;
- Develop and encourage long-term policies that safeguard the Arctic environment;
- Seek full and active partnership in the political, economic, and social development of circumpolar regions

ICC represents the interests of Inuit and we have offices in four Arctic regions – Alaska, Canada, Greenland, and Chukotka. Though each of our communities are unique, we are one people, in a single homeland, across four countries.

Inuit drummers from across the Circumpolar drumming at the 2018 ICC General Assembly. Photo: Jacki Cleveland



INUIT NUNAAT INUIT HOMELAND



Inuit Circumpolar Council, 2017.
Prepared by Agata Durkalec. Basemap from the Atlas of
Canada Reference Map Series produced by Natural
Resources Canada, 2008.

Scale 1: 9 000 000
Kilometres 0 90 270 450
Azimuthal Equidistant Projection

For thousands of years, Inuit have been part of the Arctic ecosystem. Inuit have thrived and built their culture rooted in values that shape the relationships they have held with everything within this ecosystem. Those values—including respect, collaboration, and sharing—all aid in supporting healthy and harmonious relationships and communities. A core element of Inuit culture that incorporates these values is hunting, gathering, and preparing foods. Discussions about food security require an understanding of the far-reaching implications of how issues of food security interact with culture, history, management systems, and world views. The interconnections between all peoples, wildlife, and the environment within the Arctic ecosystem directly influences food security, and food sovereignty is distinctly tied to food security.

Without food sovereignty, Inuit cannot achieve food security was a primary finding of ICC Alaska’s 2015 report, *How to Assess Food Security from an Inuit Perspective: Building a Conceptual Framework on How to Assess Food Security in the Alaskan Arctic*. In Alaska, Inuit recognized the lack of decision-making power and management authority to be the greatest threat to Inuit food security. One of the key recommendations of the 2015 report was to learn what is occurring within other Inuit regions, leading to a comparative analysis of co-management practices across Inuit Nunaat (homeland).

To address this recommendation, the Food Sovereignty and Self-Governance – Inuit Role in Managing Arctic Marine Resources (hereby referred to as FSSG) project was developed through partnerships across Alaska and the Inuvialuit Settlement Region (ISR) of Canada. The project goal was to examine current management and co-management of Arctic marine food resources in order to develop a comprehensive

understanding of existing and emerging frameworks supporting Inuit self-governance. The three key objectives of the project are:

- Synthesize and evaluate existing frameworks for Inuit management and co-management of marine food resources presently reflected in law, policies, and legal authorities in the United States and the ISR of Canada;
- Evaluate how existing Inuit self-governance is operationalized by examining four co-management case studies focused on marine resources that are aimed at ensuring food sovereignty, to gain a comprehensive understanding of the social, political, and institutional parameters affecting implementation of key legal frameworks;
- Assess how Inuit self-governance supports food security by evaluating food sovereignty objectives against the existing legal and structural frameworks and their effective implementation and outcomes.

A project led by Inuit

A key component to this project was bringing Inuit together to lead their own work. The project was co-developed with the Inuvialuit Game Council and the Fisheries Joint Management Committee (in the ISR) and the Eskimo Walrus Commission, the Association of Village Council Presidents (AVCP), and the Inuit Circumpolar Council Alaska (in Alaska) as well as Environmental Law Institute (ELI). Since the development of the project, the Kuskokwim River Inter-Tribal Fish Commission (Alaska) joined the group. Throughout the project, ICC Canada has played an advisory role. The project leads, partners, and an Advisory Committee comprised of Indigenous Knowledge (IK) holders from Alaska and the ISR worked together to design and direct the

project. Together, these Inuit individuals and Inuit-led organizations have taken ownership of this project and all of its activities.

Defining Food Security and Food Sovereignty

In discussions about food sovereignty and food security it is important to understand that Inuit are talking about something that goes far beyond “resource management” or similar terms used in management systems. To Inuit, marine animals, land-based animals, birds, and plants have worth and cultural relevance far beyond their material value to Inuit. Furthermore, terms such as “subsistence,” used primarily in the legal context, does not capture the multiple social, cultural, economic, and spiritual dimensions of Inuit food security. Throughout this report, the term ‘subsistence’ is only used in reference to federal/state/territorial laws. The term food security is more frequently used to capture the multifaceted nature of food described by Inuit.

This project was guided by the Food Security and Food Sovereignty definitions developed by Inuit in Alaska during the creation of the *Alaskan Inuit Food Security Conceptual Framework: How to Assess the Arctic From an Inuit Perspective*.¹ While this definition was developed within the Alaskan Arctic, project partners agreed to use the definition and developed conceptual framework (refer to Figure 1) to guide this work.

Inuit Food Security

Inuit Food Security² is the natural right of all Inuit to be part of the ecosystem, to access food and to care-take, protect and respect all of life, land, water, and air. It allows for all Inuit to obtain, process, store, and consume sufficient amounts of healthy, nutritious, and preferred food – foods Inuit physically and spiritually crave and need from the land, air, and water. These foods provide for families and future generations through the practice of Inuit customs and spirituality, languages, knowledge, policies, management practices, and self-governance. It includes the responsibility and ability to pass on knowledge to younger generations, the taste of traditional foods rooted in place and season,

knowledge of how to safely obtain and prepare traditional foods for medicinal use, clothing, housing, nutrients and, overall, how to be within one’s environment. It means understanding that food is a lifeline and a connection between the past and today’s self and cultural identity. Inuit food security is characterized by environmental health and is made up of six interconnecting dimensions: 1) Availability; 2) Inuit Culture; 3) Decision-Making Power and Management; 4) Health and Wellness; 5) Stability; and 6) Accessibility. This definition holds the understanding that without food sovereignty, food security will not exist.

Inuit Food Sovereignty

Food sovereignty is defined as the right of all Inuit to define their own hunting, gathering, fishing, land, and water policies; the right to define what is sustainably, socially, economically, and culturally appropriate for the distribution of food and to maintain ecological health; and the right to obtain and maintain practices that ensure access to tools needed to obtain, process, store, and consume traditional foods. Within the Inuit food security conceptual framework, food sovereignty is a necessity to support and maintain the six dimensions of food security.³

Why this Report?

If summaries and communication about the legal and political framework of management and co-management are primarily written from the perspective of non-Inuit, then true co-management that reflects Inuit ways of life and knowing will be difficult to understand

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¹ Inuit Circumpolar Council-Alaska. 2015. *Alaskan Inuit Food Security Conceptual Framework: How to Assess the Arctic From an Inuit Perspective*. Technical Report. Anchorage, AK

² Id.

³ The food sovereignty definition presented here accounts for all points identified by Alaskan Inuit and has been adapted from the definition written by Hamm and Bellows in First Nations Development Institute’s Food Sovereignty Assessment Tool, 2004 and in addition to the definition provided in the Declaration of Nyéléni (2007).

and grow. This report uplifts Inuit voices to bring forward the roles and perspectives of Inuit to support equity and food sovereignty.

The report examines Inuit management and co-management to distill lessons that can apply across geographic boundaries. A unifying goal of the project is to bring Inuit voices and expertise to the forefront. The report achieves that goal by combining legal analysis with co-production of knowledge that elevates the lived experience of Inuit. From the experiences and expertise shared by Inuit, the report summarizes management laws, how management and co-management interact from the Inuit perspective, and how management and co-management can positively change the future of the Arctic and Inuit.

Throughout Inuit Nunaat, common concerns are shared regarding food security and food sovereignty. The co-production of knowledge approach provides essential information for federal, state, and territorial government representatives to understand in order to support, safeguard, and promote the overall social, cultural, economic, and political integrity of Inuit and their communities. On a broader scale, the report can inform academics and others that require a greater understanding of IK or those aiming to assist in the advancement of food security and food sovereignty in a genuine fashion—one that is respectful and recognizes the unique status, rights, and conditions of Inuit. Finally, the report provides information for other Indigenous Peoples in diverse parts of the world that seek to ensure their own food security and food sovereignty.

A Holistic View

Though this project looks at management through four case studies, it was made clear from the beginning that Inuit have a holistic view and approach, understanding the interconnections between all within an ecosystem. In fact, the single-species approach to management emphasized by dominating cultures is one of the largest barriers to a co-management system that equitably includes Inuit, and that approach

is often viewed to be harmful to animals.

Throughout this report, it is important to remember and understand that the walrus, char, beluga and salmon are intimately interconnected to each other and all other parts of the ecosystem. Like the nature of human rights, everything is interrelated, interdependent, and indivisible. If you alter one element, you impact the whole. The walrus, char, beluga, salmon, and Inuit share the environment and are species within ecosystems teeming with bowhead whales, seals, polar bears, cod, seaweed and on land caribou, freshwater fish, muskox, berries, roots, and bird eggs.

The goal of the case study approach was to possibly expose a pathway to a larger, interconnected discussion about management and food sovereignty. In Alaska, two cases involved salmon and walrus management. In the ISR, the two cases examined char and beluga management.

Road Map of the Report

The report is broken down into seven main sections. Section **one** provides an overview of the project partners, location, and methodology. Section **two** puts forward the key concepts and recommendations of the project Participants - providing important points to understand when reading the report. The recommendations, referred to as Calls to Action, are grouped under seven themes with the goal of supporting Inuit food sovereignty. Not all Inuit communities or regions are the same, so the recommendations specify when they apply to a specific region or across geographic boundaries. Section **three** provides a summary of the legal framework for the co-management case studies, (char, beluga whales, walrus, and salmon). The four case studies were used as an avenue into a deeper conversation about management and co-management. Section **four** provides a summary or legal overview of structures in the ISR and Alaska, along with specific co-management approaches for the four case studies. Throughout this section

management and co-management success stories are listed, along with instances where effective co-management was undermined. Section five provides an overview of international law and human rights standards, describing the links between Inuit food security and a few global processes. Section six shares key themes identified by Inuit that apply across management and co-management frameworks. Section seven concludes the report.

Figure 1. Food Security Conceptual Framework

The Conceptual Framework is shaped like a drum and illustrates the interconnecting components of Inuit Food Security. Food Security is characterized by a healthy environment. Surrounding the characterization of food security are the six dimensions that make up food security: Availability, Inuit Culture, Decision-Making Power and Management, Health and Wellness, Stability, and Accessibility. These dimensions are constituted by drivers of food (in)security. The outer ring of the drum shows the tools required to obtain and maintain food security (policy, co-management, and knowledge sources). Surrounding the drum is the spirit of all, written in Inupiaq, Yup'ik, Cup'ik, St. Lawrence Island Yupik, and Inuvialuktun⁴. The drum handle is food sovereignty. Food sovereignty is required to hold the drum together and to control actions, movements, and the beat of the drum. If any piece of the framework is missing or lacks strength, resiliency will decrease and food security will decrease – any disruption or interference to one piece has impacts for the whole.⁵



⁴ The Inuit Food Security Conceptual Framework was developed by Inuit in Alaska. For the purpose of this report, the Project Advisory Committee members from the Inuvialuit Settlement Region suggested to add the word 'Sila' to the words describing the Spirit of all surrounding the drum.

⁵ Inuit Circumpolar Council-Alaska. 2015. Alaskan Inuit Food Security Conceptual Framework: How to Assess the Arctic From an Inuit Perspective. Technical Report. Anchorage, AK Inuit Circumpolar

Box 1. What is Indigenous Knowledge

ICC offers the following definition:

Indigenous Knowledge (referred to as IK in the remainder of the report) is a systematic way of thinking applied to phenomena across biological, physical, cultural, and spiritual systems. It includes insights based on evidence acquired through direct and long-term experiences and extensive and multigenerational observations, lessons, and skills. It has developed over millennia and is still developing in a living process, including knowledge acquired today and in the future, and it is passed on from generation to generation.

Under this definition, IK goes beyond observations and ecological knowledge, offering a unique “way of knowing.” This knowledge can identify research needs and be applied to them, which will ultimately inform decision-makers. There is a need to utilize both Indigenous and scientific Knowledge. Both ways of knowing will benefit the people, land, water, air, and animals within the Arctic.

**Note: Inuit at times may refer to their knowledge as Indigenous Knowledge, Inuit Knowledge or Traditional Knowledge. The definition provided above is understood by ICC to apply to all three terms.*



Harvesting beluga. Photo: Hans Lennie



Picking Aqpiq (salmon berries). Photo: Chris Arend



Braiding seal intestines to dry and eat later. Photo: Tom Gray



Prepping fish for sharing in the ISR. Photo: John Noksana



Figure 2. The Arctic Ecosystem.

This is a healthy Arctic ecosystem. An Elder described this ecosystem as a puzzle, with multiple pieces where there are dances, feasts, sharing, learning, observing, collecting water and food. The zooplankton, whales, fish, caribou, berries, and many other pieces fit together to make up this puzzle — they adjust to each other and move but are always connected. A challenge arises when only one piece of the puzzle is viewed on its own. This single-species approach ignores how one decision impacts all of the other pieces, failing to understand cumulative impacts or the relationships held between all of the components. The IK shared through this image emphasizes that a holistic view is necessary for food security and a healthy ecosystem.⁶

⁶ Council-Alaska. 2015. Alaskan Inuit Food Security Conceptual Framework: How to Assess the Arctic From an Inuit Perspective. Technical Report. Anchorage, AK

For thousands of years, Inuit ingenuity and IK were solely responsible for the successful management of Arctic resources. Inuit have been and continue to be part of the environment through deeply rooted values which govern relationships with the whole environment. Project Participants repeatedly stressed that “management” is not a new concept. As Participants shared, “Our ancestors thrived by living an Inuit way of life, using our IK, applying our rules/laws/practices” and “We have our own way of life, we have our own laws.” These rules/practices/laws and values shared need to be at the forefront of all management discussions.

Inuit hold a strong spiritual connection to the animals, land, water, and air. Hunting, fishing, and gathering are important for clothing, building materials, art, medicine, spirituality, self and community identity, health and wellness, connecting to the land, and all of the other components that make up food security. The reciprocal relationships held between Inuit and the environment in which they are part was described by participants to be a source of happiness. As participants shared, there is a happiness felt from the relationships with the animal, to an animal giving itself to the hunter, and to providing for the community.

For many communities, relationships with particular animals are central to the relationships within the community itself. One participant commented that their entire community was based on walrus, stressing the importance of the community coming together around harvesting and preparation. Many Participants made it clear that their spiritual relationships with Arctic animals (such as walrus) have worth and cultural relevance far beyond their material value. This intangible cultural relevance is incalculable. Hunting and gathering

times, such as walrus or beluga hunting, are central to traditional Inuit management and overall food security. Those interactions not only strengthen bonds between people, they also give people a chance to tell stories about the hunting season and allow for the circulation and sharing of important information regarding the walrus, sea ice, water movements; sharing and eating the clams found in the walrus stomach; and overall accumulation and passage of IK.

Many traditional practices continue to be in use today, rooted in IK and focused on relationships, leading to a holistic and adaptive approach that is applied to decision-making. Through this approach, key values such as gratitude, respect, honesty, humility, sharing, cooperation, following animals and the weather as opposed to trying to exert control over the environment, and even humor are all part of maintaining resilience, sustainability, and a healthy environment (including human health).

Many shared rules/laws/practices continue to be used today. Rules such as ‘never take more than you need’ are known by all Inuit. It means that what is taken should be treated with respect and shared, and no part of what is taken should be wasted. As one participant shared, “We don’t over harvest, we get what we need, what we’ll share and that’s what we get. And that’s always been that way...” If people do not use the animals and maintain a relationship with the animals, there is an imbalance within the ecosystem. These practices are key attributes of sustainability.

Many Participants from both the ISR and Alaska shared that decisions go back to traditional use of the animals. Communities hunt and fish in

tune with a holistic understanding of the environment and not solely on the basis of numbers. Inuit are constantly adapting. When needed, they agree to restrain hunting practices without regulation by the governments.

Participants stressed the importance of being taught these practices from birth or as young children and of being taught by their parents, grandparents, other family members, and community leaders. Participants shared that Inuit rules/laws/practices have been passed down orally and through everyday practices. These rules/laws/practices have been enforced independently by communities forever and even now when there are other laws being imposed. Participants agreed that their Inuit rules/laws/practices are simple and effective and take into consideration the Arctic environment in a more holistic way than laws coming from outside or external governing bodies.

In one ISR community, Participants described traditional Inuit management as a way of putting wildlife first to make sure that there is enough for the future. It is generally agreed that the community follows the “old-time rules” and continues to practice traditional management, looking to Elders for guidance, just as they always have. Within both Alaska and the ISR, Inuit agreed that they tend to follow traditional management rules/laws/practices regardless of formal laws.

Inuit rules/laws/practices are adaptive, flexible, and allow for quick decision-making. Within both the ISR and Alaska, the ability to make quick decisions is not always reflected in the external management systems that Inuit operate within today. Working within slow-to-adapt systems has become more of a challenge as rapid rates of climate change make weather and related factors (i.e. migration patterns, birthing success, salmon returns) harder or impossible to predict.

With all the changes occurring in the Arctic, there is an urgent need for management practices that are adaptable and holistic. Participants commented that management practices and regulations must be revised and adapted to remain current and relevant within the changing climate and empower Inuit to use rules/practices that have worked for thousands of years.

There is a strong concern that outside regulations do not capture the emotional and spiritual connection that Inuit have to hunting, harvesting, and fishing, or being part of



Alice Carroll picks berries at her family camp in Sisualik, AK. Photo: Majja Lukin

Box 2. Inuit Traditional Rules/Laws/Practices. Throughout the project, Participants shared important Inuit traditional rules/laws/practices. Though not exhaustive, this list offers examples of the many important rules/laws/practices followed to this day.

- *Respect; your relationship to everything within the environment; yourself, your neighbor, and your enemy*
- *Do not waste; use all parts of the animal; be conservative*
- *Fasting helps create abundance*
- *Share; share your first catch with Elders; share with widows; make sure that all are provided for*
- *Take care of each other*
- *Never argue about the animals (e.g. birds, fish, land animals, sea animals)*
- *Take care of the land and the land will take care of you*
- *Give wholeheartedly without expecting anything in return*
- *Include youth in hunting and fishing; celebrate youth involvement*
- *Everyone in the family has a role*
- *Be quiet and humble and live in harmony*
- *Focus on caretaking, not fighting*
- *Let the Elders eat first*
- *Elders should share their knowledge; youth should gain the knowledge of their Elders*
- *Have patience – take time*
- *Follow the seasons, follow the animals*
- *Take animals when they give themselves to you; harvest a resource when it is available*
- *Honesty*
- *Land owns you rather than western view that you own the land*
- *Communication*
- *Cooperation*
- *Take no more than you need*
- *Don't talk about the animals when you are going to be hunting that day because they might hear you*
- *Don't make plans for the meat before you go out hunting*
- *Be observant, pay attention to your surroundings*
- *No matter which way the wind is, the waves go towards the land*
- *A priority is the safety of your crew (i.e. a whaling crew)*
- *All things are interrelated*
- *People are not individualistic and avoid a hierarchical structure*
- *Speak from within the environment*
- *Never brag about what you catch*
- *Leave animals alone when they are having young ones*
- *Pay attention to all of the pieces that make of the environment - holistic management*
- *Keep what you catch – no catch and release*
- *Let the larger animals go first – they lead the others*
- *Always listen*

Harvesting caribou in the ISR. Photo: John Noksana



the environment. Inuit continually emphasized the animals as having important economic, social, cultural, political, and spiritual value.

As state, territorial, and federal governments have laid claim to these resources, sovereign rights and Indigenous management systems have too often been undervalued or ignored. Oftentimes, there is a lack of knowledge about what Inuit food security is. Many assume that it is just about nutrients, calories, and money, rather than about culture, spirituality, Inuit knowledge, and Inuit rules/laws/practices.

Concern was also expressed about the differing reasons why people are involved in management discussions or related activities. As a participant shared, “Many agency representatives take on a job to build their resumes and careers. But this is our lives...it is everything that we are”.

In Alaska, Participants further stressed that prior to US management, adaptive and holistic practices allowed hunters to sustain multiple species across time and space. Now, hunters face disjointed management and can get arrested for exercising what they know to be sustainable hunting practices. For example, several Participants noted that within Alaska in 2017 and later, all animals “across the board were available slightly earlier than expected.” With animal migrations changing, unpredictable weather, and changes in temperatures, it is important to harvest when the animals and plants are available, accessible, and the weather supports preparing and storing the food. Participants expressed frustration that there is no effective way to change the regulatory seasons to accommodate availability and accessibility of resources through a timely and holistic approach.

Participants stressed that having policies, regulations, and agreements that do not reflect Inuit ways of life and values have drastic impacts on Inuit communities, animals, water, and on the entire ecosystem. That concept informs the main conclusion of this report: management must change to support both equity and a healthy environment.

Box 3. Management and Co-management

A theme that continually arose during workshops and reviews is that management is not a new concept. Though many Inuit do not refer to it as management, it is clear that Inuit have governed their relationships within the Arctic environment for thousands of years. What is relatively new, is the ‘management’ brought into the Arctic by dominating cultures.

Throughout this project, Participants referred to many different types of management. People discussed Inuit management—rules/laws/practices that are used daily and have been passed from generation to generation. Participants also discussed the management systems that they are working within. Sometimes these are co-management systems, sometimes they are collaborative agreements, and sometimes they are management systems in which Inuit struggle to have a place or a voice.

Therefore, the terms “management” and “co-management” in this report need to be understood in various and specific contexts. “Management” and “co-management” may be an expression of support for full Inuit management – the ability of Inuit to define their responsibilities and values concerning all that they coexist with and harvest. The term may also embrace Inuit-to-Inuit co-management, such as the bilateral agreements that exist between the Inuvialuit and Inupiat. In the context of Alaska, it may solely mean the role, behavior, and actions of the non-Inuit governments. Finally, the term true co-management is used to illustrate a framework where state, federal, and territorial governments genuinely share power with Inuit governments in real partnership, collaboration, and cooperation. True co-management is based upon each party exercising the rights and responsibilities relating to decision-making and information gathering.

SECTION 1: PROJECT PARTNERS, LOCATION AND METHODOLOGY

Project Partners and Location

The project took place within Alaska and the ISR through partnerships with the Eskimo Walrus Commission (EWC), Inuvialuit Game Council (IGC), Kuskokwim River Inter-Tribal Fish Commission (KRITFC), Fisheries Joint Management Committee (FJMC), and Association of Village Council Presidents (AVCP).



Figure 3. Food Sovereignty and Self-Governance Project Map.

The map shows a snapshot of communities involved in this project. See the following section for a complete list of communities involved in the project.

The project map (Figure 3) provides a visual of the connections that Inuit hold across Inuit Nunaat, regardless of imposed borders. The project took place in this area. All communities listed below have engaged in this project through organization representation and/or through representation at meetings, expert interviews, and/or through project team visits. Communities are listed by the partnering organization that they are part of.

Eskimo Walrus Commission

Utqiagvik	Little Diomede	Shishmaref
Brevig Mission	Mekoryuk	Stebbins
Gambell	Manokotak	Unalakleet
King Island	Nome	Wainwright
Kivalina	Point Hope	Wales
Kotzebue	Point Lay	
Kwigillingok	Savoonga	

Inuvialuit Game Council and Fisheries Joint Management Committee

Aklavik	Tuktoyaktuk	Ulukhaktok
Inuvik	Paulatuk	Sachs Harbor

Kuskokwim River Inter Tribal Fish Commission⁷

Akiachak	Kasigluk	Oscarville
Akiak	Kipnuk	Quinhagak
Aniak	Kongiganak	Red Devil
Atmautluak	Kwethluk	Sleetmute
Bethel	Kwigillingok	Tuluksak
Chefornak	Lower Kalskag	Tuntutuliak
Chuathbaluk	Napaimute	Upper Kalskag
Crooked Creek	Napakiak	
Eek	Napaskiak	
Georgetown	Nunapitchuk	

Methodology - Indigenous Knowledge, Science, and Legal Review

This project used IK, social science, and legal research approaches. A co-production of knowledge approach was of key importance to all that have been involved in this project. Through this approach, no one person’s knowledge or perspectives were more important than another person’s knowledge or perspectives. At the same time, we recognized a lack of Inuit voices and their knowledge within this type of work. With this in mind a strong focus was placed on bringing forward Inuit perspectives and knowledge - in addition to conducting legal research, in order to support equity.

The project methodology was developed with project partners prior to beginning the work. The methodologies used were further refined during the first year in collaboration with the project partners and the FSSG Committee. Methodologies included both IK and social science techniques and tools that align with IK to supplement the process. The social science techniques worked in a manner that supports IK to stand alone and did not dilute this knowledge source by attempts to translate it into other formats, such as western science.

Ensuring and encouraging culturally appropriate ways of exchanging information further supported the use of IK methodologies and overall, a truly Inuit led project. The methodologies used throughout this project require a high amount of flexibility, time, and dedication. The project team and Advisory Committee needed to account for delays due to weather, sickness, changes in migration patterns, and harvesting (people needing to hunt or collect food during times that had not been anticipated). Additionally, it is important to have flexibility and an iterative process to address the needs and concerns of the Participants

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⁷ Through this project we worked with the Inuit (Yup’ik and Cup’ik) members of the KRITFC located within the Alaska. In addition to Yup’ik and Cup’ik communities, Dené communities belong to the KRITFC, including - Lime Village, McGrath, Takotna, Nikolai, Stony River, and Telida.



Gabe Olick and Thomas Charlie setting a black fish trap on the Kuskokwim River, AK. Photo: Charlie Charlie

and Advisory Committee members as they arose. For example, a discussion about one topic may raise thoughts about another topic that had not been anticipated. It is important to provide space for all topics that come up during discussions and to learn from the IK holders how all of the pieces brought up during a discussion fit together.

To gain Inuit perspectives and knowledge, a series of questions were developed in collaboration with the Project Advisory Committee. The questions focused on the gathering of Inuit views on what supports or impedes Inuit food sovereignty. The following agreed-upon themes were used to develop the questions.

- Personal experiences in gathering food for you, your family, and for your community
- Consultation processes as they relate to and impact your food gathering activities
- Decision-making pathways
- IK and research questions
- Information accessibility and knowledge sharing
- Taking care of Inuit homelands and waters, and what tools are used
- Impacts of regulations on the wellbeing of animals, water, land, air, and Inuit (i.e. culture, physical and mental well-being)

The questions were used to guide discussions at workshops, focus group meetings, and expert interviews. Key to this process was using the questions only to guide discussions as needed. Importantly, flexibility was applied to encourage the participating IK holders to further refine what points needed to be discussed.

All contributing experts and workshop/focus group Participants were identified by project partners and/or respective Hunters and Trappers Committees or Tribal Councils. All Participants were provided funding for their time and expertise. Throughout the project, the following workshops and focus groups were held.

Eskimo Walrus Commission Focus Group Meeting, Anchorage, Alaska⁸

Inuit Past and Current Managers of Marine Resources, Nome, Alaska⁹

Aklavik Hunters and Trappers Committee Focus Group Meeting, Aklavik, Canada¹⁰

Ulukhaktok Hunters and Trappers Committee Focus Group Meeting, Ulukhaktok, Canada¹¹

Yup'ik and Cup'ik Past and Current Managers of Salmon Focus Group, Bethel, Alaska¹²

Paulatuk Hunters and Trappers Committee Focus Group Meeting, Paulatuk, Canada¹³

Inuvialuit Game Council Focus Group Meeting, Tuktoyaktuk, Canada¹⁴

Savoonga Marine Mammal Advisory Committee Focus Group, Savoonga, Alaska¹⁵

The information gathered was aggregated and analyzed to obtain a greater understanding about what supports or impedes Inuit food sovereignty. Summary reports were developed, reviewed by Participants, and shared with the public for each workshop/focus group meeting.¹⁶

Preliminary findings, themes, and key concepts from the meetings and expert interviews were discussed, further analyzed, and built upon at a workshop that brought together representatives from all project partners. The workshop, the **Food Sovereignty and Self Governance Collective Meeting** (held in Bethel, Alaska),¹⁷ was part of the IK evaluation and validation processes.

A key part of the methodology was the way in which meetings were held. The meetings were planned and arranged in coordination with project partners and relevant Hunter and Trapper Committees. The meetings were structured based on methodologies developed in conjunction with the project partners and the FSSG Advisory Committee. For all meetings, we promoted a flexible and relaxed environment. For larger meetings, focus was placed on exchange of

information and knowledge through deep discussions between IK holders. Discussions were held in both small “break-out groups” and collectively as one group. The smaller groups provided an opportunity to have in-depth discussions and created a supportive environment for some who feel less comfortable contributing in the larger group setting.

Some of the meetings provided an opportunity for Inuit from different regions and areas of the Arctic to come together and learn from each other. During these meetings, smaller break-out groups aided in encouraging an exchange and intermixing from different areas across Inuit Nunaat. For example, groups had individuals from different areas

⁸ Accessed on March 19, 2020 at https://iccalaska.org/wp-icc/wp-content/uploads/2020/03/FSSG_EWC-Focus-Group-Summary-copy.pdf

⁹ Accessed on March 19, 2020 at https://iccalaska.org/wp-icc/wp-content/uploads/2020/03/Inuit-Past-and-Current-Managers_FSSG-copy.pdf

¹⁰ Accessed on March 19, 2020 at <https://iccalaska.org/wp-icc/wp-content/uploads/2020/03/Aklavik-Focus-Group-Summary-Report-.pdf>

¹¹ Accessed on March 19, 2020 at <https://iccalaska.org/wp-icc/wp-content/uploads/2020/03/Olokhtomiut-Focus-Group-Summary-Report.pdf>

¹² Accessed on March 19, 2020 at https://iccalaska.org/wp-icc/wp-content/uploads/2020/03/FSSG_Yupik-and-Cupik-Past-and-Current-Managers-of-Salmon-copy.pdf

¹³ Accessed on March 19, 2020 at <https://iccalaska.org/wp-icc/wp-content/uploads/2020/03/Paulatuk-HTC-Workshop-Report.pdf>

¹⁴ Accessed on March 19, 2020 at <https://iccalaska.org/wp-icc/wp-content/uploads/2020/03/IGC-Focus-Group-Summary-Report.pdf>

¹⁵ Accessed on March 19, 2020 at https://iccalaska.org/wp-icc/wp-content/uploads/2020/03/FSSG_-_Savoonga-Focus-Group-Summary-002-copy.pdf

¹⁶ All summary reports can be accessed on the ICC Alaska website at iccalaska.org.

¹⁷ Accessed on March 19, 2020 at https://iccalaska.org/wp-icc/wp-content/uploads/2020/03/FSSG-Collective-Meeting_ICC.pdf



Harvesting out on the land. Camp near Husky Lake in the ISR. Photo: John Noksana

of Alaska and different areas of the ISR. Throughout these discussions, people expressed the importance of Inuit coming together for dialogue. “These discussions pave the way for further discussion, leading to the development of a shared vision as presented in this report” – AK Workshop Participant.

During workshops, Participants were encouraged to talk and express themselves in any way that they felt they needed to. For some this meant standing and walking around freely. For others it meant sitting and taking notes. As with all of our project gatherings, we shared lots of food and laughter throughout the day. A few meetings included evening potlucks as well as drumming and dancing.

Findings from workshops provided guidance to the team conducting the legal research. The legal review process began with traditional legal research methodology, including gathering sources and conducting interviews when needed. That information was integrated with the perspectives shared by Inuit Participants, which led to other sources and research questions. By going back and forth between legal sources and Inuit Participants, the legal research attempted to reflect Inuit voices in structure and content, rather than working within the style of a traditional law review or legal brief.

Information gathered from the IK holders was then compiled with the legal analysis to create a draft report. This report was first reviewed by the Project Advisory Committee. A key process of the peer review included expert review from those not involved in the project. The majority of the expert reviews were conducted by IK holders. Following a revision of the draft, all project Participants were provided an opportunity to review the report.

The process described above requires an immense amount of intent, dedication, and responsibility from all involved in the project (project partners, advisory committee members, project Participants, and project team). As shared above, the process also requires time, flexibility, and funding to ensure the equitable, ethical, careful, and robust inclusion of IK.



Baleen and bone from bowhead whale used to create jewelry and art. Artists: Jon Ipalook from Point Hope, AK. Photo: Brian Adams as part of the ICC AK led, *I AM INUIT* project

SECTION 2: KEY CONCEPTS AND RECOMMENDATIONS

The following concepts and recommendations were raised by Inuit throughout the project workshops, focus groups, and expert interviews. All concepts and recommendations directly relate to Inuit food sovereignty. The following should be of interest to all seeking a better understanding of Inuit food sovereignty and management. The concepts shared are key to how Inuit view the world through IK. The recommendations shared are for the benefit of the entire Arctic.

Key Concepts

- Inuit have rules/laws/practices, values, and customs that have remained successful for thousands of years
- Inuit have holistic approaches to decision-making with a focus on relationships between components of the ecosystem and an understanding of cumulative impacts
- The Arctic is not new - the Arctic has remained homelands of Inuit for thousands of years
- Inuit have inhabited the Arctic based on their ingenuity and adaptation
- This unique region has undergone rapid, major changes
- National and international level policies and decision-making tends to be top-down and hierarchical in approach. This can slow response times and limit adaptations to rapid environmental/ecological changes, threatening Inuit ways of life
- Co-production of knowledge, in which IK and science are brought together, is essential to understanding the Arctic as well as for adaptive, holistic decision-making
- Trust and respect are essential in all interactions
- The absence of effective legal protection of land tenure and

access rights represents a fundamental threat to Inuit integrity and resilience

- Inuit are borderless and view the wildlife and marine system as interconnected

Recommendations

Inuit have made it clear that changes are required to existing management and co-management frameworks. Some needed changes are based on the mechanics of how law works. While those changes matter, it's not just about laws. Participants expressed that a fundamental shift is needed in how government officials interact with Inuit. At the forefront is a need for communication that respects and honors the inherent status, rights, roles, and governance systems of Inuit, while also acknowledging the history of injustices from federal, state, and territorial governments.

Despite the fact that national policy prohibits racial discrimination and international law proclaims "that Indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind," numerous Participants expressed concern about the continuing legacy of discrimination and how it is manifested by state/territorial/federal managers and regulators in the course of hunting, fishing and other harvesting activities.

Successful and equitable management systems require recognition and identification of systemic and institutionalized racism and discrimination that continues to exist today. Many of the overarching regulations, agreements, and laws employed by international fora/federal/state/territorial governments were developed to address

dominant cultural perspectives and worldview. Equitable management requires approaches, processes, and interpretations that are inclusive and respectful of multiple and diverse worldviews and knowledge systems, especially those of Inuit.

Project Participants broadly agreed on the following recommendations, listed under eight themes. The eight themes are -

- 👉 Self-determination requires that Inuit lead the way in decision-making processes and also requires the support of international coordination
- 👉 Inuit management and co-management bodies should be provided with stable, long-term federal/state/territorial funding that supports capacity building as defined by Inuit
- 👉 Meaningful working relationships require trust, respect, sharing, and cooperation, and education
- 👉 Consultation should be treated as a truly substantive exchange of ideas, knowledge, and views between partners, with increased weight given to Inuit voices, rather than a procedural box-check
- 👉 Allocation and regulation of resources should start and end with Inuit co-management bodies, with federal/state/ territorial government bodies supporting those decisions
- 👉 Research funding should flow to Inuit and outside research projects should heavily involve Inuit input and direction
- 👉 Disputes should be resolved on an equal footing
- 👉 Climate Change and Inuit Food Sovereignty



King Island Dancer performing at the 2018 ICC General Assembly. Photo: Jacki Cleveland



Anipam (Snowy Owl) traditional Yup'ik song. Photo: Benjamin Charles



Ulus. Photo: Jacki Cleveland

The recommendations under each theme aim to strengthen current management systems within Alaska; the co-management system within the ISR; and/or equitable involvement of Inuit decision-making within international fora, with varying application in each region. In addition, detailed recommendations are provided within the summary reports of each focus group and workshop.¹⁸

There are numerous positive examples within the ISR and Alaska in which Inuit communities and IK holders are engaged in a respectful and positive way and where equitable relationships lie between Inuit and those working with them to make decisions. Those relationships are important for better understanding the Arctic and to better address the challenges faced today. With these recommendations, we support such relationships and actions and aim to make them the norm as opposed to the exception. All recommendations intend to strengthen Inuit food sovereignty.

Overall, it's imperative to consider that these recommendations are not just to improve management, but to recognize centuries old yet continuing, vibrant Inuit culture, values, and economies reflective of the important interconnecting relationships that exist for Inuit within the Arctic. The following recommendations are essential for human rights and justice in a changing Arctic environment.

The recommendations are not listed in a specific order. Each recommendation provides a brief overview and a call to action. Aspects of these recommendations are further explored in the corresponding sections of the report. For this reason, it is important to be mindful of the distinctions between structures, entities and the organization of the respective management and co-management boards and bodies.

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¹⁸ There are nine summary reports, one for each focus group meeting or workshop held throughout this project. All reports can be accessed at the ICC Alaska webpage. Accessed on Jan. 27, 2020. <https://iccalaska.org/media-and-reports/inuit-food-security-project/>



Self-determination requires that Inuit lead the way in decision-making processes and also requires the support of international coordination

At the heart of international law is the right of self-determination for all peoples, including Inuit and other Indigenous peoples. Both the US and Canada have acceded to important international instruments, including human rights treaties and declarations. It is time to put these commitments into action through management and co-management.

Simultaneously, transboundary coordination and decision-making is essential since 1) Arctic animals do not abide by imposed geographic boundaries and 2) Inuit Nunaat crosses four Arctic countries. Management strategies that don't consider the transboundary movement of animals, demographic history of a region, and/or seasonality create false silos that are ultimately self-defeating.

Within the Inuvialuit Settlement Region

The Inuvialuit Final Agreement (IFA) largely supports the role and decisions coming from the Inuvialuit. While Inuit food sovereignty needs to be strengthened in some instances, the IFA is a strong, legally binding instrument used by Inuvialuit to continue to improve their equitable role in decision-making. There are existing success stories that can be celebrated as a shared achievement of Inuvialuit and the federal and/or territorial governments.

- **Call for action:** Continue empowering Hunters and Trappers Committees (HTCs), the Inuvialuit Game Council (IGC), and all co-management bodies under the Inuvialuit Final Agreement.
- **Call for action:** Support and, where necessary, enhance autonomy in decision-making unless exceptional circumstances exist.
- **Call for action:** Engage with institutions that will provide funding/logistical support to Inuvialuit communities and organizations.

Within Alaska

In the US, Inuit often feel that their voices are not heard. There is a need for the state and federal governments to make fundamental changes in interactions with Tribal Governments and Inuit organizations. Success stories are often the result of an incredible effort and patience from Inuit, along with some individuals in US government who go above and beyond their duties. Consistent efforts by federal and state government representatives to equitably engage with Inuit, through demonstrated trust and respect, should be the rule rather than the exception.

- **Call for action:** Inuit voices should drive decisions; Inuit should be able to exercise their right to say no, yes or yes with conditions unless exceptional circumstances exist; Inuit should engage directly with federal and/or state governments to ensure provision of funding/logistical support to Inuit communities. For those in Alaska, such an action is fully consistent with the government-to-government relationship that exists in the US.
- **Call for action:** Acknowledge and work to provide a unified, collaborative approach across Inuit regions in Alaska toward collective gains that may result in a collective Inuit-based management system.
- **Call for action:** Determine a strategy to enhance capacity and authority of Inuit political institutions (such as Tribal governments) in the area of management and co-management of lands, territories, Arctic marine wildlife, and coastal waters.

Throughout all of Inuit Nunaat

- **Call for action:** Inuit organizations consider the development of additional Inuit-led bi-lateral and multilateral collaboration across Inuit homelands similar to the Inuvialuit-Inupiat Polar Bear Management body or other successful examples.



Maktak Salad- a mix of Indigenous foods, like beluga, with vegetables. Photo: Majja Lukin

- ✦ **Call for action:** Expand the Food Sovereignty and Self-Governance dialogue to include Inuit across all of Chukotka, Alaska, Canada, and Greenland.
- ✦ **Call for action:** Gather and publish materials documenting Inuit rules/laws/practices, customs, and values related to hunting, fishing, and harvesting activities as well as the positive stories and examples of Inuit food security and food sovereignty.
- ✦ **Call for action:** Continue to increase communications across Inuit organizations and Tribal Governments by enhancing networking capabilities. This action would improve collaboration, coordination, and education among circumpolar Inuit communities (in particular, active hunters, fishers and harvesters) including the active sharing of information and development of coordinated monitoring activities.



Inuit management and co-management bodies should be provided with stable, long-term federal/state/territorial funding that supports capacity building as defined by Inuit

Whenever there is an uncertainty in funding, management suffers. Putting Inuit on the same footing as an NGO or other entity is disrespectful and unjust. Such an approach is inconsistent with Inuit legal and political status, rights, and roles. In addition, it undermines the investment into capacity-building that is needed for adaptive and holistic ecosystem-based management.

Within the Inuvialuit Settlement Region

In the ISR, increased and stable funding from federal and/or territorial governments would allow for sustained positive changes in the health of Inuvialuit communities and the environment. Though a funding regime exists, additional resources would enhance capacity to be responsive to ever increasing requirements for reports, monitoring, collection of IK, and other needs. Funding needs should be determined by Inuit organizations.

- + **Call for action:** Increase funding levels annually beyond the rate of inflation and proportional to need; Inuit organizations receiving funding should have the authority to determine allocation of funds to address needs they have identified; provide more grants when additional funding is needed to support Inuit adaptive and holistic ecosystem-based decision-making, including important management functions in a changing Arctic.

- + **Call for action:** Increase or adjust federal/territorial delegations and their approach to management and co-management meetings to ensure that decision-making is both holistic and takes place in a timely, effective fashion, ideally including decision-makers in the meetings.

Within Alaska

In the US, funding is uneven and places Inuit under dramatic uncertainty rather than recognizing their status as sovereign governing entities and meeting the full commitments of the trust responsibility, with the corresponding obligations. A relatively small investment can have massive returns for Inuit, the environment, the state of Alaska, and the US government. Too often, though, insufficient funding may be provided to management and co-management bodies under cooperative agreements. Yet, corresponding federal agencies are fully funded and all federal employees are salaried. Comparatively, IK holders, including Inuit hunters, do not have funding to play an equitable role within the context of the cooperative agreements and the many policies and rules that must be understood.

- + **Call for action:** Provide assurance of continued, sustainable funding with increases for inflation and without reductions. Such funding should ensure that Tribes and Inuit management bodies are able to determine priorities. Additionally, funding should be made available to support adaptive and holistic ecosystem-based decision-making, including gathering baseline information, and long-term monitoring based upon IK, science, or both, as well as Inuit community engagement.



Meaningful working relationships require trust, respect, sharing, and cooperation, and education

Participants described interactions with government officials and/or researchers that often feel adversarial, as if there is a winner and a loser. Instead, interactions should emphasize respect, trust, equitable partnership, and mutual goals. Ideally, meetings would attempt to find agreement, rather than pitting people against each other. Education systems related to culture and governance, knowledge of laws, policies, and instruments which support Inuit food sovereignty, and capacity building can nurture healthier interactions and genuine trust.



Aklavik Drummers and Dancers performing at the 2018 ICC General Assembly. Photo: Jacki Cleveland

Within the Inuvialuit Settlement Region

Education modules have been developed to ensure that Inuvialuit are intimately familiar with the IFA and that all actors are encouraging use of the IFA in support of Inuvialuit rights. IFA education modules have been successful, and many interactions are described as beneficial. However, there is still some concern that not all provisions are being

implemented in a comprehensive fashion and that many federal/territorial government representatives are unfamiliar with the IFA. Additionally, there is continued concern that Inuvialuit voices are not always heard by officials that view it as a part of the job, rather than an essential element of human rights for Indigenous peoples and a shared legal agreement.

- **Call for action:** Continue to support and provide funding for the development of education modules.
- **Call for action:** Prioritize cultural training for any official and researcher that works within the ISR with an emphasis on ensuring that government representatives have a working knowledge of the IFA.
- **Call for action:** Continue and enhance internal education initiatives focused upon increasing Inuvialuit knowledge and awareness of their rights and the provisions of the IFA.
- **Call for action:** Comprehensive implementation of all provisions and aspects of the IFA.

Within Alaska

In the US, Participants expressed that trust is undermined when conversations and meetings feel unproductive, with officials not even listening. Trust, recognition, and respect are crucial for any good governance, especially governance of human relationships with animals which Inuit have relied upon for generations and continue to rely upon. Too often, federal/state representatives have a rule book and are present simply to enforce the rules. Many have little experience or hold relationships with individuals or the communities they work with. Plus, high turn-over rates can cause an inordinate amount of stress and upheaval for Inuit and their communities. There must be a fundamental change in how US officials engage with Tribal Governments, Inuit organizations, and their members.

- **Call for action:** Provide cultural training and evaluation for all officials; create protocols to support culturally appropriate processes for Inuit to respond to disagreements/miscommunications/complaints when necessary.
- **Call for Action:** In order to rectify many current conditions, positive steps must be taken to eliminate discriminatory or other barriers and to ensure that Inuit are able to gain recognition of and respect for their rightful entitlements under federal law and agreements. Such steps may include preference for the hire of Inuit for management positions, especially at the local level; development and adoption of genuine partnering principles in order to develop relationships that benefit both parties; sustained cultural orientation training; and a requirement for extensive knowledge of the distinct rights of Inuit.

Throughout Alaska, the Inuvialuit Settlement Region, and all of Inuit Nunaat

Trust, sharing, and cooperation are important values within the Inuit culture and a key component of trust and respect. Having knowledge of Inuit culture, providing culturally appropriate material, and making space for culturally appropriate discussions will strongly encourage equity, trust, and respect. Culturally appropriate discussions include recognition of seasons and cycles important to Inuit. For example,

there must be respect and recognition of Inuit requests for no meetings during the height of a harvesting season. Furthermore, Inuit must have greater latitude to set meeting dates, determine how meetings take place, and to facilitate such meetings – this will likely lead to greater and more active Inuit participation. In addition, too often, federal/territorial and sometimes industry funding is provided but is limited to expenditure by government and industry representatives.

- **Call for action:** Provide culturally appropriate educational materials and activities to increase knowledge related to national and international law generally and related to Indigenous peoples and Inuit specifically, in particular in the field of management, co-management and use of animals. Such materials and activities should emphasize youth in order to recognize the intergenerational nature of Inuit harvesting activities and rights.
- **Call for action:** Meetings should be structured in culturally appropriate ways to emphasize and support honesty, sharing, and cooperation by all parties. With direction from Inuit partners, meetings may call for different activities and points of action, such as longer periods of time for discussions, for food to be shared, language interpreters, inclusion of appropriate Inuit dialects, face-to-face meetings, written materials, visuals, and focus placed on discussions as opposed to presentations that do not allow for real dialogue.



The frozen Kuskokwim River provides a road, connecting communities along the river during the winter. Photo: Jennifer Hooper



Walrus outside of Little Diomed, AK. Photo: Maasingah Nakak



Sunset in Tununak, AK. Photo: John Orr



Drying fish in Alaska. Photo: Tom Gray



Consultation should be treated as a truly substantive exchange of ideas, knowledge, and views between partners, with increased weight given to Inuit voices, rather than a procedural box-check

Consultation is meant to be meaningful throughout all management and co-management actions because it is an ongoing process where Participants come together to exchange ideas, knowledge, and perspectives. What is considered ‘meaningful consultation’ can take on very different definitions from an Inuit perspective and those representing federal/state/territorial governments. Many Inuit Participants describe current consultation activities as frustrating, with some saying that current methods render “consultation” meaningless.

Within the Inuvialuit Settlement Region

In the ISR and elsewhere in Canada, consultation is enforceable in court and a Crown responsibility, with the requirement for written justification of decisions.

- ✦ **Call for action:** Continue assurance of Inuit voices being given weight in decisions.
- ✦ **Call for action:** Ensure that Inuvialuit are able to raise important issues outside of a single-species focus and through culturally appropriate discussions and methods defined by Inuvialuit.
- ✦ **Call for action:** Ensure that federal/territorial government representatives attending meetings are the commensurate counterparts and decision-makers to those of the IFA to ensure that such meetings are meaningful, productive, and result in timely decisions that make the best use of time and resources.

Within Alaska

In the US, Participants described consultation as a process that is viewed as a burden by federal/state government officials, rather than

an opportunity to meaningfully engage, develop partnerships, and to have equitable dialogue. Some project Participants essentially describe consultation as similar to talking to a wall. A key frustration raised within Alaska is the point at which consultation occurs. Discussions are often introduced by federal/state government representatives prepared to make decisions before meaningful dialogue and consultation has taken place.

- ✦ **Call for action:** Tribes and Inuit management organizations should encourage development of formal guidelines and procedures for meaningful consultation. Any federal/state guidelines must be developed in collaboration and cooperation with the Inuit concerned to ensure that such processes prioritize Inuit voices and participation in culturally appropriate ways.
- ✦ **Call for action:** Subject matter of consultations that may trigger legal or executive actions must ensure genuine consultation and again, prioritize Inuit rights, concerns, and voices, including those concerning conservation questions.
- ✦ **Call for action:** Justification for decisions should be provided to Inuit Participants in all instances, including providing information on potential impacts of decisions to Indigenous Peoples and their food sources; legal changes or executive actions should be consistent with international and other standards.
- ✦ **Call for action:** Consideration must be given for time and financial resources, time of year (considering cultural activities, hunting, etc.), translation needs, location of meetings, and the formation of the meeting (for example, the way discussions are held, including food).



Allocation and regulation of resources should start and end with Inuit co-management bodies, with federal/state/territorial government bodies supporting those decisions

Repeatedly, decisions led by Inuit have resulted in a healthier environment and stronger, healthier communities. Inuit-driven management and co-management requires responding/adapting to a rapidly changing environment from the community-level up, along with exercising power and authority over decisions that are not supported by IK.

Within the Inuvialuit Settlement Region

In the ISR, the FJMC can make recommendations at any time throughout management processes, which is optimal. In practice, the FJMC takes strong direction from the Inuvialuit Game Council.

- ✦ **Call for action:** Federal government to implement and apply the utilization of IK in management decisions; support continued prioritization of Inuit objections to any policies or interpretations that contrast with IK.
- ✦ **Call for action:** Fund IK coordinator positions within Inuvialuit organizations to engage in all activities and assist with communication.

Within Alaska

In the US, Tribes and Inuit organizations sometimes face an illogical legal framework of varying federal and state subsistence regulations - regulations which demonstrate a lack of understanding Inuit food security. Simultaneously, Tribes and Inuit organizations are not adequately given a voice in management processes, or a voice in objecting to existing processes. The law and interpretations of the law must change to reflect and accommodate their distinct legal status, rights and role as Tribal Governments.





Aklavik Drummers and Dancers performing at the 2018 ICC General Assembly. Photo: Jacki Cleveland



Sharing Indigenous Knowledge between generations. Photo: Tom Gray



Photo: Carolina Behe

- **Call for action:** Establish agency policies that elevate Inuit harvest to first priority, including legislative approaches and legal changes; create agency policies that allow for an objection-and-review process that respects the right to self-determination, including recognition of the right to say no.

Throughout Alaska, the Inuvialuit Settlement Region and all of Inuit Nunaat

As shared throughout this report, IK stands alone as its own body of knowledge, with its own validation and evaluation processes. Problems have arisen through misuse and unethical practices of engaging with IK. For example, the attempted translation of IK into western science or piecemeal use of IK from reports to support scientific points has left many Inuit at an uneven place relative to other researchers. The ethical use of IK requires that the IK holders are involved in all aspects of study design and research.

- **Call for action:** Recognize the need for equitable inclusion of IK in evidence-based decision-making.
- **Call for action:** Adequately fund and account for time needed to effectively co-develop projects, monitoring, and decision-making based on both IK and science.
- **Call for action:** Develop a written plan and agreement for the equitable and ethical inclusion of IK through all planning, information gathering, and decision-making.
- **Call for action:** In partnership with Inuit, evaluate processes and procedures to ensure equitable and ethical engagement of IK and processes that genuinely respect and recognize IK and IK holders.



Outside of Aklavik in the ISR. Photo: Carolina Behe



Research funding should flow to Inuit and outside research projects should heavily involve Inuit input and direction

Inuit have a deep knowledge of their environment that is built on thousands of years of expertise. Any project in the area must include funding for IK holders and must coordinate with Inuit before, during, and after projects. Where they exist and/or are emerging, such activities should include Inuit protocols for engagement of communities and involvement of IK. Additionally, Inuit research needs and questions should be prioritized and addressed over those of the outside research community.

Within Alaska

- **Call for action:** Federal/state support for Tribal Governments and regional Inuit organizations to house their own experts, in order to conduct research that is directly guided by communities.
- **Call for action:** Funding support for Tribal Governments and Inuit organizations to develop a needs assessment using IK and methods – one that accounts for all aspects of Inuit food security (i.e. culture, accessibility, availability).
- **Call for action:** Support of regional internal review boards governed by Inuit to provide reviews of research proposals.

Throughout Alaska, the Inuvialuit Settlement Region, and all of Inuit Nunaat

Within the ISR, Alaska, and internationally there are similar systems for research coordination and needs. There are some positive examples, often driven by researchers that go beyond requirements. Within the ISR, there are stronger examples and systems to support Inuvialuit engagement in research processes. For example, depending on where research is occurring, researchers must present their ideas and work to Hunters and Trappers Committees and to the Inuvialuit Game

Council. As an Inuvialuit participant indicated, “researchers are not doing things that the Inuvialuit are not in favor of or not consulted on.” However, poor practices and actions by researchers persist, including negative examples of researchers that do not engage Inuit nor provide respect for or recognition of IK. One significant disparity is funding from government or large academic institutions with huge expectations from Inuit freely providing knowledge, expertise, and time without compensation. This dynamic is then compounded by lack of respect for IK and IK holder contributions. Ultimately, Inuit communities need to benefit from the research taking place as well as ensuring the viability of research. Inuit Nunaat should not simply be used as the “training grounds” for research. Rather, reputable research utilizing IK in a respectful, good faith fashion must take place, resulting in benefits for both Inuit and others.

- **Call for action:** Sustainable funding should be made available for Inuit-led projects addressing research needs determined by Inuit concerned.
- **Call for action:** All projects should have a mechanism for funding of IK components and IK holders.
- **Call for action:** All projects should be subject to “free, prior and informed consent” by Inuit management organizations, Tribal governments, communities, and peoples concerned (see Box 5).
- **Call for action:** Sustainable funding to support Inuit community-driven research and monitoring programs.



Disputes should be resolved on an equal footing

A major problem with current management and co-management systems is related to how disagreements are settled. Some Participants indicated that objecting can backfire, leading to no substantive changes, just more distrust. While each situation varies, the problem exists in both the US and the ISR.

Within Alaska

Within Alaska, Participants stressed the need for enhanced collaboration and cooperation between the Inuit corporations and Tribal governments on management and co-management.

- **Call for Action:** Review and amendment of relevant areas of the Alaska Native Claims Settlement Act (ANCSA) and Alaska National Interest Lands Conservation Act (ANILCA) that have stifled or hindered genuine management and co-management of resources that Inuit communities rely upon for food security. Such action will greatly enhance food sovereignty.

Throughout Alaska, the Inuvialuit Settlement Region, and all of Inuit Nunaat

- **Call for action:** Establish or improve procedures and entities that allow disputes to be resolved with weight given to IK. Such a body should be effective and readily available at all levels and applicable for all issues raised by the Inuit concerned in order to be fair and equitable.
- **Call for Action:** Meetings and dialogue between co-management parties should accommodate an Inuit cultural context, supporting Inuit to set the meeting agenda and facilitate discussions, including format and face to face meetings, structure, procedure, language and dialects, interpretation if needed, written materials, visuals, allowance and provision of food, and related elements.
- **Call for Action:** Inuit must have the ability to set the agenda, facilitate dialogue and meetings, and govern the proceedings in a fashion that respects and recognizes the important Inuit cultural context and holistic approach.

Potluck with bowhead and beluga whale muktuk. Photo: Chris Arend



Sargiq is the Inupiaq (NW Arctic dialect) word for "Stinkweed" or Artemesia Tiliesii, an indigenous medicine used for centuries. Photo: Majja Lukin





Climate Change and Inuit Food Sovereignty

Throughout Alaska, the Inuvialuit Settlement Region, and all of Inuit Nunaat

In every meeting, focus group, and workshop, Participants raised concerns about the rapid, major changes taking place due to climate change. As already noted, these environmental and ecological changes are directly threatening Inuit ways of life, harvesting and food security. Examples of changes include: water temperature fluctuations affecting salmon; changes in the birthing of walrus in coastal seas due to lack of sea ice; the influx of new species both on land and waters; an increase in vessel traffic impacting marine habitat; and numerous other transformations. Though Participants are adapting to the impacts of climate change and taking action to mitigate such changes, more must be done by government.

Federal/state/territorial governments must take greater responsibility for mitigating the impacts of climate change, including the provision of financial resources for increased monitoring, assistance due to adverse impacts such as coastal erosion, utilization of IK related to adaptation, and emergency preparedness. Many answers lie within Inuit communities – the ingenuity and knowledge held within Inuit communities provide solutions, adaptation strategies, and management approaches that are needed. Federal/state/territorial governments and international approaches will be strengthened through meaningful partnership with Inuit and by looking to Inuit for solutions and direction.

- **Call for action:** The US and Canada must take their international commitments seriously, especially in areas where climate change impacts are creating food insecurity. Such measures should include policy development, funding, and actions (in collaboration with Inuit) to respond to the call for “Nationally Determined Contributions” and “National Adaptation Plans” in the context of the UN Framework on the Convention of Climate Change (UNFCCC).
- **Call for action:** IK and Inuit perspectives should be drawn upon within UNFCCC Facilitative Working Group of the Local Communities and Indigenous Peoples’ Platform and the Intergovernmental Panel on Climate Change.
- **Call for action:** Federal/state/territorial governments must work in partnership with Inuit communities in the development of solutions, research prioritization, and adaptive management to address climate change.
- **Call for action:** The US and Canada must take concrete action and measures to comprehensively implement the *UN Declaration* in order to give full effect to its interrelated provisions and to safeguard Inuit food security in the face of rapid change that Inuit are facing due to climate change.
- **Call for action:** To develop Inuit-specific educational materials and platforms on the substance and objectives of the *UN Declaration*.

Walrus and boats in Gambell, AK. Photo: Carolina Behe

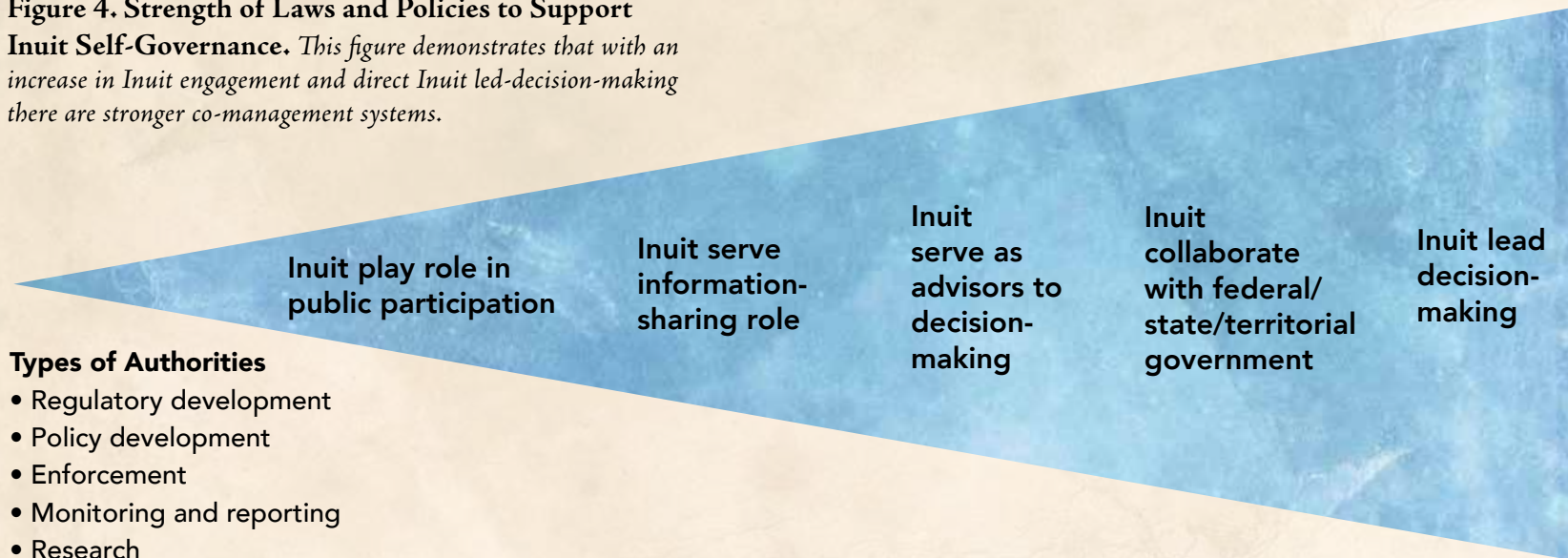


Core Elements of Co-Management Law

True co-management is a shared decision-making process. In practice, however, co-management systems can often be shared decision-making processes in name only. That can make the Inuit role in some established management regimes amount to an advisory one, undermining trust, Inuit food sovereignty, and ultimately, food security.

Management systems often make decisions about who is allowed to harvest fish or wildlife species and in what amount. Usually, that happens through laws and regulations, which refers to restrictions on harvests. Foremost in these management processes should be Inuit understandings of their environment. Where the nature of responsibility is tied to the animals, the community and the individual in diverse ways,

Figure 4. Strength of Laws and Policies to Support Inuit Self-Governance. *This figure demonstrates that with an increase in Inuit engagement and direct Inuit led-decision-making there are stronger co-management systems.*



from behavior to providing for others to caring for the whole ecosystem that they are a part of. That understanding must be combined with a genuine will to take actions in collaboration with Inuit.

Enforcement activities ensure that the applicable regulations are followed. Trust, information-sharing, and communication are of paramount importance. Here, the historical context is especially relevant, since Participants in Alaska describe enforcement processes that have undermined Inuit sovereignty for generations. Thus, consensus and (where applicable) deference should be applied to Inuit understandings of enforcement mechanisms and the Inuit role in this context.

Within Alaska, a number of Participants described times when they felt demoralized or belittled by the law enforcement officials in charge of managing harvest regulations in their communities. They explained that in certain communities, law enforcement officials routinely wait on the beach to question and search hunters immediately as they exit their boats. This practice was described as purposefully intimidating. A handful of Participants noted that law enforcement officials could be seen as threatening, employing such tactics as wearing their weapons in overtly visible locations.

Research and monitoring encompass the actual gathering of data and agreed-upon protocols for information collection, analysis, and output. For true co-management, IK must be respected, trusted, and used (under direction of the IK holders) to inform an understanding of the resource and management practices that ensue. In addition, the science used must be subject to approval of Inuit given their unique, long-standing connection with the resources.

Although there are some researchers and decision-makers that are showing respect for IK, it was also shared that there continue to be individuals, agencies, and governments that disregard this important

knowledge source and demonstrate a lack of trust, recognition, and respect. Participants stressed that there is still a lot of work that needs to be done and the importance of educating those that do not understand Inuit culture and knowledge. As Participants said:

“..We all know the weather; we all know our rivers around us. We are the experts. Our knowledge of oceans and ice [and] of the animals - the mistakes our ancestors have taught us. All of these teachings have not changed from our ancestors.”

“We have credibility. We have faith in our Indigenous Knowledge. Our knowledge goes way back. We know what pieces to look for...”

Overview of Case Study Regions and Legal Framework

The four case studies were chosen in collaboration with the project partners and are based on Inuit expertise and understanding of the issues that affect them, with each involving resources that are the basis of economies, social systems, and sovereignty. As noted above, though Inuit view entire ecosystems as a whole or in a holistic fashion, these case studies assist in revealing the challenges and opportunities for advancing co-management. Details of each case study institution are summarized in Table 1.



Miss World Eskimo Indian Olympics (WEIO) Crown, worn by Piiyuuk Shields. The crown is made of ivory and baleen. Photo: Jacki Cleveland

Table 1. Case Study Institutions and Features

<i>Species</i>	<i>Region</i>	<i>Management Role</i>	<i>Key Inuit Institutions</i>
<i>Beluga & Arctic Char</i>	<i>Inuvialuit Settlement Region, Canada</i>	<i>Management, Co-management, consultation, participation</i>	<i>IGC, FJMC, and HTC's</i>
<p><i>Key Features of Beluga Case Study</i> Beluga whales are harvested by several communities in the ISR in Canada. Regional concerns include, but are not limited to, impacts of climate change, industrial maritime ship traffic, large-scale commercial fishing, changes in season, and the overall health and well-being of beluga.</p> <p><i>Key Features of Char Case Study</i> Arctic char are harvested by several communities in the Western Arctic region of Canada. Like Beluga, Arctic char management in this region is overseen by the FJMC and informed by the Hunters and Trappers Committee (HTCs) through the Inuvialuit Game Council (IGC). Community concerns include, but are not limited to, decreases in char population, declining char health resulting from environmental change, and increasing numbers of salmon that are competing with the char.</p> <p><i>Fisheries Joint Management Committee (FJMC)</i> The FJMC was established in 1986 to manage with the Inuvialuit and Canadian government on fisheries and wildlife management and related issues in the ISR. The co-management system includes both Canadian government and Inuvialuit appointees. The FJMC is an active participant in the Regional Coordinating Committee, which oversees planning activities for the Beaufort Sea Large Ocean Management Area (LOMA), and is a member of the Beaufort Sea LOMA's primary stakeholder forum, the Beaufort Sea Partnership (BSP).</p> <p><i>Hunters and Trappers Committee (HTCs) and Inuvialuit Game Council (IGC)</i> Within each of the six ISR communities there is an HTC. The HTC is made up of elected officials that serve on the committee for two years. Each HTC appoints two representatives to the IGC. This structure supports each community having representation on the Council. The IGC is chaired by an elected representative. "Under the IFA, the IGC represents the collective Inuvialuit interest in all matters pertaining to the management of wildlife and wildlife habitat in the ISR. This responsibility gives the IGC authority for matters related to harvesting rights, renewable resource management, and conservation."</p>			

¹⁹ Inuvialuit Game Council Website. Accessed Jan. 10, 2020. <https://jointsecretariat.ca/co-management-system/inuvialuit-game-council/>

<i>Species</i>	<i>Region</i>	<i>Management Role</i>	<i>Key Inuit Institutions</i>
<i>Walrus</i>	<i>Alaska, USA</i>	<i>Co-management</i>	<i>Eskimo Walrus Commission (EWC)</i>
<i>Key Features of Walrus Case Study</i>			
<p>Walrus is a cultural keystone species within many Inuit communities. Concerns include, but are not limited to, impacts from climate change resulting in declining sea ice, increase in storm surges, changes in seasons, increase in industrial maritime ship traffic, increasing pollution, shifts in the walrus food sources, access to walrus to feed communities, and walrus health and well-being.</p>			
<i>Eskimo Walrus Commission (EWC)</i>			
<p>The EWC was established in 1978 to represent coastal communities reliant on walrus hunting in the co-management process and is comprised of tribally-authorized commissioners representing 19 different communities. Today, the EWC operates in a cooperative management arrangement with US Fish and Wildlife Service (FWS) in accordance with the Marine Mammal Protection Act (MMPA).</p>			

<i>Species</i>	<i>Region</i>	<i>Management Role</i>	<i>Key Inuit Institutions</i>
<i>Salmon</i>	<i>Alaska, USA</i>	<i>Cooperative agreement, advisory, seeking advances in co-management</i>	<i>Kuskokwim River Inter-Tribal Fish Commission (KRITFC)</i>
<i>Key Features of Salmon Case Study</i>			
<p>Salmon is a cultural keystone species within the Yukon-Kuskokwim Region, upon which many communities depend. Concerns include, but are not limited to, impact from climate change, large-scale commercial fisheries, shifts in the food web, and salmon health and well-being.</p>			
<i>Kuskokwim River Inter-Tribal Fish Commission (KRITFC)</i>			
<p>The KRITFC was established in response to the decline in Chinook/King salmon and for the purpose of developing one management system on the Kuskokwim River in May 2015. The goal is to rebuild the Chinook salmon resource to support and preserve a way of life that is vital for people's nutritional, economical, and cultural needs. The KRITFC is committed to conserving, restoring and providing for tribal use of fisheries based on indigenous knowledge systems and scientific principles. In 2016 the KRITFC entered into a Memorandum of Understanding with FWS, under which it plays an advisory role, and is focused on substantive consultation with the Federal in-season manager on fisheries management decisions and actions.</p>			



Dried salmon. Photo: Tom Gray

Each case study institution implements key legal frameworks for co-management of resources, which will be discussed below. The legal frameworks (what's on paper) and their implementation (what's in practice) have strengths and weaknesses that have profound social, political, and institutional impacts. Those impacts are not idle questions for lawyers, law reviews, or researchers. Instead, how the law of co-management is designed and implemented poses questions that are central to the continued health and integrity of Inuit communities and culture and to the health of the entire Arctic ecosystem. Food sovereignty through management and co-management structures can support food security of Inuit and subsequently, all of ecosystem health. Human rights principles enshrined in national and international law support this aim.

Chinook salmon in the smokehouse. Photo: Mary Peltola





Winter in Ulukhaktok. Photo: Carolina Behe

SECTION 4: CO-MANAGEMENT IN THE INUVIALUIT SETTLEMENT REGION AND MANAGEMENT IN ALASKA

The following section is designed to provide an overview of some of the principles and laws associated with co-management. A high-level overview of ISR and then the US systems are provided, with a specific review of the four case studies. Throughout, Inuit voices and experiences with legal systems are highlighted, including interpretations of the current framework. Thus, it differs from a law review, government document, or legal brief that focuses primarily on the details of the legal system. Rather, it attempts to intertwine Inuit perspectives with written laws for an aspirational, forward-looking legal overview for the non-lawyer.

Legal systems across Inuit Nunaat face some similar issues, such as how to share power equitably between Inuit and federal/state/territorial governments. Overall, participants indicate that the ISR has a stronger co-management system, as will be discussed below.

Inuit on Communication

Prior to getting into the details of how these systems work in practice, it's essential to highlight an area that often undermines the translation of laws to effective governance—failures in communication.

Participants from both the ISR and Alaska stressed the importance of communication to support Inuit food sovereignty and the need to ensure that information is flowing through the communities up through co-management and/or Inuit management bodies, through the agencies, federal, state, and territorial governments, and then back to communities. Within this discussion Participants also highlighted the need for education and outreach.

Acronym Reminder

This report is long and filled with acronyms. Here is a reminder of the most common acronyms you will find in Section 4. Appendix 1 provides a full listing of all acronyms.

ANCSA - Alaska Native Claims Settlement Act

ANILCA - Alaska National Interest Lands Conservation Act

ANO - Alaska Native Organization

BSBMP - Beaufort Sea Beluga Management Plan

CCP - Community Conservation Plan

CITES - Convention on International Trade in Endangered Species

DFO - Department of Fisheries and Oceans Canada

DOI - United States Department of the Interior

ESA - Endangered Species Act

FJMC - Fisheries Joint Management Committee

FSB - Federal Subsistence Board

FWS - US Fish and Wildlife Service

HTC - Hunters and Trappers Committee

IFA - Inuvialuit Final Agreement

IGC - Inuvialuit Game Council

IRC - Inuvialuit Regional Corporation

ISR - Inuvialuit Settlement Region

JS - Joint Secretariat

KRITFC - Kuskokwim River Inter-Tribal Fish Commission

MMPA - Marine Mammal Protection Act

NMFS - National Marine Fisheries Service



Participants shared that care must be taken with communication to ensure that those outside of Inuit culture understand what is being communicated to them. As one participant stated, "... [when communicating with] your top government official... a big thing here is communication and making sure that it's interpreted right. That's the biggest thing, that we need to make sure that comes across..."

A participant from the ISR shared that they are working to improve communications and education on both sides (the agencies and the communities). For example, within the ISR, there was a large initiative to educate people about the IFA. An education module was created and can be accessed online.²⁰

Participants shared that another component of communication is outreach. Both the EWC and KRITFC provided examples of communication materials that have been created to help educate agency representatives about Inuit ways of life and practices.

There are multiple negative impacts occurring to the Arctic ecosystem due to lack of communication and consultation with communities. There are multiple discussions, processes, and decisions that communities are not made aware of. Inuit communities see decisions being made with a lack of true understanding of the environment and long-term impacts.

²⁰ Inuvialuit Final Agreement 101. Accessed on March 20, 2020. Ifa101.com

Box 4: Inuit on Good Practices for Consultation throughout the ISR and Alaska

- **Collaboration** – work with Inuit to agree on consultation processes for each relevant entity/community, including agreeing upon the timing, structure, and location of meetings
- **Apply culturally appropriate meeting practices** – take guidance from relevant entities/communities on the best timing, location, and way to hold discussions. (e.g. hold face-to-face meetings, have food at meetings, humor, and time to work through discussions)
- **Clear communications** – this includes, but is not limited to, using plain language, supporting the use of Inuit dialects within meetings
- **Capacity building** – understand the Inuit culture, communication practices, rules/laws/practices, and histories –listen and be patient, it is important to note that silence does not mean agreement
- **Active listening** – listen without trying to reinterpret what is being said through your own cultural lens or through science; be mindful of your body language
- **Power dynamics** – shift power dynamics and ensure equitable intellectual and political space for Inuit (the Rights holders being consulted with)
- **Transparency** – be upfront about all processes and pathways for engagement
- **Evaluation** – provide sufficient time for meaningful consideration and evaluation
- **Constant and consistent** [e.g. individuals] meetings to be an effective consultation process to ensure local communication and decision-making
- **Information accessibility** – provision of accurate, timely, and sufficient information provided in a culturally appropriate way

- **Trust and Respect** – Inuit have their own world view. Trust and respect that world view and their knowledge system as opposed to attempting to translate them into western concepts and processes

Additionally, Participants within Alaska raised the need for –

- **Funding** – funding is required for co-management representatives and organizations to adequately engage their relevant communities
- **Defining consultation** – from an Inuit perspective, consultation is a give and take discussion and should not be confused with informal communications or introductory meetings
- **Joint decision-making** – decisions should be made at the completion of a consultation process

Inuit from across the circumpolar drumming and dancing at the 2018 ICC General Assembly. Photo: Jacki Cleveland



Box 5. International Instruments, Consultation, and Consent

At the international level, regarding key elements of consultation and consent, the UN Declaration on the Rights of Indigenous Peoples (UN Declaration), affirms key dimensions of participation in decision-making in order to respond to the inequities that face Indigenous peoples, including Inuit. There are numerous UN Declaration provisions that address the right to participate in decision-making in issues affecting Indigenous rights and interests. Among other provisions, specifically, is article 19 that provides that

*States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.*²¹

FPIC or the international human right of Indigenous Peoples to “free, prior and informed consent” (FPIC) can be found throughout the UN Declaration. It applies to numerous rights, including Indigenous culture, use of resources, as well as laws and policies adopted by others pertaining to Indigenous peoples. For these reasons, defining and enhancing consultation and the implementation of the right to FPIC consistent with international norms will be crucial for rectifying the barriers that Inuit currently face.

Sourced in the right of self-determination, the right to FPIC is the right to say yes, the right to yes with conditions, and the right to say no. There are fundamental elements for the implementation of consultation and free, prior and informed consent, which should be understood as an ongoing process and dialogue regarding both the subject matter and the peoples concerned. Some key elements include but are not limited to the:

- Identification of Indigenous Peoples and all communities affected as well as the geographic areas, including governance structures, institutions and how decisions are made, especially in relation to FPIC.
- Development of clear communication plans, including participation of the broader community, a convenient time and place for dialogue, documentation of process and subject matter, including its access and availability of all information for those not able to participate.
- Importance of researching and understanding Indigenous protocols, rules/laws/practices, customs, ethical codes, and spiritual and other traditional practices and to respect them throughout the process.
- Consultation and FPIC require an understanding non-negotiable thresholds or issues and a clear understanding that the Indigenous Peoples concerned have the right to accept, partially accept, reject or not to express an opinion and that more time is needed.
- Recognition that where agreement is reached it must be mutually acceptable and clearly documented. If there are additional needs, they must be recorded and responded to. Where no agreement has been reached, there should be clarity about renegotiation and acceptance of a potential refusal to renegotiation. Where no agreement is reached, one must be prepared to adapt or abandon a project.

²¹ United Nations General Assembly, United Nations Declaration on the Rights of Indigenous Peoples, UNGA Res. 61/295 of 13 September 2007, UN Doc. A/RES/61/295, (hereafter UN Declaration), available online: http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

Co-Management in the Inuvialuit Settlement Region

The Constitution Act of 1982 section 35 confirms the legal status of Inuit as distinct peoples and affirms existing rights, treaty rights, and rights that may be so acquired. The IFA, which is a modern treaty within the scope of section 35, protects Inuvialuit rights to fishery and marine mammal resources through provisions for harvest allocations and prioritization. Participation in decision-making when it comes to managing those resources is embodied in the provisions governing the HTC, IGC, and FJMC.²² These rights are entitled to further protection under a framework established by both constitutional and case law. Various conservation laws—Canada’s Oceans Act, Fisheries Act, and Species at Risk Act, in particular—affect Inuit rights as well. While Participants express some concerns, they generally indicate that co-management in the ISR through the IFA elevates Inuvialuit voices and perspectives in management decisions and explicitly affirms and entrenches their long-standing harvesting activities and ways of life.

Canada Land Claims Agreements and the IFA

The land claims agreements with Inuit are modern treaties that are at the heart of Canadian co-management systems. Such agreements have been made on the basis of the inherent status of Inuvialuit as distinct peoples with distinct collective rights.

These agreements enshrine the rights of Indigenous Peoples to their lands, territories, and resources. First, the agreement includes a clause that states that the terms of the agreement prevail against any other conflicting law. Second, rights created by the way of land claims agreements are constitutionally protected in section 35 of the Constitution Act.

The IFA is a land claims agreement that affirms Inuvialuit jurisdiction, access, and decision-making authority regarding fish, terrestrial animals, and marine mammals. FJMC is a co-management board for fisheries established under the IFA to make recommendations on harvest and other fisheries-related issues.²³ The IGC represents the collective Inuvialuit interest in wildlife.²⁴ Any quotas generally would be jointly set by the Inuvialuit and the federal government, and subsequently are allocated by the FJMC, the IGC, and community-based HTCs, which advise the IGC on all local matters.²⁵

.....
²² See Inuvialuit Final Agreement §§ 14(61-72).

²³ Inuvialuit Final Agreement, Section 14(61).

²⁴ *Id.* at Section 14(73).

²⁵ *Id.* at Section 14(75).

Driftwood washed up along the shore of Tuktoyaktuk. Driftwood is an important source of firewood for many communities. Photo: Chris Kelly



Figure 5. IFA Co-Management System (See description on next page)

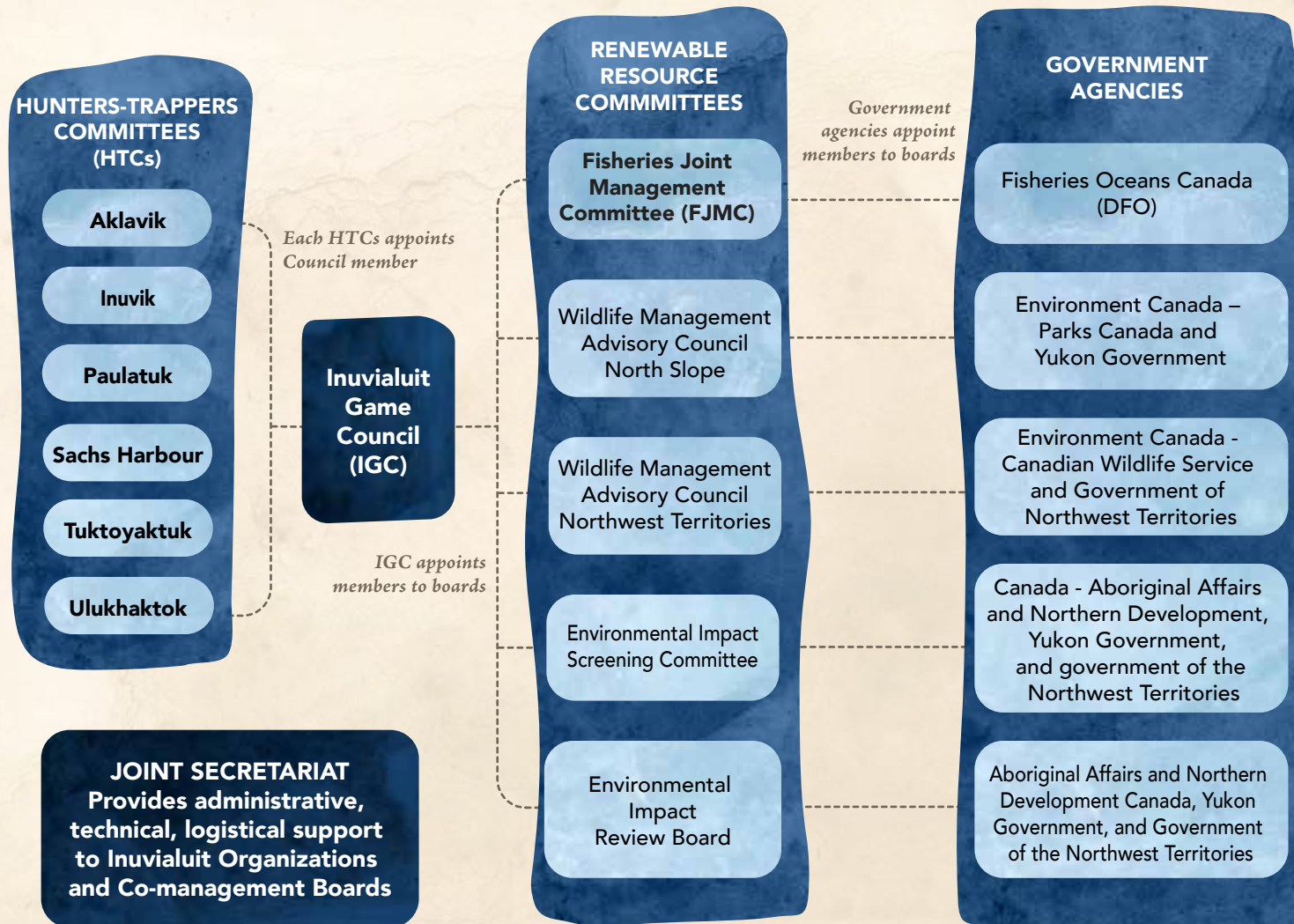


Figure 5. IFA Co-Management System. *This figure shows the connections between management entities within the ISR. Participants indicated that everything begins with the community. Each community has an HTC with elected representatives from the community. Each HTC elects a representative and an alternate to sit on the IGC. The IGC is led by a Chair collectively elected by all communities. Importantly, the IGC manages through an Inuit holistic approach (as opposed to a single species approach). The IGC appoints representatives to sit on the renewable resource committees. Members are also appointed by federal and territorial government offices. The FJMC is one of the five renewable resource committees. FJMC has two Inuvialuit board members, two members appointed by the Department of Fisheries and Oceans (DFO) and a Chair, who is appointed by the four collective board members.*

Participants on the Inuvialuit Final Agreement

Many Participants expressed pride in the IFA and gratitude towards its negotiators, indicating that the IFA is seen by Inuit as a benchmark of a uniquely successful agreement. They noted that over the course of the 30 years that have passed since the IFA was put into place, the level of inclusion and respect felt by Inuvialuit who attend co-management meetings has increased and continues to increase. As stated by a participant: “The IFA is a pretty strong claim that other places are trying to catch up to. We broke a lot of trail.”

Participants outlined the structure of the co-management bodies in the ISR, making special note to discuss the fact that not all community needs **are the same across the board and that communities have different ways of addressing issues.** As a result, how the co-management system looks on the books and how it can be implemented in practice sometimes varies.

One participant commented: “Something to keep in mind too, and as different as [Inuit] are in their management for marine species, that there are major differences even amongst the communities in the ISR too. Where I’m from, there’s no development. There are no major projects. There’s no tourism. A lot of the pressure is that they have to deal with here and then work around. We don’t have those. We hunt from a different caribou herd. The caribou herd I hunt from, regulations are a bit more lax than hunting here in the mainland, and there are differences.” Participants commented that each HTC does their part to address the needs and the resources of their community, but that ultimately the HTCs work together and that support is provided to other HTCs, particularly in decision-making for issues which affect one community over others.

Participants emphasized that it’s important to push for their interpretations of the IFA. One participant explained: “We’re always looking at our own bylaws within ourselves that we make. We need to update them. It has to be moving forward all the time. Because a lot of the time, some of that stuff is handcuffing us. Which is not good. The right intent was there back in the day. But the world evolved, we got evolved with it. That’s the only way.” However, Participants noted that due to the flexibility in interpretation, it is very important that Inuvialuit remain firm in their own interpretation: “If I interpret it one way and the government officials, be it federal or territorial or even NGO’s, interpret it another way, I am going to have to be more forceful in the way that I interpret it as opposed to the person sitting across from me. I have to make sure that my interpretation would stand on firm ground. And that’s how I feel, I have to interpret the IFA in my eyes and stand firm on it. I can’t waver. If I do, it means I’m accepting another person’s interpretation of the IFA, which makes it weaker. For myself and for everyone.”

About Consultation in the Inuvialuit Settlement Region

A core principle of the duty to consult is that it constitutes a procedural and not a substantive right.²⁶ The Crown must provide a fair process to Indigenous peoples when it will take actions that could adversely impact Indigenous rights.²⁷ Consultation must be meaningful and the Crown responsive; sharp dealing is not permitted, although “hard bargaining” on either side is acceptable.²⁸ The duty to consult applies to recognized or asserted treaty rights.

Inuvialuit on Consultation

The HTC and the IGC represent Inuvialuit perspectives in wildlife management. The HTC and the IGC regularly communicate with the DFO. Within the ISR, Participants shared positive examples, with many improvements they have observed in the consultation processes with government, industry, and researchers. The improvements were attributed to the IFA. Some Participants say that the IFA provides Inuvialuit living in the ISR the legal right to equity in the co-management process they engage in. “You have to have equal opportunity, equal right, equal say – but you have to be properly consulted.”

Many Participants felt that the IFA creates and protects an equal space for Inuvialuit at the decision-making table. Participants expressed that to achieve these goals, consultation must be face-to-face, and that phone calls are not a successful communication method.

Although Participants were generally happy with the consultation process as it is structured by the IFA, they identified parts of the process which could be improved. Such elements include a lack of knowledge and understanding of the IFA by outside entities. While allowed to trade, barter, and sell country (traditional) foods to other Inuvialuit beneficiaries, there is limited decision-making power when it comes to selling processed country foods to non-beneficiaries, and a sometimes slow decision-making process which could hinder adaptive, responsive management.

Protecting Inuit rights through Other Laws

The next step of the management chain is statutory protection of Inuvialuit rights, along with regulations under those laws. The first law is the Oceans Act. Two main Oceans Act policies have a significant impact on the ISR and the FJMC: (1) development of a comprehensive Oceans Strategy, resulting in the creation of LOMAs such as the Beaufort Sea LOMA in the ISR; and (2) establishment of a system for designating Marine Protected Areas (MPAs).²⁹ The FJMC, IGC, and HTCs are empowered through LOMAs and MPAs in management questions and have often taken leading roles in the process. In addition, in 2016 the National Oceans Protection Plan created a \$1.5 billion investment with one stated goal of “strengthening partnerships and launching co-management practices with Indigenous communities, including building local emergency response capacity.”³⁰

Inuit perspectives and knowledge are important throughout the management system set up by the Fisheries Act, as administered by the DFO. Two fisheries management documents are specific to Inuvialuit fisheries. First, Canada’s Marine Mammal Regulations include explicit

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²⁶ *Haida Nation v. British Columbia (Minister of Forests)*, [2004] 3 S.C.R. 511 at 42, 2004 SCC 73 (CanLII)

²⁷ The Oceans Act also defined maritime territory in accordance with UNCLOS. Canada’s Oceans Strategy at 6 (2002).

²⁸ *Haida Nation v. British Columbia (Minister of Forests)*, [2004] 3 S.C.R. 511 at 42, 2004 SCC 73 (CanLII)

²⁹ National Oceans Protection Plan (2016), <https://www.tc.gc.ca/communications-eng/oceans-protection-plan.pdf>.

³⁰ Marine Mammal Regulations (1993; last amended 2015). The definition of “beneficiary” includes those defined as such under the IFA. Marine Mammal Regulations §2(1)(2015).

protections for Inuvialuit fishing within the ISR.³¹ Second, the Beaufort Sea Integrated Fisheries Management Framework (BSIFMF) represents a collaborative DFO-Inuvialuit effort to ensure sustainable fishery resources for ISR communities in light of growing concerns over large-scale commercial fishing.

The Species at Risk Act (SARA) governs the federal government’s process for assessing species status and implementing conservation measures through a combination of critical habitat protection and restoration, and establishing prohibitions on certain activities. Wildlife Management Boards established by land claims agreement, such as FJMC, have multiple opportunities to participate in the process.

Summary

There are many points for Inuvialuit participation in management processes in Canada, as will be outlined in the deeper examination of the HTC, IGC, and FJMC in the next sections related to beluga whales and char management. Co-management in the ISR does provide substantial authority to Inuvialuit communities and organizations, though there is continued room for growth.

³¹ Marine Mammal Regulations (1993; last amended 2015). The definition of “beneficiary” includes those defined as such under the IFA. Marine Mammal Regulations §2(1)(2015).



Photo: Carolina Behe

Management Structure – HTCs, IGC, and FJMC

In Canada, the HTCs, IGC, and FJMC play pre-eminent roles in management and co-management of marine resources, particularly beluga whales and char. The IFA §14 outlines the nature and responsibilities of two co-management bodies, the Wildlife Management Advisory Committee (WMAC), focusing on birds and game, and the FJMC, which maintains jurisdiction over fisheries and marine mammals. The FJMC “assist[s] Canada and the Inuvialuit in administering the rights and obligations relating to fisheries” under the IFA and advises the DFO Minister on the management of fisheries in the ISR.³² Its responsibilities extend to recommending research and monitoring projects and advising and allocating harvest and use quotas. Key to the system is the structure of the FJMC and how it relates to the IGC and community HTCs.

The IFA mandates that each of the six Inuvialuit Community Corporations establish a community HTC.³³ Each HTC is responsible for local wildlife management; all six are collectively represented on the IGC. Their intended role is to encourage and promote Inuvialuit involvement in sustainable wildlife utilization. HTC duties under the IFA are as follows:³⁴

- Advise the IGC on all local matters within the HTC’s area of responsibility, the division of the ISR into community hunting and trapping areas, and the requirements of subsistence users in regard to fish and most categories of animals.
- Monitor the subsistence harvest of marine mammals and fish. This includes assisting in collecting and providing harvest data on request by the FJMC to the HTCs.
- Assist in developing and implementing management strategies, including making by-laws (a.k.a. community conservation plans) governing the exercise of Inuvialuit rights to harvest.

- Sub-allocate any Inuvialuit quota—subsistence and otherwise—set for fish and most categories of animals among individuals.
- Represent Inuvialuit knowledge, and encourage and promote Inuvialuit involvement in conservation research, management enforcement, and utilization in relation to the wildlife resources in the ISR.

The role of the HTCs plays out further in the IGC. The IGC was originally established in 1978 and acquired a mandate for its activities under the IFA in 1984.³⁵ The IGC consists of members from each of the six HTCs. The IGC advises federal and territorial governments on legislative, regulatory, and administrative decisions respecting wildlife conservation, research, management, and enforcement; appoints members to the ISR’s wildlife co-management boards and other bodies focused on wildlife resource use in the ISR; assigns community hunting and trapping areas; and, when appropriate, allocates Inuvialuit quotas.³⁶

The FJMC interacts with the IGC and HTCs. Five Committee members sit on the FJMC, including the Chairman and four appointed representatives.³⁷ The IGC and DFO each appoint two members. The Joint Secretariat (JS), a central office located in Inuvik, provides logistical support and is instrumental in the co-management process.

³² IFA §14(61).

³³ IFA §14(75).

³⁴ See IFA §14(76).

³⁵ Inuvialuit Game Council. Annual Report 1998\99 1 (1999).

³⁶ IFA §14(73).

³⁷ IFA §14(62).

This management structure involves a lot of moving parts, which are often staffed by some of the same people. Participants indicate that there are sometimes problems of funding, insufficient staff, staff turnover, and changing priorities. The structure and logistics matter because it can serve as a bottleneck to effective co-management at times, underscoring the need for sustainable funding and investment of resources from the national government/DFO.

Summary of HTC, IGC, and FJMC

FJMC is mandated under the IFA to advise on research policies, primarily related to harvest patterns and levels.³⁸ FJMC research initiatives range from approximately 15 to 27 projects in a given year, such as the Fish and Marine Mammal Community Monitoring Program conducted with the HTCs. Participants shared that HTCs carry out projects and the IGC helps develop priorities.

In terms of regulations, FJMC has broad authority in several areas, including developing a public registration system for fishing or restricting and regulating fishing³⁹ when in serious conflict with Inuvialuit activities.⁴⁰

³⁸ IFA §14(64)(a).

³⁹ FA §14(64)(d).

⁴⁰ IFA §14(64)(e).

Box 6. Key Themes in the ISR

Throughout the co-management process, numerous issues arise continuously based on the specific issue at hand. During project discussions, Participants placed focus on the following themes as they relate to food sovereignty:

- *Inuvialuit traditional management practices (Inuit management)*
- *Changes in animals and vegetation*
- *Changes in food processing*
- *Positive Improvements to co-management*
- *Difficulties with the current co-management system*
- *Subsidies in the ISR*
- *Use and treatment of IK*
- *The importance of sharing and cooperation*
- *Youth involvement*
- *Direct involvement of Inuvialuit in the forming of management plans*
- *Consultation processes*
- *The importance of language as it relates to co-management*
- *Climate change – erosion, animal migrations, water movement, sea ice changes, river ice changes*
- *Education – IFA, Inuit way of life*
- *Equity/inequity (funding, IK vs science, decision-making)*
- *Cultural misunderstanding – media, tourist, decision makers*
- *Shipping and food sovereignty*
- *Communications*
- *Adaptability in decision-making*
- *Funding*
- *Accessibility*
- *Lack of adherence to IFA by government officials*
- *Economics*
- *International agreements – impacts and benefit*

Figure 6. Inuvialuit Decision-making Pathways.

FJMC in Collaboration with IGC Provides Recommendations to DFO Minister

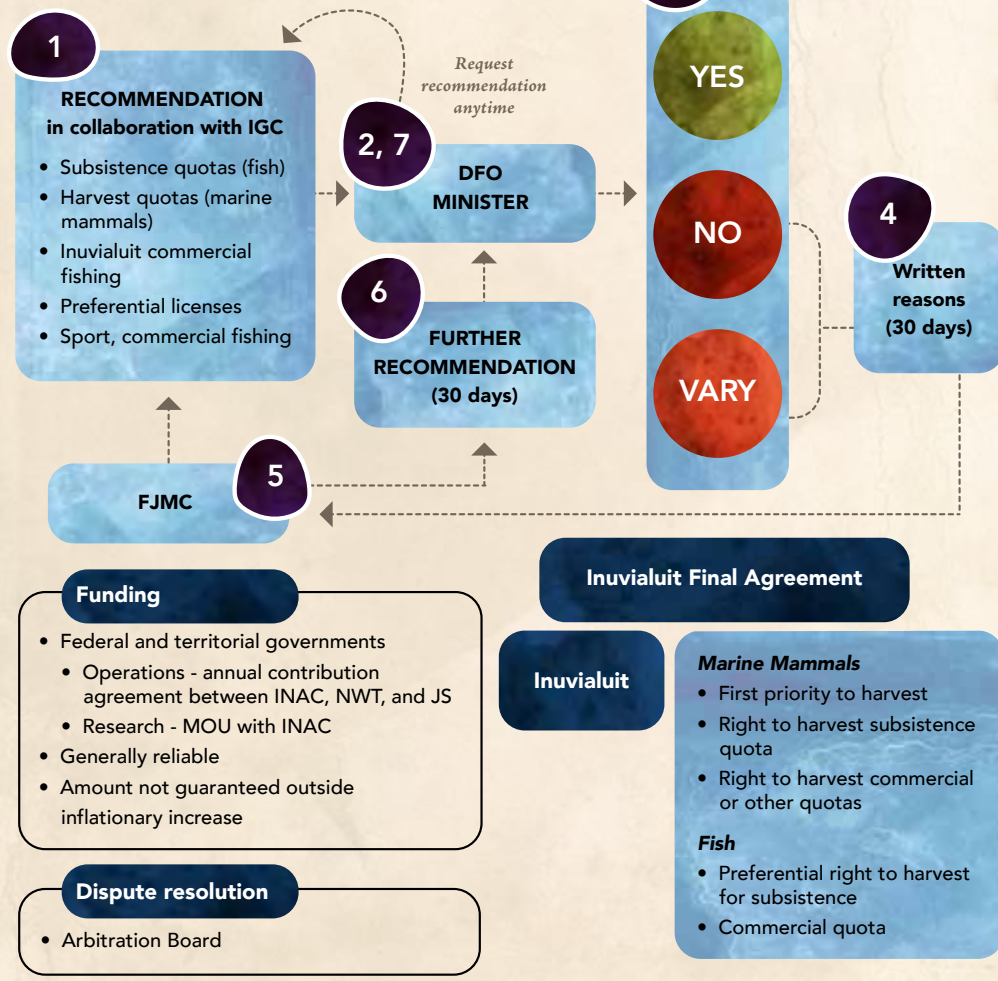


Figure 6. Inuvialuit Decision-making Pathways.

This figure provides an example of how Inuvialuit engage in the decision-making pathway. Inuvialuit members, as part of FJMC, provide recommendations directly to the DFO Minister. Participants indicate that the IGC and HTC are important at each step in the management process. For example, the HTCs and IGC are heavily involved in putting forward suggested quotas.

In sum, the picture of Inuit legal authority in the ISR illustrates a strong co-management foundation, stemming from the authority of the HTCs and communities themselves. The FJMC or IGC does not have the final say in overall allocation, but they have significant input at each step. The DFO retains enforcement authority but works in close conjunction with FJMC. As the law is written, it's not perfect co-management given that DFO often retains final authority in key areas. However, in practice, through FJMC, IGC, and the HTCs, Inuvialuit play a preeminent role in how fisheries management decisions are made within the ISR.

While numerous species are affected by management processes, this report will look deeper at char and beluga to provide some insights into the co-management system.

FJMC has developed community-based fishing plans in conjunction with local HTC. ⁴¹ These plans are generally advisory in nature, and serve as guidance to local fishers on harvest restrictions, proper gear, and other appropriate fishing practices. FJMC has also fulfilled its mandate to develop a sport fishing registry and assisted the HTCs in developing the species-specific Community Conservation Plans (CCPs) required by the IFA. They are not legally binding although each was formally adopted by the local HTC. ⁴² In each CCP, the HTC agrees to “regulate Inuvialuit harvesting using bylaws and traditional conservation methods as described in this plan, or when this is recommended through community monitoring by the joint management committees or the IGC.” ⁴³ In all of these functions, IGC plays a central role in coordination and communication.

For allocations, the FJMC plays an advisory role for overall harvest limits, but is granted unqualified authority to sub-allocate the overall quota among each of the six Inuvialuit communities, but quotas are rarely set. ⁴⁴ Participants shared that in practice, HTCs often establish community priorities, with the IGC playing an important role at each step including advising on harvest limits.

For enforcement, the DFO retains enforcement authority under the federal Fisheries Act. In practice, the FJMC may make recommendations to the DFO at any time, and the DFO Minister may accept, modify, or reject the FJMC’s recommendation. The Minister must provide written justification of any modification or rejection and grant FJMC another opportunity to argue their position. Here, communication with the HTCs via the IGC is particularly important for an efficient system.

In addition to those four main management functions, the HTCs, IGC, and FJMC conduct and participate in meetings, community working groups, and consultations related to fisheries management, like shipping, endangered species designation, environmental review,



Inuvik Drummers and Dancers group. Photographer unknown. Photo provided by Alecia Jade Lennie

monitoring, and hydrocarbon activities. The fact that FJMC, IGC, and the HTCs can lead the conversation, rather than being relegated to responding to decisions, is a key strength of the IFA and co-management by Inuit in Canada.

⁴¹ See, e.g., Fisheries Joint Management Committee Annual Report 1999-2000 5 (2000) (Inconnu integrated fishery management plans, implementation of char fishery management plan); Fisheries Joint Management Committee Annual Report 2010-11 5 (Dolly Varden Integrated Fisheries Management Plan).

⁴² See, e.g., Community of Inuvik, WMAC-NWT, Joint Secretariat. Inuvik Inuvialuit Community Conservation Plan 9 (2008).

⁴³ Id. at 58.

⁴⁴ See IFA §14(64)(g).



**IQUALUKPIK, QALUKPIK,
KIIGWTAQ, YUGYAK, IKALUKPIK**⁴⁵
*Hunters and Trapper Committees, Inuvialuit Game Council,
and the Fisheries Joint Management Committee and Char Co-
Management in the Inuvialuit Settlement Region*

⁴⁵ Char written in the numerous and various Inuit dialects by Project Advisory Committee members. The following is the order of each dialect to correspond with the words written - Inuvialuktun in Sallirmuitun and Kangiryuarmiutun (Iqualukpiik), Uummarmiutun (Qalukpiik), St. Lawrence Island Yupik (Kiigwtaq), Yup'ik (Yugyak), Inupiaq from Alaska North Slope dialect (Ikalukpiik)

Arctic char are an important animal for Inuvialuit food security. Char is harvested throughout all of the ISR, particularly by the ISR communities of Paulatuk, Sachs Harbour, Ulukhaktok, and Aklavik, but important all over the ISR. There have been multiple community-based management plans, which are currently being updated by FJMC and DFO, and the case study highlights Paulatuk, Ulukhaktok, and Aklavik because workshops were held in those communities. The plans are voluntary guidelines on char harvest allocations, best practices, and appropriate gear. Fishers are advised to cooperate with existing research and monitoring efforts, including returning research tags used to monitor char. In practice, char represents a strong example of how Inuit decision-making can empower co-management.

Char in Ulukhaktok

Arctic Char in Ulukhaktok is co-managed by FJMC, DFO, and the Ulukhaktok HTC via the Ulukhaktok Char Working Group (UCWG). A decline in char harvest and size in Tatik Lake (a.k.a. Fish Lake) prompted implementation of a harvest-based monitoring program in 1991; and an annual summer monitoring program for char harvested on the nearby coast began in 2011. The community has held a Stage I exploratory fishery license starting in 2000.⁴⁶

The latest Holman (Ulukhaktok) Char Fishing Plan, dating from 2004-2006, established new harvest restrictions. For example, it limited total harvest along the coast to 4,500 — 5,000 char for food security (subsistence) and 500 for commercial harvests, and total harvest at Tatik Lake Fish Lake and Red Belly Lake to 30 char per household (an extension of the increase in 2000), or approximately 1,000 char.⁴⁷ These limits are locally-set harvest

⁴⁶ DFO. 2016. Assessment of Arctic Char (*Salvelinus alpinus*) in the Ulukhaktok area of the Northwest Territories. DFO Can. Sci. Advis. Sec. Sci. Advis. Rep. 2016/038 1-3.

⁴⁷ Holman (Ulukhaktok) Char Fishing Plan. 2004-2006 4-5. DFO notes the number of families fishing at Tatik Lake has decreased, and the community has shifted to alternate winter fishing locations. DFO. 2016. Assessment of Arctic Char (*Salvelinus alpinus*) in the Ulukhaktok area of the Northwest Territories. DFO Can. Sci. Advis. Sec. Sci. Advis. Rep. 2016/038 at 10.



Dolly Varden char caught at the coast (Shingle Point in the ISR). Photo: Fisheries Joint Management Committee



Dolly Varden char from the Aklavik community harvest at the Big Fish River fish hole in the ISR. Photo: Fisheries Joint Management Committee

guidelines; they are voluntary and are not quotas set by FJMC.⁴⁸ In 2016, the Ulukhaktok HTC and the Ulukhaktok Char Working Group requested an increase in the subsistence take for Tatik Lake.⁴⁹ DFO most recently concluded in 2016 that the Kuujjua River and summer coastal fisheries were not overfished and the current stock status was healthy; median fish length and weight had increased, along with the proportion of large-size char.⁵⁰

Char in Paulatuk

Arctic Char from the Brock and Hornaday River systems are co-managed by DFO, FJMC, the Paulatuk HTC, and Parks Canada via the Paulatuk Char Working Group. The majority of Paulatuk's Arctic char harvest occurs in marine waters during the summer; the most important stock is from the Hornaday River.⁵¹ The Hornaday River has been fished for char for food since early 1940s, and it served as a commercial fishery from 1968 to 1986. A decline in harvest levels prompted the Hornaday River Char Monitoring Program in 1990; a later formal stock assessment in 1999 indicated improvements had been achieved.⁵²

⁴⁸ Holman (Ulukhaktok) Char Fishing Plan. 2004-2006. Other limits were set, including 1,500 fish and no commercial fishing at Kagloryuak River; 1,500 char and no commercial fishing at Kuuk River system; 500 char and no commercial fishing at Naloagyok River; and 500 char at Kagluk River. Id. at 6-7.

⁴⁹ Fisheries and Oceans Canada. Terms of Reference. Assessment of Arctic Char in the Ulukhaktok area of the Northwest Territories http://www.dfo-mpo.gc.ca/csas-sccs/Schedule-Horraire/2016/02_15-17-eng.html (March 6, 2018).

⁵⁰ DFO. 2016. Assessment of Arctic Char (*Salvelinus alpinus*) in the Ulukhaktok area of the Northwest Territories. DFO Can. Sci. Advis. Sec. Sci. Advis. Rep. 2016/038 at 2, 5-6, 10.

⁵¹ Fisheries and Oceans Canada. Terms of Reference. Assessment of Arctic Char in the Darnley Bay area of the Northwest Territories http://www.dfo-mpo.gc.ca/csas-sccs/Schedule-Horraire/2014/02_06-07-eng.html (March 6, 2018).

⁵² Id.

The current Paulatuk Char Management Plan, dated from 2003-2005, recommends an annual harvest three times a year, with the majority of fishing occurring at the mouth of Hornaday River in August. This plan recommended limiting overall annual catch to 2000, for at least three years.⁵³ In 2014, the Paulatuk HTC and Char Working Group requested an increase in harvest levels.⁵⁴ DFO in 2015 concluded the Hornaday River population was not overfished.⁵⁵

Char in Aklavik

In Aklavik, a similar approach is taken wherein there is no harvest limit and voluntary quotas are in place for certain species. Regarding char, there are total allowable harvest numbers put in place for certain rivers and community members are good about reporting numbers and pulling their nets when total allowable harvest numbers are reached because they know that the stock is healthier that way.

Participants emphasized that their communities—through the HTCs—are responsible for making wildlife management decisions such as total allowable harvests or legal mesh size for fishing. Additionally, the HTCs have been able to reverse management decisions that have been in place since before the IFA. A main example given was the re-opening of the Big Fish River for harvesting. Participants explained that the Big Fish River, near Aklavik, was closed to harvesting before the land claims agreement was signed. The plan to re-open the river was led by an Elder who sat on the HTC. In pointing out that the Inuvialuit people were never consulted in the river closure, the HTC was able to convince the DFO to re-open the river, despite initial resistance. Participants underlined the fact that under the IFA, Inuvialuit must be consulted in such management decisions. A monitoring program was put into place and showed a population growth in the char after the river was reopened.

Overview of Char Co-Management

Other than the plans discussed above, background laws apply to char management, like the Fisheries Act. In addition, the FJMC and HTCs undertake annual research projects on char.⁵⁶

With char, the legal framework supports strong co-management systems. The stocks are kept healthy with Inuit communities leading the year-to-year decision-making process, often through HTCs and working groups. The IGC and FJMC supports those decisions, and the DFO supports the overall structure.

The long-term planning and management are organized by the FJMC/IGC and DFO with community involvement. In essence, the laws act as a backstop to ensure that char are not overfished. Short of that, the plans allow communities substantial authority over harvesting, fishing, and hunting for the collection of food as they wish, with IK at the forefront.

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⁵³ Paulatuk Char Management Plan. 2003-2005 7.

⁵⁴ Fisheries and Oceans Canada. Terms of Reference. Assessment of Arctic Char in the Darnley Bay area of the Northwest Territories (March 6, 2018).

⁵⁵ DFO. 2016. Assessment of Arctic Char (*Salvelinus alpinus*) in the Darnley Bay area of the Northwest Territories. DFO Can. Sci. Advis. Sec. Sci. Advis. Rep. 2015/024 at 2, 10.

⁵⁶ Fisheries Joint Management Committee Annual Report 20015-16 app. 2 (2016).



**QILALUGAQ, PUUGZAG,
ASIGARNEQ, CETUAQ,
CITUAQ, QILALUGAQ⁵⁷**

*Hunters and Trapper Committees, Inuvialuit
Game Council, and the Fisheries Joint
Management Committee and Beluga Whale
Co-Management in the ISR*

⁵⁷ Beluga whale written in numerous and various Inuit dialects provided by Project Advisory Committee members. The following is the order of each dialect to correspond with the words written – Inuvialuktun (Qilalugaq) , St. Lawrence Island Yupik (Puugzag), Yup'ik (Asigarneq, Cetuaq, Cituaq), Inupiaq from Alaska North Slope dialect (Qilalugaq)

Beluga whale co-management has added complications due to several additional legal instruments at play. The basic structure allows for substantial Inuit say in management, with some restrictions based primarily on voluntary agreements and conservation efforts.

Beluga Harvest

Beluga whales remain a primary source of food and medicine for the Inuvialuit as they have been for generations. Inuvialuit from Aklavik, Inuvik, and Tuktoyaktuk regularly harvest beluga whales from the Mackenzie River estuary each summer.⁵⁸ The hunt is conducted largely during month of July, lasting four to six weeks.⁵⁹ The harvest of beluga in the estuaries is self-regulated and limited based on Inuvialuit protocols and perspectives.⁶⁰

Beluga Whale Management

Prior to 1984, beluga whales in the Canadian Western Arctic were managed under the auspices of the Fisheries Act. DFO established the Beaufort Sea Beluga Technical Working Group in 1985, and the organization submitted its draft of the Beaufort Sea Beluga Management Strategy to the FJMC in June 1987.⁶¹ The Strategy was amended in 1993 to include a suite of marine stressors, such as oil and gas, again in 2001, after enactment of the Oceans Act and the Beaufort Sea LOMA discussion began, and most recently in 2013 following the establishment of the TNMPA (Tarium Niryutait Marine Protected Area), Canada's first Arctic MPA, in the Mackenzie Delta.⁶²

The fourth amended version of the Beaufort Sea Beluga Management Plan (BSBMP) is a non-binding management plan developed by the FJMC cooperating with the six HTC communities, and the DFO. The plan's purpose is to ensure responsible and effective-long-term management of the beluga resource and to address multiple-use conflicts, with the parties jointly responsible for implementation including the village-based HTCs, the IGC, FJMC, DFO, and industry representatives.

The most comprehensive update to the 2013 version is incorporation of the TNMPA and associated regulations, which afford the greatest level of protection to the original hunter-identified 1A Zones. The original two goals of the BSBMP were to 1) maintain a thriving beluga population in the Beaufort Sea and 2) provide for optimal sustainable harvest by Inuvialuit. A new, third goal is creating economic opportunities for the Inuvialuit through non-disruptive activities.⁶³ The plan aims to empower the Inuvialuit to co-manage and monitor the overall eastern Beaufort Sea beluga stock.

The BSBMP designates five management zones and provides use guidelines for every zone. Each zone links the significance of the habitat to beluga with the intensity of management measures required. TNMPA, designated August 26, 2010, effectively created one of the beluga management zones. This is the former Zone 1A, an 1,800 square mile area overlaying Niaqunnaq, Okeevik, and Kittigaryuit. This zone was created in response to renewed interest in offshore hydrocarbon exploration and development in the vicinity of critical beluga habitat.⁶⁴

⁵⁸ DFO, 2000. Eastern Beaufort Sea Beluga. DFO Science Stock Status Report E5-38 (2000) at 4.

⁵⁹ *Id.* at 5.

⁶⁰ Beaufort Sea Beluga Management Plan 17 (2013).

⁶¹ Beaufort Sea Beluga Management Plan 31 (2013).

⁶² *Id.* at 5.

⁶³ *Id.* at 6.

⁶⁴ *Id.* at 21.

In addition to the broad management plan, the HTCs drafted CCPs in 1993. These CCPs included beluga hunting bylaws, which describe appropriate hunting behavior and permitted equipment, and also suggest the number of whales that may be harvested and what information needs to be reported. The adoption of conservation-minded community beluga hunting bylaws is credited with helping reduce struck and lost rates.⁶⁵

Recognizing that beluga, like Inuit and marine mammals, transcend national borders, the Inuvialuit-Inupiat Beaufort Sea Beluga Whale Agreement was signed March 3, 2000, between the Inuvialuit of Canada's Western Arctic and the Inupiat of Alaska's North Slope region. The Agreement establishes the Inuvialuit and Inupiat Beluga Commission, which meets at least biennially. The organization's objectives include sharing information on annual takes, comparing harvest information and research results from both countries, and planning joint research projects.⁶⁶

Overview of Beluga Co-Management

Whereas char management relies primarily on community management plans and background laws, beluga management is across a broader geographic area, primarily through large-area management plans and MPAs. The BSBMP brings together the FJMC, IGC, DFO, and HTCs to present a unified vision of management. Optimal sustainable harvest and economic opportunities for the Inuvialuit are identified as main priorities informing management guidelines. The HTCs then help determine harvest practices, largely through CCPs.

This co-management model works within an over-arching plan that brings together government managers and Inuvialuit organizations in a unified vision. Communities help bring that plan to fruition, with a large amount of autonomy in day-to-day practices. This has allowed beluga populations to thrive while supporting Inuvialuit community goals and a greater respect for and recognition of Inuvialuit traditional

hunting practices, IK, and sustainable Inuvialuit practices. The joint work of the Inuvialuit and Inupiat is also an important component.

Inuvialuit on Management

Participants described numerous feelings on beluga whale and char management, with a general satisfaction with how management happens in practice. For the most part, Inuvialuit don't have harvest limits. Throughout history they have sustainably harvested what is needed. However, recommendations are made which are voluntarily followed by harvesters, as in the case of char. As one participant put it: "they are not going to tell you 'you can't fish,' they say 'please stop.'" There are total allowable harvest numbers put in place for certain rivers and Participants indicated that community members are typically good about reporting numbers and pulling their nets when total allowable harvest numbers are reached because they know that the stock is healthier that way.

HTCs have substantial say, and regulations and recommendations come from Inuvialuit and government working together. As one participant framed the discussion, the ideal management situation would be full Inuit food sovereignty, but the system usually works well. "Simply put, if the governments could just leave us alone, let us oversee our traditional way of living without any regulations, policies, or bylaws. Anything to impede us in terms of living our life, life would be so much simpler. But there's the government. Federal, Local, regional, they're there. So, we have to somehow live with those regulations in place. But in this case food sovereignty means that we get to have a say, but we are the decision makers in terms of quotas on bowhead, beluga, walrus, polar bears, muskox, caribou. We get to set a direction for our way of living."

⁶⁵ Id. at 18.

⁶⁶ Inuvialuit Inupiat Beaufort Sea Beluga Whale Agreement (2000).



Beluga whale being harvested. Beluga is an important food source for many families and communities within the ISR. Photo: Hans Lennie

One theme raised many times is how climate change is altering how fishing and harvesting occur. Thus, it's essential to have community-driven management, and the system of HTC's, the IGC, and FJMC has been helpful in the increasing and constant process of adaptation.

Some Participants expressed dissatisfaction about funding and inequity/imbalance in decision pathways. There needs to be a continued commitment to support the capacity of communities and HTC's to engage in these processes, particularly with the rapid adaptation needed to respond to climate change.

Beluga whale being harvested. The first whale caught becomes a community harvest. Photo: Chris Kelly



Beluga whale being harvested. Photo: Hans Lennie





Preparing fish to dry. Photo: Tom Gray

Management in Alaska

The history of co-management in the US begins with a history of discrimination and broken promises that is characteristic of most government interactions with Indigenous Peoples over centuries. As a result of that history, increased focus and intent needs to be placed on equity, representation, trust, and respect.

Asymmetry of Power Dynamics and Food Sovereignty

Power dynamics saturate all of these issues and affect most interactions. Participants expressed that government officials need to release their sense of control over Inuit and make an effort to understand that Inuit have always known what they are doing when it comes to wildlife management. Participants noted that more cooperation and less resistance from government is needed.

Participants commented on the undertones—and sometimes overtones—of intimidation that they feel from wildlife managers and law enforcement, highlighting the imbalance of power that often pervades co-management and consultation processes. Overall, Participants agreed that within Alaska, both state and federal government representatives are reluctant to give up any control to move toward an equitable relationship or genuine partnership and



Job (Joeb) and Nora Nelson moving salmon from the drying rack to the smokehouse on the Kuskokwim River, AK. Photo: Mary Peltola



Phillip Charlie, Jr. talking about how big the berries were where he was picking and how much rain pours in a few seconds. Photo: Charlie Charlie

true co-management. The bureaucratic nature of agencies can get in the way as well—there are stories of enforcement departments of agencies not communicating or working with management departments.

It was noted that law enforcement representatives often arrive with little information and exhibit misguided attempts to treat everyone the same, no matter where they are stationed. One participant also identified “pride” as a factor that drives continued mismanagement of certain resources. A participant noted that although the Alaska Department of Fish and Game has seen effective Inuit management in action, “...they continue to be reluctant to amend their management systems”. Participants provided the following example – “...the state has seen that fishing from the first salmon run and allowing the second run to pass is an effective strategy, but they refuse to change regulations to allow early fishing.” Regarding this example, a participant shared, “I started thinking that maybe they don’t want to admit that we are right, and they are wrong.”

The Trust Responsibility and Consultation

The trust responsibility is a concept based on Native Americans’ exchange of land in consideration for the US government’s recognition and promise to respect and protect the rights of Tribal governments to exist as distinct sovereign entities; to respect Tribal sovereignty; and deliver certain services. This is a legally enforceable obligation “to protect treaty rights, lands, assets, and resources.”⁶⁷

Arising out of that trust responsibility is the obligation to consult with Tribal governments. The US federal government’s obligation to consult is both broader in scope yet significantly more limited as to enforceability than the duty imposed on Canadian federal agencies. However, the progressive development of international human rights standards can be instructive as to consultation and free, prior and informed consent.

⁶⁷ See Cohen’s Handbook of Federal Indian Law § 5.04[3] (2017 ed.) and Secretarial Order 3335 “Reaffirmation of the Federal Trust Responsibility to Federally Recognized Indian Tribes and Individual Indian Beneficiaries.” (Aug 20, 2014) (“Federal trust responsibility...consists of the highest moral and legal obligations that the United States must meet to ensure the protection of tribal and individual Indian lands, assets, resources, and treaty and similarly recognized rights.”)

Current consultation policy is established in Executive Order 13175, issued in 2000, and further implemented by a 2009 Presidential Memorandum. Executive Order 13175 imposes the duty to consult on all executive agency actions “with tribal implications,” broadly defined to encompass regulations, proposed legislation, policy statements, and agency actions “that have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.”⁶⁸ Key elements in the consultation process as described in the Executive Order include: agency accountability, “meaningful and timely” tribal input, initiating consultation early in the process of establishing regulations with tribal implications, and use of “consensual mechanisms” for developing regulations.⁶⁹ Notably, the Executive Order states the fundamental principle that “[w]hen undertaking to formulate and implement policies that have tribal implications, agencies shall: (1) encourage Indian Tribes to develop their own policies to achieve program objectives; [and] (2) where possible, **defer to Indian Tribes to establish standards...**” Therefore, federal agencies should defer to Inuit standards, including policies and procedures related to consultation.⁷⁰

Unlike Canada, and with very few exceptions in law, consultation in the US is usually not legally enforceable in a court. Legislation to formalize the requirements of Executive Order 13175 into the United States Code has been proposed, but thus far no such bill has been enacted.⁷¹

Additionally, the State of Alaska wildlife management agencies are not legally required to consult with Indigenous communities. Under the Millennium Agreement of 2001, Alaska committed to a policy favoring consultation over matters of mutual interest to the state and a Tribal government.⁷² A 2017 letter from the Alaska Attorney General to the Governor affirmed the sovereign status of Tribes in Alaska with jurisdiction over many issues that affect them.⁷³ However, consultation as a procedure likely remains a non-binding requirement for the state.⁷⁴

Inuit on Consultation

Overall, there is not a good feeling about effective consultation within Alaska. Participants say that the federal and state governments view consultation as telling people what is going to happen, as opposed to a dialogue between two equal groups. “I thought consultation meant back and forth and getting permission. But it is not about permission. It is just about saying this is happening.”

Participants noted that the consultation, dialogue, and discussion presently does not have a clear, identified process. Oftentimes, a Tribal Council may receive notification of a decision to be made or are told that the consultation process occurred when reporting to a management advisory board, such as the Regional Advisory Council (a body under the US FWS’s Office of Subsistence Management). Other

⁶⁸ Executive Order 13175, “Consultation and Coordination with Indian Tribal Governments” (Clinton, Nov 6, 2000) (emphasis added). The Executive Order also directs agencies to grant tribal governments the “maximum administrative discretion possible” on statutes and regulations administered by those governments, and favors deferring to tribally-developed policies. *Id.* at §3.

⁶⁹ *Id.* at §5.

⁷⁰ Environmental Law Institute, Model Alaska Native Consultation Procedures Handbook (2016), <https://www.eli.org/research-report/handbook-model-alaska-native-consultation-procedures>

⁷¹ See, e.g. the current iteration of the Requirements, Expectations, and Standard Procedures for Executive Consultation with Tribes (RESPECT) Act, H.R. 2689, 115 Cong. (2018).

⁷² See Millennium Agreement between the Federally Recognized Sovereign Tribes of Alaska and the State of Alaska (Apr. 11, 2001) available at <http://dot.alaska.gov/tribalrelations/index.shtml>.

⁷³ 2017 Letter, http://www.law.state.ak.us/pdf/opinions/opinions_2017/17-004_JU20172010.pdf

⁷⁴ See Millennium Agreement. “This agreement is a policy directive and does not create legally binding or enforceable rights.”



Potluck with bowhead and beluga whale muktuk. Photo: Chris Arend

times, governments neglect the government-to-government obligations and hold only “public comment” periods. During this process all citizens—not just Tribes—provide comments despite the fact that results may primarily impact Tribal members. This approach discards the status, rights, and authority of Inuit Tribal governments.

Additional barriers occur when the responsibility is put on the community to consult with federal or state governments. Traveling to the urban-based offices of federal and state government policy and decision makers is costly and often not an option for rurally-based Tribes and Inuit communities.

Two Major Laws - Alaska Native Claims Settlement Act and Alaska National Interest Lands Conservation Act

Exploitation of vast oil reserves in Alaska in the mid-twentieth century and the subsequent enactment of the Alaska Native Claims Settlement Act (ANCSA) dramatically changed the legal landscape in Alaska. ANCSA purportedly eliminated pre-existing title “aboriginal title” and “aboriginal hunting/fishing rights” in favor of a corporate-run, fee-based land ownership system. Instead of vesting assets, such as land and money, in Tribal governments, Congress required the formation of “Alaska Native corporations”. This effectively converted the communal land claims of Indigenous Peoples into individual private property, represented by shares of stock today in 13 Native regional and 210⁷⁵ village corporations.

In addition, ANCSA allocated land among the state, the Native corporations, and the federal government. Approximately 45.7 million acres fee simple title⁷⁶ to select lands was allocated to the Alaska Native state-chartered corporations. Alaska could act upon its claim to 103 million acres under the Statehood Act, and the federal government holds title to the approximately 216 million acres remaining. This land arrangement is significant for co-management because different management rules often apply on federal land and state land, including land held by the Alaska Native corporations.

⁷⁵ Department of Commerce, Community, and Economic Development’s Division of Community and Regional Affairs. Accessed on 4/14/20. <https://dcra-cdo-dcced.opendata.arcgis.com/datasets/native-village-corporations/data>

⁷⁶ The term “fee simple” is generally understood to mean outright, unfettered ownership of land or full and clear title to land with no encumbrances, trust or other limitations on ownership.

Section 17(d)(2) of ANCSA led to the Alaska National Interest Lands Conservation Act (ANILCA) of 1980. This ANCSA provision instructed the Secretary of the Interior to identify lands suitable for inclusion in the national conservation system. These lands were withdrawn from development until 1978, setting the stage for more conflict, which was exacerbated when President Jimmy Carter withdrew more than 100 million acres as national monuments under the Antiquities Act. ANILCA resolved the impasse, setting aside approximately 90 million acres.

ANILCA created a “rural” subsistence priority. As a reminder, the word “subsistence” is only used in this report in reference to federal/territorial/ state regulations, legislation, and agreements. Where possible the term ‘food security’ is used to more accurately capture all the components that are included in Inuit food security.

Though the legal history is complex, the basic outline is that the federal government anticipated that the state of Alaska would administer the rural subsistence priority by enacting laws under the umbrella of cooperative federalism. But in 1982, an Alaskan Supreme Court ruling legally disabled Alaska from implementing this scheme, on the basis a rural subsistence priority violated the state constitution. As a consequence, the subsistence priority is regulated under a complicated dual state/federal management structure. See Box 7 for a more in-depth discussion about ANILCA and management systems in Alaska.

Federal-State Dual Management in Practice

Two key concepts of federal-state management are at the forefront. First, “subsistence users” are not necessarily the same people under the federal and state schemes, and they do not solely refer to Indigenous Peoples in Alaska, and “subsistence hunting and fishing” does not necessarily have the same priority over other uses, such as sport and commercial hunting and fishing, at the same time and place. For example, all Alaska residents may qualify as subsistence users on state

lands, but only people residing in rural communities and making traditional and customary uses of fish and game resources can benefit from the federal priority on federal lands and federal reserved waters. Second, the boundaries separating federal, state, and private lands are not clearly delineated.

A participant noted that this can “lead to problems when actually out hunting as you need a lawyer with you (going upriver you might have state law and downriver federal law).” Additionally, there is frustration and concern that there is no explicit preference for Indigenous Peoples’ food security related to some animals, particularly those not included in the MMPA. Indigenous Peoples are often lumped into the category of “stake holders” and not as rights holders. This lack of recognition of Indigenous Peoples as rights holders further impedes Inuit food sovereignty.

These conditions are further complicated by the role of other laws on management, like the MMPA. The MMPA pre-empts ANILCA with its own regulatory regime for marine mammals like walrus, as will be discussed below in detail. In essence, the default system is federal/state management via ANILCA (i.e. salmon), with the MMPA creating a new co-management system for marine mammals (i.e. walrus), overlaid with background laws and regulations.

Box 7. Who Governs What? – ANILCA and Federal/State Management

ANILCA clearly states that Congress’s intent in enacting the legislation included “protect[ing] the resources related to subsistence needs.”⁷⁷

Subsistence uses are defined in both the law and associated regulations as “the customary and traditional uses by rural Alaska residents of wild, renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; for the making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption, for barter, or sharing for personal or family consumption; and for customary trade.”⁷⁸

The priority is based on rural residency and not distinct Alaska Native status despite the findings of Congress that subsistence uses are “essential to Native physical, economic, traditional, and cultural existence.” Regulations outline eligibility criteria for who is entitled to the subsistence priority.

Chiefly, individuals must be Alaskan residents of a rural area or community.⁷⁹ Subsistence users may be required to possess and comply with certain state or federal licenses, permits, harvest ticket, or tags; some exceptions apply.⁸⁰

On federal land, the Federal Subsistence Board (FSB)—which has regulatory oversight of the federal subsistence program under ANILCA—

designates rural areas and allocates subsistence uses.⁸¹ ANILCA Title VIII provides for both Regional Advisory Councils (RACs) and Local Advisory Committees (LACs), which do not require that seats be designated for Indigenous Peoples representatives. These bodies provide the FSB with stakeholder input, meeting ANILCA Title VIII’s mandate that “an administrative structure be established for the purpose of enabling rural residents who have personal knowledge of local conditions and requirements to have a meaningful role in the management of fish and wildlife and of subsistence uses on the public lands in Alaska.”⁸² RACs and LACs play an advisory role, rather than holding true co-management power, though recommendations are entitled to significant deference. ANILCA also provides for cooperative agreements with Native Corporations, which could be an avenue for co-management, but is complicated by how the shareholding system works.

ANILCA is preempted by conservation laws which establish their own regulatory regimes. These laws include the Endangered Species Act (ESA), the Marine Mammal Protection Act (MMPA), the Migratory Bird Treaty Act, and the Magnuson-Stevens Fishery Conservation and Management Act.⁸³ For example, the MMPA authorizes co-management agreements with organizations like the

EWC. The MMPA will be discussed in more detail later due to its preeminent role in marine mammal management and its interaction with the EWC.

On state lands, Alaskan law governs subsistence use (this includes Native corporation lands). The Alaska Supreme Court effectively ruled that all Alaskans can participate in subsistence hunting and fishing, subject to regulatory oversight.

What is federally recognized as subsistence use is prioritized over other consumptive uses, but there is no distinction made based on where subsistence hunters and fishers live—whether in urban or rural areas—nor whether they are Native or non-Native. That is contrary to the intent of ANILCA, and it could undermine the rights of Indigenous peoples. Even with obstacles listed in this section, Inuit have made their voices heard through organizations like EWC and KRITFC.

⁷⁷ ANILCA § 101(b), 15 USC. § 3101(b).

⁷⁸ ANILCA. § 803, 15 USC. § 3113; 50 C.F.R. §100.4.

⁷⁹ 50 C.F.R. § 100.5.

⁸⁰ See 50 C.F.R. § 100.6.

⁸¹ 50 C.F.R. § 100.15.

⁸² ANILCA. § 801(5), 16 USC. § 3111(5).

⁸³ ANILCA. § 815(4), 16 USC. § 3125(4).





⁸⁴ Walrus written in numerous and various Inuit dialects provided by Project Advisory Committee members. The following is the order of each dialect to correspond with the words written –St. Lawrence Island Yupik (Ayveq), Yup'ik (Asveq, Kaugpak, Qecigpak), Inuvialuktun (Aivik) Inupiaq Alaska North Slope dialect (Aiviq)

Inuit take a holistic (ecosystem-based) approach to understanding the Arctic ecosystem and governing their relationships within that ecosystem. In contrast, the US management system is typically based on single-species management, sometimes with entirely different legal regimes applying to different animals (and to the same animals in different places). Under the direction of the MMPA, the US Fish and Wildlife Service is responsible for the management of Pacific walrus in Alaskan waters. As shared throughout this report, Inuit have maintained a relationship with walrus for thousands of years – holding the inherent responsibility to care for this relationship through IK and values rooted in respect.

We learned how animals' behaviors are, and they [hunters] learned how to hunt successfully. When you live in an area, you become part of the environment, we are part of the environment. We have been sustaining this environment for thousands of years without degrading it. Resources keep coming back to us, year after year. And that's one thing millions of people in the world misunderstand, we are actually part of the environment... We've been sustaining this environment and keeping it clean and everything, without hurting the [animals]. It's what I learned as a hunter a long time ago. You better be part of that environment if you wanna be a successful hunter" – AK Participant⁸⁵

The act of harvesting marine resources brings families and communities closer together. Many Participants described their own experiences hunting walrus as children, and subsequently their practice of passing knowledge and experiences on to their children and grandchildren. Through harvesting and preparing foods, many core values are taught, such as sharing, responsibility, and the inter-generational importance of Inuit foods for future generations – in essence, passing on IK and sustaining Inuit culture. Participants also commented on the role that marine animals and the harvesting plays in bringing communities together and helping to create strong bonds between community members.

The Marine Mammal Protection Act

The MMPA was enacted in 1972, consolidating marine mammal management into two agencies: National Marine Fishery Service (NMFS) within the Department of Commerce, and the FWS within the Department of the Interior. NMFS maintains jurisdiction over whales, dolphins, porpoises, seals, and sea lions, while FWS is responsible for management of walrus, sea otters, polar bears, manatees, and dugongs. The 1994 amendments to the MMPA explicitly authorized NMFS and FWS to enter into agreements with Alaska Native Organizations (ANO) to conserve marine mammals.⁸⁶ The MMPA preempts state management of marine mammals unless certain conditions are met regarding subsistence priority (among other things), which is unlikely given past Alaska Supreme Court decisions. Thus, walrus in Alaskan waters are primarily managed by the federal government, streamlining the number of actors in the management system.

Importantly, the MMPA exempts “Alaska Native subsistence users” from the moratorium on taking marine mammals. Specifically, the exemption applies to “any Indian, Aleut, or Eskimo who resides in Alaska and who dwells on the coast of the North Pacific Ocean or the Arctic Ocean.”⁸⁷ The exemption is subject to two conditions.

⁸⁵ Savoonga Marine Mammal Advisory Committee Focus Group Summary Report: Food Sovereignty and Self-Governance-Inuit Role in Managing Arctic Marine Resources. February 2019. Accessed March 20, 2020. https://iccalaska.org/wp-icc/wp-content/uploads/2019/08/FSSG_-_Savoonga-Focus-Group-Summary-002.pdf

⁸⁶ In practice, numerous agencies are involved in management and research, which can be a burden on community members and organizations. For example, NMFS is authorized to conduct research on whales, seals, and sea lions. But US Geological Survey (USGS) is the Department of Interior agency authorized to conduct research on walrus, polar bears, sea otters, manatees and dugongs.

⁸⁷ MMPA § 101(b); 16 USC. § 1371(b); see also 50 C.F.R. §18.23(a).



Winter in Savoonga, AK. Photo: Carolina Behe



Boat frames and walrus in Alaska. Walrus is crucial to Inuit food security to many communities in Alaska. Photo: Carolina Behe

Box 8. Key Themes Raised Under the Walrus Case Study

Through discussions with Eskimo Walrus Commissioners, the Savoonga Marine Mammal Advisory Committee, and additional hunters, the following key themes were raised that apply across the management system:

- *Negative impacts of management/ regulations on the health and well-being of animals, water, land, culture, and overall ecosystem health*
- *Challenges associated with the set-up of the current co-management system*
- *Self-determination, authority, power and the right to say yes, no or yes with conditions*
- *Holistic management vs single species management*
- *Differences in management practices (differences in values)*
- *Conflict of interests – impacts of politics and large scale lobbying*
- *Demoralization due to federal law enforcement actions*
- *Need for community-driven management*
- *Putting Inuit rules/laws/practices at the forefront*
- *Taking care of the Arctic and what tools are used*
- *Need for structural changes associated with government-to-government operations, dialogue, and relationships*
- *Need for trust and respect*
- *Collectively working together and remaining united*
- *Lasting effects of broken governmental/ legal agreements and ignoring or dismissing Inuit laws*
- *Cultural and spiritual importance of relationships with all within the environment and harvesting*
- *Lack of consistent and adequate funding*
- *Impacts and concerns for pollution and shipping*
- *Climate change impacts*
- *Power dynamics and impacts of paternalism*
- *Lack of equity – including in funding, voice, meeting structure, and decision-making processes*
- *Lack of fairness and justice*
- *Impact of material bans (seal skin and walrus ivory) on culture, economics, and ecosystem health*
- *Indigenous human rights and international instruments*

First, marine mammals must be taken for the purpose of either subsistence use or “creating and selling authentic native articles of handicrafts and clothing.”⁸⁸ Second, taking must not be conducted “in a wasteful manner.” The latter qualifier restricts Indigenous Peoples to limit their harvest to only the number of marine mammals needed, prohibits the waste of a substantial portion of each marine mammal harvested, and requires hunters to select efficient harvest methods.

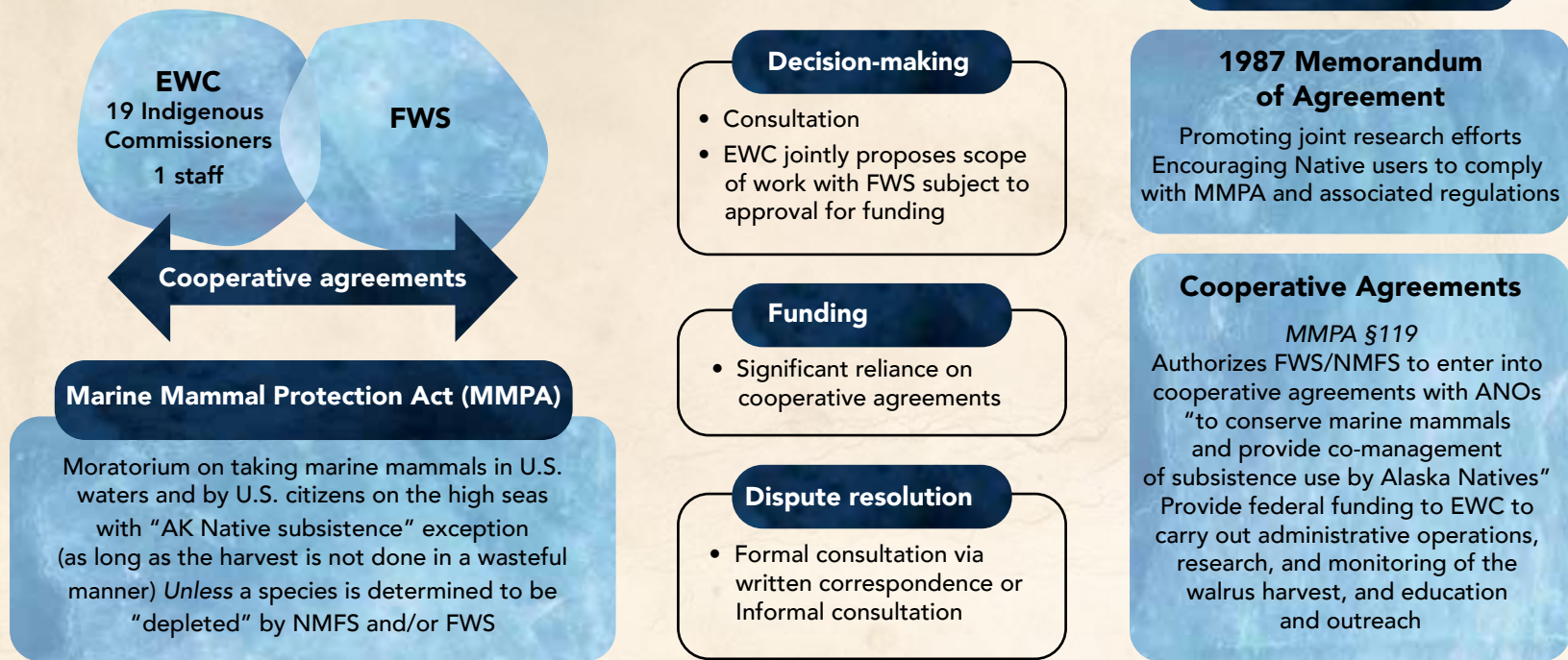
Two main avenues exist for ANOs to enter into co-management arrangements with FWS or NMFS under the MMPA, Sections 112 or

119. Most agreements between FWS or NMFS and ANOs like EWC are made through Section 119, authorizing both agencies to enter into cooperative agreements. Participants note that it is important to stress that this is a cooperative agreement – not co-management.

⁸⁸ “Authentic native articles of handicrafts and clothing” is defined as “items composed wholly or in some significant respect of natural materials, and which are produced, decorated, or fashioned in the exercise of traditional native handicrafts without the use of pantographs, multiple carvers, or other mass copying devices. Traditional native handicrafts include, but are not limited to, weaving, carving, stitching, sewing, lacing, beading, drawing, and painting.” 16 USC. §1371(b)(2); 16 USC. § 1539(e)(3)(ii).

Figure 7. The Eskimo Walrus Commission Role in Management.

The EWC has a significant role in walrus management through MMPA cooperative agreements





Walrus outside of Little Diomedé,
AK. Photo: Maasingah Nakak

Both agencies entered into an umbrella agreement with the Indigenous People’s Council for Marine Mammals (IPCoMM) which establishes a framework for negotiating Section 119 agreements.⁸⁹ IPCoMM formed in 1992 to address the MMPA’s reauthorization, co-management, and to include IK in managing “subsistence” use. The organization includes 19 marine mammal commissions, councils, and other ANOs, including the EWC.

The umbrella agreement includes, among its key guiding principles, provisions that illustrate how ANOs envisioned the implementation of co-management arrangements under Section 119. Specifically, the agreement envisions a relationship among equals, stating that Indigenous Peoples should have “full and equal participation in decisions affecting the subsistence management of marine mammals, to the maximum extent allowed by law.” The agreement adds: “Any decision-making structures created as a result of this agreement for co-management shall have an equal representation of Alaska Natives/Federal agency representatives unless otherwise mutually agreed upon by the Parties.” Decision-making is anticipated to be collaborative and not adversarial: “The goal of shared decision-making for individual agreements shall be through consensus, based on mutual respect.”

In practice, though, the agreements have not yet amounted to true power sharing as envisioned by the original umbrella agreement. There are three main criticisms of Section 119 co-management. The most significant is the regulatory and enforcement gap in which neither federal agencies nor Tribes can take effective action to manage marine mammal resources prior to a depletion finding under the MMPA. In addition, agreements often require greater and more consistent funding for co-management institutions, plus more equal conflict resolution processes.

The Eskimo Walrus Commission

Following the 1994 MMPA amendments and addition of Section 119, EWC and FWS entered into a series of new annual cooperative agreements beginning in 1997 and continuing through today. The cooperative agreements provide federal funding to the EWC to carry out activities specified in a scope of work.

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⁸⁹ See Memorandum of Agreement for Negotiation of Marine Mammal Protection Act Section 119 Agreements Among the US Department of Commerce, National Marine Fisheries Service, US Department of Interior, Fish and Wildlife Service, and the Indigenous People’s Council for Marine Mammals (2006).

Recent cooperative agreements between EWC and FWS include in the statements of purpose: (1) maintaining Pacific walrus as a functional part of the ecosystem and a renewable resource for subsistence uses in Alaska;⁹⁰ (2) co-managing subsistence uses;⁹¹ (3) fostering a productive working relationship and enhancing communication among FWS, EWC, Tribal governments, and subsistence users;⁹² (4) providing EWC and Kawerak, Inc. [a non-profit organization of Tribes within the region] with information on walrus population, status, and trends for developing sound management practices;⁹³ (5) supplying FWS with information on the monitoring of walrus population, status, and trends to fulfill the agency's species oversight role;⁹⁴ and (6) supporting all aspects of walrus management at the community level.⁹⁵

While the cooperative agreements have led to a strong and robust EWC, the annual nature of the agreements and fluctuating funding amounts add uncertainty that can undermine the co-management power sharing. The research power sharing is perhaps strongest. Under an Memorandum of Agreement (MOA), EWC agrees to cooperate with FWS and the Alaska Department of Fish & Game in tracking the walrus health, status, and trends. Significantly, the agreement accounts for application of IK to biological and other studies, with EWC providing the other parties to the MOA with a method for acquiring and applying such knowledge. An example of joint research efforts is the Bio-sampling Program, where EWC oversees sampling logistics, while FWS trains the bio-samplers and monitors, processes the samples, shares resulting reports with EWC, and provides related materials and general technical assistance.

For regulation, the FWS has substantial authority under the MMPA and Endangered Species Act (ESA) to make regulations restricting Indigenous Peoples' walrus harvest.⁹⁶ That authority is exercised with a single-species focus on hunting rather than a holistic approach on other impacts to the species. There is notice-and-hearing and public comment



Drying meat. Prepared and stored foods will provide for families throughout the winter. Photo: Carolina Behe

opportunity, but that inherently places Indigenous Peoples in a place of reacting to decisions, rather than directly serving as co-decision-makers. Consultation acts the same way, with no substantive requirements to act on (or even provide reasoning to) Indigenous Peoples and their organizations (i.e. Tribal councils, Indigenous organizations and management bodies). EWC has earned a strong say in management, but only through good work over many years, rather than the solid legal grounding that the EWC deserves.

⁹⁰ Id. at 2011-present

⁹¹ Id. at 2003- present.

⁹² Id. at 2011- present.

⁹³ Id. at 2004- present.

⁹⁴ Id. at 2004- present.

⁹⁵ Id. at 2011- present. Earlier statements of purpose and objectives include: (1) The conservation of Pacific walrus by the involvement of subsistence users through the EWC, id. at 1997-2002, (2) implementing MMPA § 119, id. at 1997-2002, and (3) conserving Pacific walrus in Alaska. Id. at 2003-2010.

⁹⁶ See MMPA §101(b); 16 USC. § 1371(b)(3); ESA §4(a, d); 16 USC. §1533(a, d).

The EWC's legal role is within the context of cooperative management (rather than true co-management). As shared before, Inuit have had their own rules/laws/practices for thousands of years. In recent years, some of those rules/laws/practices are being federally recognized. For example, Participants shared that in 1934, Gambell (a community on St. Lawrence Island) leaders enacted their laws/practices through an agreed upon Tribal ordinance. The ordinances were revised in 2010 and include voluntary trip limits and local monitoring activities. These ordinances are also applied in Savoonga (a community on St. Lawrence Island). The shared Tribal Marine Mammal Ordinances (TMMOs) were officially recognized by the federal government in 2010.⁹⁷

Final enforcement authority under the MMPA rests solely with the FWS, outside of the sphere of individual Tribes.⁹⁸ This creates an "enforcement gap" when there is no "depletion" finding under the MMPA, where the FWS may only enforce the prohibition on wasteful take, but individual Tribes only have jurisdiction over their own members.

Inuit on Walrus Management

In sum, Participants express that it often feels like they are being spoken down to, rather than engaged in discussions between equal co-management partners. That is a byproduct of law, government interpretations of the law, and a feeling of lack of respect for distinct cultural characteristics and ways of life, IK, and expertise.

Participants voiced frustration over a lack of decision-making power held by Inuit. Several Participants noted that their communities have no say in management decisions that affect the food on which they depend - stating that "laws come already written: pieces of paper dictating how we must live." They explained that this system is problematic for a number of reasons, not the least of which is the idea that policy makers do not fully understand the impacts that certain management decisions have on the animals, Inuit culture, cultural sustainability, or overall ecosystem health.

Summary

It is remarkable that the EWC has become such an important part of walrus management despite the relative weakness of some of the legal framework to support a strong co-management system. This has been due to the outstanding work of the individuals and Tribal representation within the EWC. Formalizing that role in laws and regulations and supporting their role with robust funding is essential moving forward. Sustainable, consistent funding may be the most important step, followed by a stronger legal obligation to provide more deference to EWC positions.

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⁹⁷ The Marine Mammal Protection Act Part III: First Session on The Capture and Public Display of Marine Mammals and the Difficulties Facing Marine Biologists Under the Act's Current Provisions: Hearing before the Subcomm. on Environment and Natural Resources, House of Representatives. 103 Cong. 125 (1994) (Written statement of Caleb Pungowiyi, President, Inuit Circumpolar Council-Alaska) ("Many villages in Alaska have come to realize the value of formally promulgated ordinances regulating the take of fish and wildlife for subsistence purposes. Several of these ordinances pertain to marine mammal hunting. For example, the village of Gambell on St. Lawrence Island has a comprehensive marine mammal hunting ordinance, which governs the take of marine mammals by village residents, sets up a mechanism for monitoring take, and contains specific enforcement policies and proceedings.").

⁹⁸ Elizabeth Barrett Ristroph, Alaska Tribes' Melting Subsistence Rights, 1 Ariz. J. Envtl. L. & Pol'y 47, 74 (2010) ("While FWS has cooperated with EWC in terms of funding, monitoring, and outreach, there has been no real transfer of authority to EWC. FWS continues to conduct its own law enforcement, and the two entities have separate goals regarding walrus conservation."); Vera Metcalf & Martin Robards, Sustaining A Healthy Human-Walrus Relationship in A Dynamic Environment: Challenges For Co-management, 18 ECOLOGICAL APPLICATIONS S148, S150 (2008) ("[t]he USFWS not only manages walrus, but unilaterally enforces the laws and policies framing walrus management.").



⁹⁹ Salmon written in numerous and various Inuit dialects provided by Project Advisory Committee members. The following is the order of each dialect to correspond with the words written – Yup'ik (Neqa), St. Lawrence Island Yupik (Iqalluk), and Inupiaq, Alaska North Slope dialect, (Ikalugrak). Yup'ik Participants also offered the following Yup'ik words for different types of salmon, Taryaqvak (King/Chinook Salmon), Iqalluk (Chum Salmon), Sayak (Red/Sockeye Salmon), Caayuryaq (Silver/Coho Salmon), Amaqaayak (Pink Salmon). Our project partners were unable to identify a word in Inuvialuktun for salmon. It was shared that this is likely because salmon is new to the ISR.



Harvesting salmon from the Kuskokwim River, AK. Photo: Mary Peltola

Similar to what was shared within the previous case studies, Inuit hold a unique relationship with salmon. This case study focuses on salmon management along the Kuskokwim River. Inuit on this watershed have managed their relationships with salmon for thousands of years. The Yup'ik word (an Inuit dialect) for salmon is Neqa. Neqa also means real food. Like, char, beluga, walrus, and all other animals and vegetation within the Arctic, the relationship held with salmon goes far beyond using salmon as a resource for nutrients and calories or for economic gain. There is a spiritual connection that is reflective of everyday life along the Kuskokwim River. This is about food security, about all of life, about a deep-rooted connection that cannot simply be delineated to discussions about allocations, laws, policies, and regulations.

With walrus, the MMPA preempted much of the framework set up by ANILCA and ANCSA. However, there is no similar law for salmon, so it is an apt case study to look at the interaction of federal and state management for a species that crosses jurisdictional boundaries during its life cycle. The big takeaway is that the KRITFC's model for self-organizing without a legal mandate has given it power in management decisions, but that true co-management is impeded by the lack of a legal hook that mandates federal and state managers to enter into power-sharing arrangements.



Margaret Dillon Fitka holding a Chinook harvested at the Gweek/Kuskokwim Rivers confluence. Photo: Mary Peltola

Box 9. Key Themes Raised Under the Salmon Case Study

During discussions with those intimately involved with salmon management, the following themes and concerns were raised:

- *Health and well-being of salmon*
- *Conflicting values with western management systems*
- *Positive changes occurring within the management system*
- *Holistic approach to management*
- *Inuit traditional rules/laws/practices and roles*
- *Women-specific rules, roles, and traditions*
- *Negative impacts of management /regulations on the health and well-being of animals, water, land, culture, cultural sustainability, and overall ecosystem health*
- *Inuit require respect for self-determination, including their right to free, prior and informed consent and the right to say no*
- *Holistic management vs single species management*
- *Conflict of interests – impacts of politics and large-scale lobbying*
- *Demoralization due to federal and state law enforcement actions*
- *Need for community-driven management*
- *Taking care of the Arctic and what tools are used*
- *Need for structural changes associated with government-to-government operations, dialogue, and relationships*
- *Need for trust and respect*
- *Inuit collectively working together and remaining united*
- *Lasting effects of broken governmental /legal agreements and the ignoring or diminishing of Indigenous laws*
- *Cultural and spiritual importance of relationships with all within the environment and harvesting*
- *Impacts and concerns for pollution and shipping*
- *Power dynamics and impacts of paternalism*
- *Lack of equity – including in funding, voice, meeting structure, decision-making processes*
- *Lack of fairness and justice*
- *Indigenous human rights and international instruments*
- *Climate change impacts*
- *Being overrun by the state and federal government*
- *Impacts of large scale fisheries and associated by-catch*
- *Dismissive behavior and disrespect toward IK, Inuit rules/laws/practices*
- *Decisions driven by economics and science as opposed to being inclusive of IK and Inuit values*
- *Unequal representation on management bodies at both the state and federal level*
- *Too many agencies /missions /jurisdictions to make effective changes*

Legal overview

The federal Yukon Delta National Wildlife Refuge encompasses the lower Kuskokwim, while the upper portions of the river are largely state lands. State laws and regulations over subsistence fishing apply, unless the Federal Subsistence Board (FSB) or its delegated agents (i.e. The Yukon Refuge Manager) supersede state law, such as via Special Emergency Action during times when salmon runs are depleted. KRITFC has made great strides in advancing Tribal interests with federal and state managers via its own management plans, but there is still a gap between state and federal management.

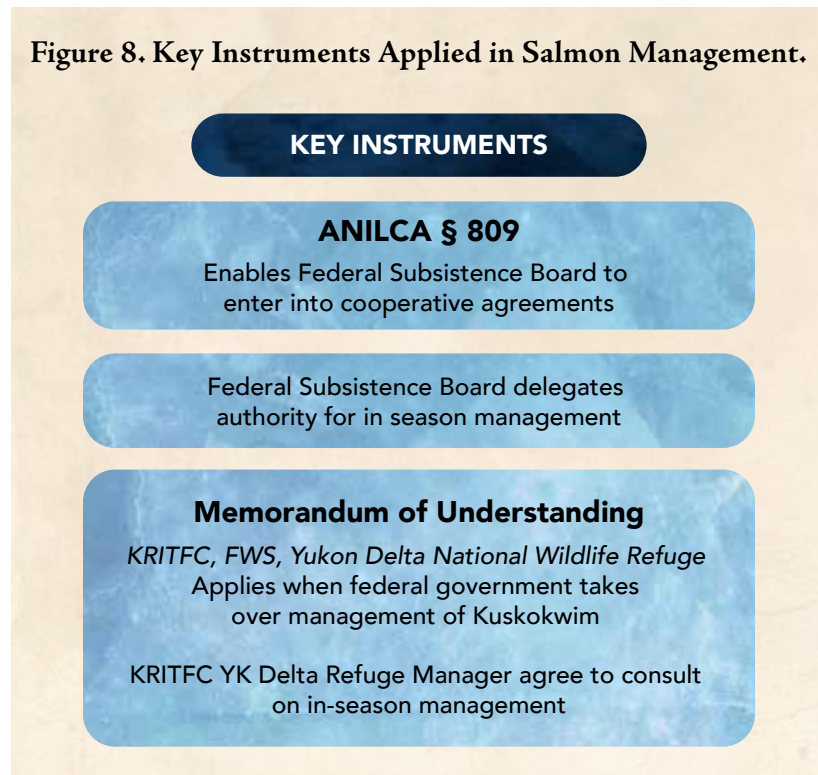
About the federal and state of Alaska’s Role in Salmon Management

The Kuskokwim River Salmon Management Plan was adopted by the state Board of Fisheries in January 2013.¹⁰⁰ Two Alaska RACs play a role in advising management decisions along the Kuskokwim: the Western Interior RAC and the Yukon-Kuskokwim RAC. RAC’s provide advice and input to the FSB. While Indigenous Peoples may join a RAC and there are regional residency requirements, it is not legally required to have an Indigenous seat on the Council.

Tribes have an informal opportunity to participate in fishery management via the Kuskokwim River Salmon Management Working Group (KRSMWG). The KRSMWG serves as a public forum for fisheries managers to meet with local users of the Kuskokwim River salmon fisheries. KRSMWG then makes recommendations to the Alaska Department of Fish & Game for managing the salmon fisheries. The 14 members—representing Elders, subsistence fishermen, processors, commercial fishermen, sport fishermen, the RACs, and the Alaska Department of Fish & Game— operate on a majority/consensus basis.

Historically, the state did not require “subsistence” fishers to obtain fishing permits for Chinook salmon. The Board of Fisheries approved a limited permitting system in state waters in 2017 due to the harvest shortfall. The idea was proposed in 2014, when upper Kuskokwim residents voiced that lower Kuskokwim residents enjoyed greater access to salmon during times of conservation. This claimed disparity was due to differences in fishing openings, the greater population along the lower Kuskokwim, and the ability of lower Kuskokwim fishers to access

Figure 8. Key Instruments Applied in Salmon Management.



¹⁰⁰ 5 AAC 07.365 (“The purpose of this management plan is to provide guidelines for management of the Kuskokwim River salmon fisheries that result in the sustained yield of salmon stocks large enough to meet escapement goals, amounts reasonably necessary for subsistence uses, and for nonsubsistence fisheries.”).

the salmon run before fishers along the upper Kuskokwim. Additionally, federal managers had initiated a community harvest program along the lower Kuskokwim in 2015. The offset between upriver and downriver fishers shows the need for more unified management practices with equitable engagement of Inuit, which is partially where KRITFC plays a role.

The lower Kuskokwim River drainage, which is encompassed by the Yukon Delta National Wildlife Refuge, contains approximately three-quarters of the households in the Kuskokwim Area.¹⁰¹ FSB regulations indicate that subsistence harvest of salmon by residents of the Kuskokwim area is determined to be a customary and traditional use.¹⁰² In addition, they allow subsistence salmon harvest of fish in the Kuskokwim Area at any time without a subsistence fishing permit, unless otherwise restricted.¹⁰³ From 2014 to present, FSB has delegated in-season management responsibility for the Kuskokwim Area to the Yukon Delta National Wildlife Refuge Manager. As noted in the recommendations, ideally the FSB would delegate in-season management responsibility to the KRITFC, (a federal legal change is required to support this action). Special emergency actions are utilized when necessary to ensure conservation, continue subsistence uses, maintain the viability of a fish population, or for public safety reasons.

Federal special actions apply only within federal conservation units, the lower third of the Kuskokwim drainage area, raising an issue of coordination of efforts. There is no mandate to do so, and KRITFC plays an important role in supporting unified management.

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¹⁰¹ NICHOLAS J. SMITH & ZACHARY W. LILLER. ALASKA DEPT. OF FISH & GAME. 2017 KUSKOKWIM RIVER CHINOOK SALMON RUN RECONSTRUCTION AND 2018 FORECAST 6 (2018) available at <http://www.adfg.alaska.gov/FedAidPDFs/RIR.3A.2018.02.pdf> (“[In 2015,] “Residents of communities in the lower Kuskokwim River (from Tuluksak to Eek), took 75% of the subsistence salmon harvest. The lower river communities are relatively densely populated and include approximately 76% of the total number of households in the Kuskokwim Area.”).

¹⁰² 50 C.F.R. § 100.24(a)(1). Persons residing on the United States military installations on Cape Newenham, Sparrevohn USAFB, and Tatalina USAFB are exempted.

¹⁰³ C.F.R. § 100.27(e)(4)(i). The rules also note that federal regulatory and state harvest limits are not cumulative, 50 C.F.R. § 100.27(a)(2), and that “Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action. 50 C.F.R. § 100.27(e)(4)(i)(ii) (emphasis added).



Job (Joeb) and Van Kapsner fishing to provide for their family on the Kuskokwim River, AK. Photo: Mary Peltola

Kuskokwim River Inter-Tribal Fish Commission and Salmon Co-Management

Given that salmon are a cultural and ecological keystone species for the Inuit of the region, the KRITFC's overarching mission is developing a single, unified management system for in-season fisheries management of the Kuskokwim River, which is especially important given the disjointed state/federal management framework. KRITFC is designed to "ensure tribal management and co-management in all aspects of fisheries management," and "establish comprehensive fisheries co-management plans and programs, which include allocation, based upon IK and scientific principles."¹⁰⁴

Prior to KRITFC's founding in 2015, Kuskokwim River Tribes suffered from dramatic salmon declines since 2010. Potential causes of the salmon decline include: climate change, changes in ocean conditions, large scale commercial fishery bycatch, increased production of commercial hatchery pink salmon, other management complications, and other external pressures on this important animal.

The Association of Village Council Presidents (AVCP) and Tanana Chiefs Conference (TCC) spearheaded efforts to form intertribal fisheries commissions for both the Kuskokwim and Yukon Rivers,¹⁰⁵ modeled after the Northwest Indian Fish Commission and the Columbia River Inter-Tribal Fish Commission.¹⁰⁶ In 2014, the Deputy Secretary of the Interior announced the Department of the Interior would fund a multi-year demonstration project to promote increased Tribal involvement in the in-season management of the Chinook salmon fishery.¹⁰⁷ On May 5, 2015, Tribally-elected Commissioners from 28 Tribes along the Kuskokwim River voted unanimously to adopt a constitution and bylaws, and to establish the KRITFC.¹⁰⁸ More recently, Congress allocated KRITFC \$450,000 under the Consolidated Appropriations Act, 2017.¹⁰⁹

Commission membership is open to any federally recognized Tribe which joins the organization pursuant to a resolution.¹¹⁰ Each member Tribe appoints one person to serve as the Tribe's commissioner and an alternate to KRITFC. While KRITFC is relatively young, it has already had significant accomplishments.

¹⁰⁴ Kuskokwim River Inter-Tribal Fisheries Commission Constitution art. 2, §1 (2017).

¹⁰⁵ Subsistence: Hearing Before the S. Comm. On Energy and Natural Resources, 113th Cong. 56-58 (2013) (testimony of Jerry Isaac, President, Tanana Chiefs Conference).

¹⁰⁶ Subsistence: Hearing Before the S. Comm. On Energy and Natural Resources, 113th Cong. 53 (2013) (testimony of Rosita Worl, Chair, Subsistence Committee, Alaska Federation of Natives).

¹⁰⁷ The Deputy Secretary announced plans to develop a meaningful Partnership Project in an address to the Alaska Federation of Natives in October 2014 and before the National Congress of American Indians in February 2015. FACT SHEET: President Obama to Announce New Steps to Enhance Administration Collaboration with Alaska Natives, the State of Alaska, and Local Communities (Aug 30, 2015). The Obama administration announced \$375,000 in funding for the Kuskokwim River Inter-Tribal Fish Commission and the Yukon River Inter-tribal Fish Commission, for the purpose of capacity-building.

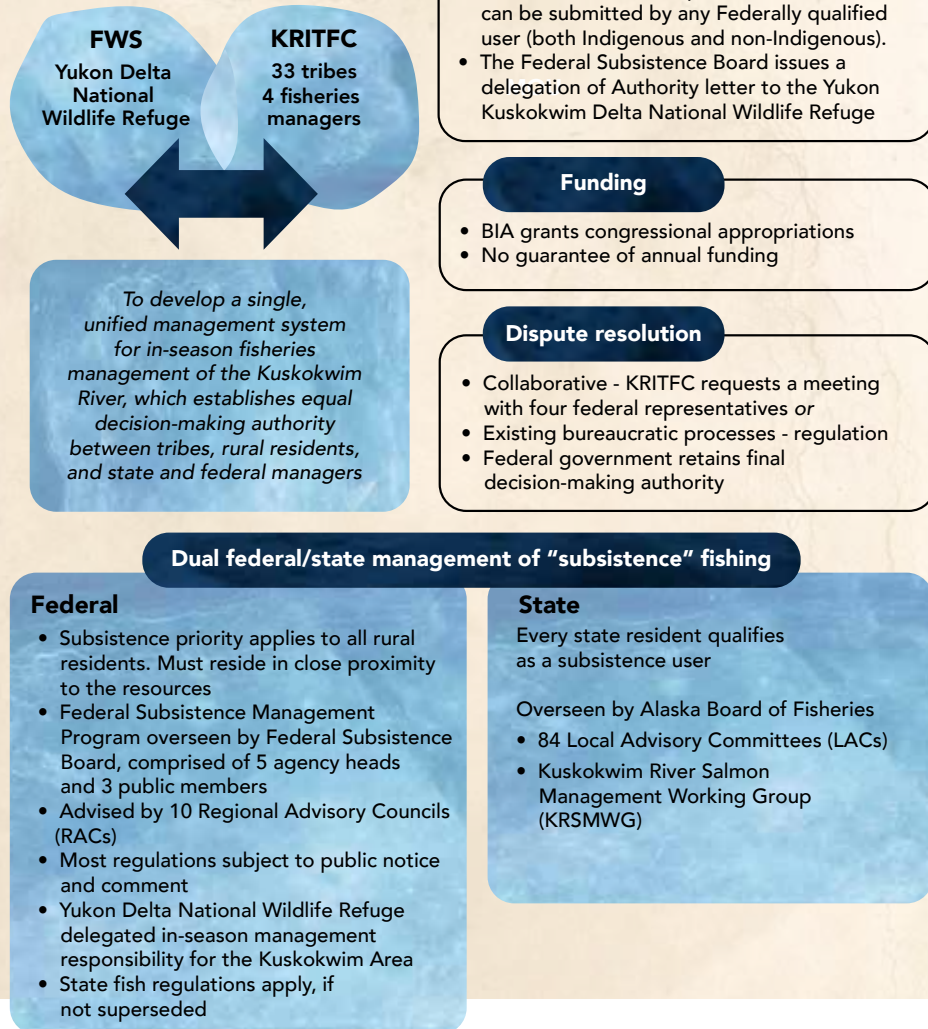
¹⁰⁸ Ben Matheson, Kuskokwim Inter-Tribal Fish Commission Meets, KYUK, May 6, 2016.

¹⁰⁹ See 163 Cong. Rec. H3327, H3881 (2017). Consolidated Appropriations Act, 2017, H.R. 244, Department of the Interior, Environment, and Related Agencies Appropriations Act, 2017, Division G. "Trust—Natural Resources Management.—The agreement includes \$11,266,000 for the Tribal Management/Development Program and a \$2,000,000 program increase for Alaska subsistence programs as requested, including consideration of funding for the projects and pilot programs referenced in the budget submission including the Ahtna Subsistence Cooperative Management Project and the Kuskokwim River Inter-Tribal Fisheries Commission." KRITFC received \$450,000 under a line item. This funding does not qualify as an annual appropriation.

¹¹⁰ Id. at art. 1, §2 (2017).

Figure 9. KRITFC Role in Salmon Management

KRITFC has a formal agreement in the form of a “Memorandum of Understanding” that has helped support an important role in salmon management.



Fishing season in Chefnak, AK. Photo: Chefnak Tribal Council



Drying salmon. Photo: Chris Arend

In 2015, the Yukon Delta Refuge Manager and KRITFC voluntarily engaged in regular consultations regarding 2015 federal management actions.¹¹¹ During the 2015 season, FSB determined through a special action that the harvestable surplus of Chinook salmon was less than what was necessary to meet conservation needs and provide for qualified rural subsistence users. All of the villages affected qualified for the rural subsistence priority and equally met the ANILCA criteria. FSB authorized the Tribes to implement a village-based, or community harvest permit system; the Tribes then allocated each village's share among village residents.¹¹² It was also referred to as the "designated fisherman" system.

That evolved in 2016, when FWS entered into a Memorandum of Understanding (MOU) with KRITFC under the statutory authority of ANILCA, in which the two parties consult on in-season management of the salmon fishery.¹¹³ Both parties commit to collaborating throughout the year to coordinate management planning and "to facilitate development of a unified management strategy that is informed by traditional ways of knowing and science that is biologically, environmentally and culturally sound."¹¹⁴ KRITFC and FWS further agree to contribute to and support a Technical Advisory Body (TAB). The TAB structure, as of early 2020, is in the process of being defined jointly by the Yukon Delta National Wildlife Refuge (under the FWS authority) and the KRITFC. Significantly, the relationship established under the MOU is purely advisory, and the state of Alaska is not involved.

The MOU establishes a cooperative relationship limited to a narrow context. The document constitutes an agreement for "substantive consultation" between the Yukon Delta National Wildlife Refuge Manager and the KRITFC prior to the manager making in-season management decisions and actions affecting fisheries in federal waters of the Kuskokwim River.¹¹⁵ If the Refuge Manager is unable to reach

consensus with KRITFC, he/she will provide written justification, which includes explanation of how KRITFC's IK and scientific information and position were integrated and considered.

This shares similarities with the Canadian context, in which the DFO Minister is obligated to provide FJMC with written explanation for refusing or varying the latter's recommendation. Here, the process is less formalized, is not bound by any time limitation, does not offer KRITFC additional opportunity to convince the Yukon Delta National Wildlife Refuge Manager, and is limited to in-season fisheries management decisions. However, it remains a substantial step forward.

FWS agrees to engage KRITFC as partners in the development and implementation of fishery management projects, such as research, monitoring, harvest surveys, subsistence studies, and test fisheries. While this elevates KRITFC to "partner" rather than advisor, these co-management activities are related primarily to research. That partnership has led to significant research advances, with KRITFC engaged in numerous research projects.

¹¹¹ John Sky Starkey, Protection of Alaska Native Customary and Traditional Hunting and Fishing Rights Through Title VIII Of ANILCA, 33 AK Law. Rev. 315, 323 (2016).

¹¹² See Federal Subsistence Board. Draft Staff Analysis. FSA18-01/03 at 29 ("On May 20, 2014, the Federal in-season manager closed Refuge waters from the mouth of the Kuskokwim River upriver to Tuluksak River to the harvest of Chinook Salmon by all users, and on May 27 continued the closure from the Tuluksak River to the Aniak River. Gillnets were restricted to 4-inch or less mesh size. Limited harvests of Chinook Salmon were allowed, primarily through Federal Social and Cultural Permits that allowed harvests of up to 100 Chinook Salmon per community using most gear types.").

¹¹³ See generally Memorandum of Understanding Between US DOI USFWS AK Region and Kuskokwim River Inter-Tribal Fish Commission (2016). The parties signed the MOU between February 19 and May 11, 2016.

¹¹⁴ Id. at art. III.

¹¹⁵ Id. at art. III.

FWS also commits to enter into cooperative funding agreements with KRITFC to support capacity building, but only to the degree funding is available. In other words, there is no guarantee of sustainable funding.

Overview of Salmon Management

The MOU is recognized by the Department of the Interior (DOI) as an example of cooperative management, rather than co-management. In 2016, the Department of the Interior issued Secretarial Order 3342, which post-dates the MOU. Secretarial Order 3342 “encourages cooperative management agreements and other collaborative partnerships between DOI resource managers and Tribes that will further shared interests in the management of Federal lands and resources.”¹¹⁶ Co-management is specifically excluded from the scope of the Secretarial Order, which states co-management requires “a specific legal basis delegating some act of Federal decision-making authority, or that makes co-management otherwise legally necessary.”¹¹⁷ Section 6 of the Secretarial Order recognizes the FWS’s MOU with KRITFC as an example of cooperative management, noting KRITFC functions in an “advisory capacity” to help formulate management strategies and actions for the subsistence salmon fishery.¹¹⁸

Thus, a stronger legal basis may be needed to strengthen the way the FWS shares power over time. In addition, the unclear division of federal/state jurisdiction is confusing. The KRITFC was formed in part to help streamline management, and it is important to continue supporting that mission. Finally, consistent funding needs to be at the forefront of all decisions moving forward.

¹¹⁶ Id. at §1(a) (emphasis added).

¹¹⁷ Id. at §2(c)(3).

¹¹⁸ Id. at §6(a). Sec. 6 Examples (a) FWS Region 7 (Alaska). “The FWS has a Memorandum of Understanding with the Kuskokwim River Intertribal Fish Commission. This group functions in an advisory capacity to help formulate management strategies and actions for the Kuskokwim River subsistence salmon fishery, increasing the ability of Alaska Native villages to have meaningful input into the active management of subsistence resources.” Id. (emphasis added).



Chum salmon and a birch handled ulu. Photo: Maija Lukin

Inuit on Salmon Management

Throughout the project, Participants voiced deep pain and frustration of being marginalized and disrespected, expressing the great challenges they face working within an imposed westernized and colonial system. While there are positive examples of some decision makers and regulators that do have positive relationships with Inuit in relation to salmon management, there is a remaining feeling of continued external control and lack of respect for the knowledge and values that Inuit have to offer. As one participant shared, “regulators often do not acknowledge the fact that we have been successful in managing our resources for thousands of years”.

Participants also identified the following ways that KRITFC has succeeded in getting Inuit ways of life reflected in the current co-management structure:

- Annual meetings with 33 Tribes and seven executive council members that carry out decisions
- Five (four commissioners and one Elder) in season-managers who aid in an adaptive decision-making process. The in season-managers participate in weekly in-season management

meetings, bringing forward knowledge, wisdom, needs, and concerns to do what is best for the entire river

- Development of weekly call in opportunities for individuals to share observations, knowledge, wisdom, and feelings
- The inclusion of some IK

Summary

KRITFC is self-organizing to overcome gaps in the current law and policy. This model can be supported more optimally for a more equal, genuine co-management system in favor of the original inhabitants of the region which continues to rely upon the salmon. Consistent with US federal policy on Tribal self-determination¹¹⁹ to achieve the “orderly transition from the federal domination of programs” to supporting Tribes in the development of strong and stable Tribal governments, Inuit communities that depend upon salmon as a keystone species should maintain their objective to manage and control the use of this pivotal resource.

¹¹⁹ 25 USCA Sec. 405a(b)



Sockeye salmon in the smokehouse.
Photo: Mary Peltola

Box 10. Bilateral Agreements

Significantly, Inuit, by and for themselves, have entered into agreements across borders to manage harvest and use of marine mammals based on their traditional way of life, values and long-term interests.

One such bilateral agreement is the Inuvialuit - Inupiat Polar Bear Management Agreement in the Southern Beaufort Sea, which serves to ensure the sustainable harvest of polar bear; to safeguard the cultural exchange of meat and products by Inuit; and to establish a joint entity to implement the agreement complemented by a technical advisory committee to evaluate data and make recommendations. This agreement originated in 1988 but was updated and reaffirmed in 2000.

Another extraordinary example of cross border collaboration and cooperation among Inuit is the Inuvialuit-Inupiat Beaufort Sea Beluga Whale Agreement on behalf of the Inuvialuit coastal communities of Aklavik, Inuvik, Tuktoyaktuk, Paulatuk, Holman Island and Sachs Harbour, and in Northern Alaska are the Inupiat of Kaktovik, Utqiagvik, Point Hope, Kivalina and Little Diomedes. This agreement makes explicit reference to the beluga whales as “a central part of their

tradition and lifestyle for centuries” and the importance of beluga for future generations.

These bilateral agreements illustrate the ability of Inuit to apply their knowledge and wisdom to not only a single species but to offer their capacity to engage in the responsible management of all species and to continue their distinct way of life into the future. This and other aims of management and co-management of resources is underscored and affirmed in article 36 of the UN Declaration.

- 1. Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.*
- 2. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.*

“Summers are getting too hot for beluga hunting. It spoils the muktuk when it’s too hot. Coastal temperatures are getting above 35 degrees and they used to be frozen year round, like, there used to be ice year round, so now that ice is thawing. Another issue, is not enough predator control. A lot of wolves and bears, which, you know, a lot of people [from outside of the Arctic] wanna protect, but that they do have an influence on availability of other resources.” – ISR

“We are using our land claim more and more now. That is why our co-management boards are starting to work pretty good. Because we are starting to say “look, this is the claim. If you keep going against the claim then we have no choice but to go to court.” Because it has been, historically, we are easy going people. So we are starting to push our powers more and the governments are starting to see that now. That they have no choice but to work with us now because we are starting to develop a mean, because our patience is running low. We have been working on self-governance for 30 years. And we are still working on it.” – ISR

“... after they [federal/state governments] put quotas or regulations, they always tell us how we can use that animal: the skin, the bones. [For example], musk ox are real hard to work on, they all tell us that you have to cut the tips of the horn. Well, that’s not right. You don’t tell the government how they’re going to live. They put on regulations about how much and how we are going to use it, how Natives should use it. We have been using these animals for thousands of years and the hard part is taking it all in.” – Alaska

“We like to manage our wildlife. Like, even the mammals and that. Under the land claims we have all of the rights but sometimes you see that the government, they like to try to overrun our rights that we’ve got. The wildlife comes first. That is our tradition.” – ISR

“I just received another study in the mail. They are measuring ocean temperatures and other pieces. Then they say IK but just say it in passing. They are missing the connectivity between people and the environment, they are missing our Knowledge. What they are doing affects us, and they are not including us.” - Alaska

“We have credibility. We have faith in our indigenous knowledge. Our data goes way back. We know what variables to look for. We need to keep pounding the drum together. We have credibility in our Indigenous Knowledge. We have a responsibility to fight for our cause.” – Alaska

“Porcupine Caribou herd calves are dropping earlier, with the early spring. Need to hunt caribou, moose, and sheep earlier. Need to be extra careful while ice trapping, with the thinner ice. Not enough ice for the ice road. In February, you can now feel the heat from the sun. We used to flood every year, now there’s not flooding every year, and in fact, sometimes the river just rots in place. The ocean is very windy. Lots of windy weather makes it a lot harder to travel, and a lot less safe to travel when it’s really windy. The coast they used to get Tomcod right before and right after freeze up, but with the later freeze up and earlier spring, it’s harder to go and harvest those things. Harder to travel. Fewer people are harvesting and drying Tomcod now.” – ISR

“Time spent in the bush is about more than harvesting. It is about time together. Bonding time on the land is irreplaceable.”
– Alaska

“The animals adapt and we adapt with them. Kings [salmon] are small and there are now reds [salmon] in the Kuskokwim. People are talking about new different salmon. The world is changing and we have to adapt to that too. Global warming, like erosion and villages having to move, is a big concern. Shipping traffic is a concern. We have adapted over how many millions of years. We will keep adapting.” – Alaska

“If something ever comes up, it would be good if they [federal/territorial governments] can respond quicker and that is what I think, yeah. Like, global warming is a big thing up here now. It affects all of the animals, it affects us, it affects the animals. All of the erosions—there are a lot of landslides and down on the coast and in the delta as well here, there are a lot of landslides that are happening and erosion is a big thing. Climate change is a big thing up here. The weather is not like what it used to be. It has really changed.” – ISR

“It is not only the weather [changing] around here. You could tell where the sun would set. Now it’s setting—it went this way for a while and then it went this way for a while. The sunset is different now. Even where the stars were, where they used to be, they are this way. The big dipper and things are different now. It is totally different. Like, we usually go out on our cabin about the middle of April to spend time and now we used to go out in May and now we are going out in April, middle of April just about. It is a big difference ever since that global warming.” – ISR

“Regarding the ‘ecosystem approach’ - it is inherent in our whaling culture for example to care for the krill and small zooplankton that feeds the whales we harvest. So traditionally we throw back the bones including the whale head etc. so they would feed off the discarded bones... etc. These are still strong unwritten inherent policies by the Inupiat.” - Alaska



Herd crossing. Photo: Chris Kelly

Co-management of resources is not only a question of law, it is fundamentally connected to how one envisions human rights interacting with governance. Hunting, fishing, and other harvesting is intertwined with culture, identity, health, history, and personhood, and infringing on rights related to hunting, fishing, and harvesting requires that the Inuit affected have a say. That concept is one of basic justice, and the law has a responsibility to develop in a way that supports these fundamental human rights.

While national laws in the US and Canada initially developed in systems where infringing on rights of Indigenous peoples was the norm, international laws formed more recently, reflect human rights priorities in a world that is more aware of historical injustice. Thus, one can look to international legal frameworks for norms to guide further development of management and co-management in the US and Canada.

United Nations Declaration on the Rights of Indigenous Peoples

Many Participants shared that there is a need for education at the national and international level about the Inuit way of life. This serious lack of understanding has had damaging effects, including the examples of the ivory and seal skin bans. One Participant expressed that few are familiar with the diverse elements of reliance on the salmon of a river to a strongly felt responsibility not to waste food as a way to respecting the animals.

Fortunately, in the field of human rights, the international community has recognized that all peoples are different and have the right to be respected as such. For Indigenous peoples, including Inuit, one key distinction is the centuries old economies that are based upon the

intimate relationships that they have to the natural environment. Noteworthy international developments have taken place specifically related to the current effort to gain increased recognition of hunting, fishing, harvesting, and gathering rights, and the vital exercise of self-determination of Inuit as distinct Peoples.

The Charter of the United Nations is an important organic instrument in relation to the equal application of the rule of law to all peoples, including Indigenous Peoples, and for affirming respect for equal rights and self-determination. In 1966, the UN adopted both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Common article 1 of these two international human rights instruments makes explicit reference to the right of self-determination as well as subsistence, stating that “**In no case may a people be deprived of its own means of subsistence.**”

In 1982, the UN created the Working Group on Indigenous Populations (WGIP)¹²⁰ to devise standards specifically relating to the rights of Indigenous Peoples. After nearly 25 years of dialogue, debate, and heated negotiations, the United Nations General Assembly (UNGA) adopted the *United Nations Declaration on the*

¹²⁰ The Working Group on Indigenous Populations was proposed by the Sub Commission on Prevention of Discrimination and Protection of Minorities in its resolution 2 (XXXIV) of 8 September 1981. The establishment of WGIP was endorsed by the Commission on Human Rights in its resolution 1982/19 of 10 March 1982 and authorized by the Economic and Social Council in its resolution 1982/34 of 7 May 1982.



*Rights of Indigenous Peoples*¹²¹ on September 13, 2007. The vote in the UNGA was 144 in favor, 4 against, and 11 abstentions. The four opposing States – Canada, Australia, New Zealand and United States – have all since reversed their positions. Canada declared in its November 2010 endorsement: “We are now confident that Canada can interpret the principles expressed in the Declaration in a manner that is consistent with our Constitution and legal framework.”¹²² On December 16, 2010, the last objecting State – the United States – reversed its position. Thus, the *UN Declaration* is now a consensus international human rights instrument. The *UN Declaration* does not create new rights, rather it provides the unique cultural context of Indigenous peoples to the existing international human rights order.

The *UN Declaration* affirms human rights that flow from inherent, pre-existing rights of Indigenous peoples, including affirmation of the right of self-determination; rights to lands, territories and resources; the right to free, prior and informed consent; the right to participation in decision-making; protection from destruction of their culture; and the right to security—food security, cultural security and integrity as a distinct people. The interrelated individual and collective human rights affirmed in the *UN Declaration* must be read in the context of the whole of the instrument. The denial of one element or norm will automatically affect the exercise of all other rights.

The preamble of the *UN Declaration*, which establishes the spirit and intent of the instrument provides...

Convinced that control by Indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, culture and traditions, and to promote their development in accordance with their aspirations and needs,

Recognizing that respect for Indigenous Knowledge, culture and traditional practices contributes to sustainable and equitable development and proper management of the environment,

¹²¹ United Nations Declaration on the Rights of Indigenous Peoples, GA Res. 61/295 (Annex), UN GAOR, 61st Sess., Supp. No. 49, Vol. III, UN Doc. A/61/49 (2008) 15.

¹²² Canada, “Canada’s Statement of Support on the United Nations Declaration on the Rights of Indigenous Peoples”, 12 November 2010, <http://www.aadnc-aandc.gc.ca/eng/1309374239861>.

Article 3, regarded as a pre-requisite for the exercise and enjoyment of all other human rights, affirms that

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social, and cultural development.

Indeed, the overall economic, social, and cultural development of Inuit depends upon the relationship to the environment and all that surrounds them. In the context of internal affairs, as an element of the right to self-determination, Indigenous peoples, including Inuit, have the right to autonomy or self-government in “matters related to their internal and local affairs.”¹²³

Recognizing that the rights affirmed in the *UN Declaration* are all interrelated, interdependent and indivisible, it is important to point out there are provisions of the *UN Declaration* specific to food sovereignty and self-governance and the associated desire to achieve management and co-management of the resources upon which Inuit depend.

For example, article 8 safeguards Indigenous peoples from the destruction of their culture, and States are required to provide effective mechanisms for prevention of, and redress for, actions that deprive them of their integrity and cultural values. The essence of article 18 goes to the heart of co-management by affirming that

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own Indigenous decision-making institutions.

Significantly, article 20 affirms that: “Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence

and development, and to engage freely in all their *traditional and other economic activities.*” (*emphasis added*).

Directly related to these crucial rights is the State obligation to consult and cooperate with Indigenous peoples in good faith and through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.¹²⁴

Central to Inuit identity, traditional economies, and cultural practices is the “right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations.”¹²⁵ Immediately following this provision, a cluster of articles affirm the rights of Indigenous Peoples to their lands, territories and resources.¹²⁶ The term “control” is often defined as the ability or power to decide or strongly influence the way in which something is used or will happen. In this regard, article 26 of the *UN Declaration* expands upon this dynamic by affirming such self-determination in relation to lands, territories and resources:

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally *owned, occupied or otherwise used* or acquired.
2. Indigenous peoples have the **right to own, use, develop and control the lands, territories and resources** that they possess by

¹²³ *UN Declaration*, article 4.

¹²⁴ *UN Declaration*, article 19.

¹²⁵ *UN Declaration*, article 25.

¹²⁶ *UN Declaration*, articles 26, 27, 28, 29, and 30.



A young spotted seal on the beach near Cape Blossom, AK. Photo: Maija Lukin

reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

3. States shall **give legal recognition and protection to these lands, territories and resources**. Such recognition shall be conducted with due respect to the customs, traditions and **land tenure systems** of the Indigenous Peoples concerned.

Article 32 affirms that Indigenous Peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources. This intent can be linked to management and co-management of resources. Further, management and co-management of resources is about human behavior and in this regard “Indigenous peoples have the right to determine the responsibilities of individuals to their communities.”¹²⁷ In large part, these responsibilities reflect the substance of Inuit protocols and values and age old measures of social control in relation to hunting, fishing, and other harvesting – an individual’s responsibilities to community.¹²⁸

Through this instrument, the UN has affirmed that Inuit have a right to their culture, their lands, and their personhood, and that subsistence is a crucial element of those interrelated, interdependent and indivisible rights. Thus, it is not a question of whether strong co-management

systems that empower Inuit voices should exist, but how they should be designed to give the strongest voice to Inuit. The *UN Declaration* clearly articulates the need for States to take appropriate measures, including legislative measures, to achieve the ends of the *UN Declaration* as well as provision of financial and technical assistance to do so.

Regarding the legal status of the *UN Declaration*, though the whole of instrument is not legally binding upon UN member states, a number of its key provisions “correspond to existing State obligations under customary international law.”¹²⁹ The provisions within the *UN Declaration* that fall within this category include the right of “self-determination, autonomy or self-government, cultural rights and identity, land rights as well as reparation, redress and remedies.”¹³⁰

.....
¹²⁷ *UN Declaration*, article 35.

¹²⁸ *UN Declaration*, article 35.

¹²⁹ *Id.*

¹³⁰ Report of Committee on Rights of Indigenous Peoples, International Law Association, The Hague Conference (2010) p 43, at <http://www.ila-hq.org/index.php/committees> last accessed on 4 July 2019.

In this way, the right to self-determination in the context of food sovereignty is addressed.

When one considers the central importance of hunting, fishing and harvesting to “cultural rights and identity,” language, IK and the profound relationship to the environment, the rationale for the crucial role of management and co-management of the resources that Inuit depend upon is crystal clear. Finally, article 43 recognizes that the rights recognized herein constitute the “minimum standards” for the survival, dignity, and well-being of Indigenous peoples. As such, it does not restrict States from taking actions beyond the *UN Declaration* to be responsive to the desires for “justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith”¹³¹ in favor of Inuit.

The *UN Declaration* illustrates how member states have expressly committed themselves to the ideals of food sovereignty and self-governance. How that actually works in practice is a process that evolves with the legal system at the national level. Other international instruments also provide constructive guidance for Inuit management and co-management strategies.

In addition to the *UN Declaration*, International Labour Organization (ILO) C169 affirms important provisions explicitly concerning Indigenous peoples, including those related to lands, territories and resources and the capacity to manage and co-manage such resources. Though the United States and Canada have not ratified ILO C169, the ILO has affirmed that the *UN Declaration* and the ILO C169 are “complementary and mutually reinforcing”¹³² and should therefore, be read together. Given the holistic approach and perspectives of Inuit, it is crucial to underscore that the ILO C169 states that the concept of territories “covers the total environment of the areas which the peoples concerned occupy or otherwise use.”

The *American Declaration on the Rights of Indigenous Peoples*¹³³ similarly affirms the right to self-determination and use of traditional lands and continuing traditional ways of life. Both the ILO C169 and the *American Declaration* contain norms similar to those affirmed in the more comprehensive *UN Declaration*. However, one must carefully review all relevant instruments to ensure the application of the highest standard possible.

The *Paris Agreement* underscores the importance of Indigenous peoples and their knowledge as well as the *Sustainable Development Goals*, which have unique legal effects. Countless other international instruments complement those that have emerged and are specific to Indigenous peoples. For example, because Inuit occupy territory beyond a single border, it is critical to underscore the relevance of article 27 of the ICCPR. “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, *in community with the other members* of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.”

The *United Nations Convention on the Laws of the Sea (UNCLOS)* is relevant in light of the long-standing desire of Inuit to maintain their

¹³¹ *UN Declaration*, article 46.

¹³² International Labour Organization, ILO standards and the *UN Declaration on the Rights of Indigenous Peoples*: Information note for ILO staff and partners, http://www.ilo.org/indigenous/Resources/Publications/WCMS_100792/lang--en/index.htm, at 2.... ‘UNDRIP is a Declaration adopted by the General Assembly of the United Nations....A Declaration adopted by the General Assembly reflects the collective views of the United Nations which must be taken into account by all members in good faith. Despite its non-binding status, the Declaration has legal relevance.’

¹³³ *American Declaration on the Rights of Indigenous Peoples*, AG/RES. 2888 (XLVI-O/16), adopted without vote by Organization of American States, General Assembly, 46th sess., Santo Domingo, Dominican Republic, 15 June 2016.

profound relationship with the marine environment. The ICC Arctic Policy states that such rights are “crucial for the survival, development, and future of Inuit” and further asserts that Inuit traditional territories encompass “vast marine areas, including sea ice” and the right to harvest or otherwise use marine resources and to play a role in their management must be recognized. *UNCLOS* includes provisions related to jurisdictional boundaries, use of oceans, and marine environmental protection among its voluminous chapters.

While the specific provisions are beyond the scope of this report, *UNCLOS* does not hinder strong management and co-management systems. Likewise, the International Maritime Organization and its extensive codes, regulations and guidelines govern shipping activities, including protection of sensitive areas from disturbance are important. Additional developments that intersect with *UNCLOS* include safeguarding biodiversity, including the ocean areas beyond national jurisdictions, and numerous other potentially relevant international legal instruments.

A. Convention on International Trade in Endangered Species (CITES), Other Subsistence Restrictions, and Transboundary Issues

For Inuit, community-based economies rely upon harvesting rights and related activities. These practices remain a vital part of their identity and are essential for their cultural integrity as Arctic Indigenous peoples. Many of the migratory species that Inuit depend upon are significant to all Inuit from Chukotka to Eastern Greenland. Yet, there are numerous barriers and prohibitions triggered by States that have disrupted use and control of Inuit lands, territories, and resources, including “established trading links.” One recent example is the devastating impacts of the fur seal ban within the European Union that is the focus of the recent film *Angry Inuk*.¹³⁴

These restrictions on animals, crucial to Inuit food security, risk wiping cultures off the map. Culture is comprised of many dimensions, like ceremony, funerals, and feasts. Maintenance of social connections and activities, ranging from visiting family in communities across borders to trade to ceremonial events and other social ties and relations. The ICC’s 2018 Utqiagvik Declaration, Inuit referred to the historical and contemporary dimensions of the challenges they face due to international borders. The Utqiagvik Declaration makes no less than 12 references to such challenges, including the social and cultural dimensions of transboundary issues. One primary issue is governance and management of their lands, territories and resources in a fashion that guarantees Inuit food security – essentially food sovereignty. This requires cross-border coordination.

When understood through this unique Inuit-specific lens, one can imagine the multiple intersections with significant political and legal effects and considerations. Specifically, the numerous international treaties concerning marine mammals, migratory birds, polar bears, whales, and now fisheries in the Central Arctic Ocean and how they each relate to Inuit food security and food sovereignty triggers many implications. The admirable aims of CITES often undermines Inuit integrity as a side-effect of managing entirely different species. Treatment of Inuit in this regard has been solely punitive despite the significant cultural dimensions of the resources that they depend upon. Many Inuit have experienced confiscation of property, harassment,

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¹³⁴ Inuit Defend Canada’s Seal Hunt at <https://www.cbc.ca/cbcdocspov/features/inuit-defend-canadas-seal-hunt> which states: “Even though the legislation targeted only one kind of sealskin, the campaigners ruined the reputation for all types of sealskin. At the time, little thought was given to the impact the ban would have on the Inuit. Although the Inuit are exempt from the ban, the market for sealskin evaporated. A year later, the average income of an Inuit seal hunter in Resolute Bay fell from 53 thousand dollars to one thousand dollars. Suicide rates were already climbing in Inuit communities and spiked to become the highest in the world.”

denial of identity, and abusive regulation. Despite the federal exemption provisions of the MMPA in favor of Inuit, ivory restrictions under CITES and the ensuing impact on subsistence is but one example that has resulted in punitive approaches, including confiscation of often significant and sacred items.

Inuit on International Agreements

Across meetings, Participants expressed dismay about how international agreements have formed the basis of denial of food security, and ultimately, denial of human rights as Indigenous Peoples. One participant reflected on the impact on trading: “The big world frowns on us and puts dampers on anything we do up here, although we are the number one conservationist in the world, I believe. And more education [is key], get[ting] more education out there on really what it actually is, and not what it was forty years ago ... my feeling is, they just don’t know any better, that’s all. The big world just doesn’t know us.”

Another participant said: “It’s that international part that doesn’t always respect or support Inuit in making their own decisions. Yes, and it’s all basically ignorance. It’s just the international that really gets to me. It’s just how the whole world sees us and that they don’t understand really... And now today ... everybody should be on the same page, right? The way that the world has advanced with electronics and communications and stuff.”

“...It’s like internationally we’re really frowned on as Inuit, we’re treated badly by the whole world, because of what’s happening, we’re the forefront of global warming right here.”

Examples were provided regarding emerging national and international African elephant ivory bans that have inadvertently included walrus, mammoth, and mastodon ivory. Not only do such bans conflict with domestic law and exemptions, they have a dramatic adverse impact on

Inuit communities across Inuit Nunaat. Like the devastating ban on seal skin, other bans can lead to loss of the opportunity to pass on IK and of many skills, including harvesting, processing, and artistic skills and economic opportunities. It was also noted that to not use walrus ivory is wasteful because “one must use all of the parts of a walrus.” Participants shared that there is not only a loss of a monetary economic resources in small communities without many options, there is also a loss of pride and impacts upon Inuit relationship with the seal.

It was agreed that the ivory ban has caused unnecessary stress on Inuit communities. Artists are now limited in which materials they can use and, in some cases, can no longer make certain types of art or handicrafts. This diminishes the ability to earn income within communities with few to no job opportunities.

These few examples highlight international frameworks that must not only consider Inuit perspectives, but elevate it to the forefront of decision-making. The case study resources of beluga, char, walrus, and salmon are just four of the species that make up the whole ecosystem, and that whole ecosystems form the basis of an entire way of life. Key to the human rights articulated by the *UN Declaration* and other international instruments is that the decisions involving these, and interrelated parts of the ecosystem must be made by Inuit, for Inuit.

Summary of International Law and Human Rights Standards

Careful, comprehensive review for purposes of coherence and coordination of international and national law is essential. Yet, few are even concerned with such an approach and the necessity to effectively ensure food security for Inuit across borders. To be sure, consultation, collaboration, and cooperation and the corresponding obligations of governments should not stop at the borders.

International law affirms the human rights of Inuit and the importance of harvesting and their way of life throughout the Arctic. But it does not go far enough to ensure that those rights are protected and elevated across borders. Combined with national laws in the US and Canada, international agreements can support legal systems that are better equipped to manage and co-manage resources, respond to climate change, conserve resources, and ultimately, preserve Inuit

culture. Furthermore, additional dialogue by Inuit about how and where to engage in the multitude of intergovernmental venues must be undertaken as well as determining priorities that will guide how Inuit more effectively participate within these political arenas.

*Spirit of Dancing with the Wolf Beach, Artist: Steven Stone.
Photo: Brian Adams as part of the ICC AK led, I AM INUIT project*



Box 11. A Changing World Makes Adaptive Co-Management Systems of Paramount Importance

Through the project, Participants emphasized the changes that are occurring throughout Inuit Nunaat. There are multiple drivers to the changes that are occurring. It is important to look at the Arctic holistically to understand the interconnecting drivers and cumulative impacts. For example, there are connections between warming sea surface temperatures, change in sea ice movements, growth of berries and other vegetation, animal movements and behavior, conflict of interests - visiting sports hunters, shipping, scientists and environmental groups who work and lobby through single species lenses, economics, pollution, and a young boy giving his first catch to an Elder. All of these components, and many more, are interlinked and all hold components of decision-making. Throughout this project Inuit have shared many concerns about the different changes that are occurring and how it is impacting their lives and the Arctic as a whole. All of these concerns and/or how the concerns are addressed are directly connected to food sovereignty. At the same time it was stressed that Inuit have always adapted and will continue to adapt.

Participants stressed that concern comes not from change alone – in this dynamic environment, change has been constant and Inuit have always adapted. Additional concern comes from the lack of respect expressed toward all within the Arctic ecosystem and decisions made with unintentional impacts. Those decisions are sometimes made by individuals, governments, and institutions that are far from the Arctic, by those with differing value systems, by those that take a single species view of the world, and from those that lack adaptability. A lack of equity, discrimination and racism within

some areas, and the lack of trust and respect for Inuit and their knowledge within decision-making pathways to address these concerns impedes Inuit food sovereignty.

Throughout the project, Participants shared the following key changes occurring (this list is not exhaustive). Not all of the changes described come with concern. For example, when a new whale species gives itself to a hunter (traveling near a community), there is an opportunity to provide for the community. All of the items listed below require adaptive change in human behavior in order to be in harmony – or as one participant shared, to “follow the weather and the animals”

- Change in animal timing, migration, and behavior
- Change in food webs (animals are eating different food sources)
- Change in vegetation timing (i.e. berries are ripening at different times)
- Warming temperatures earlier in the day
- Impacts on preservation of food
- Rapid change in quality, timing, and formation of ice
- Change in sea ice - unpredictable sea ice, change in shore fast ice, rapid melting of ice, formation of new types of ice (thin ice)
- Change in harvesting and processing practices due to change in weather and ice
- Increase in storm variability and severity of storms
- Increased risk in hunting and other related safety concerns

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- Increasing erosion
- Change in land formations affecting timing of sunsets
- Animal health
- Large animal die offs and animals with unusual hair loss and sores in Alaska (i.e. birds and salmon)
- New species in some areas
- Harmful algal blooms
- Change in prevailing winds
- Changes in air and water currents and temperatures
- Decline in health of water and air
- Declining populations of certain species (ptarmigan, king salmon, muskrats)
- Ocean acidification
- Loss of permafrost
- Change in salinity levels
- Changes in precipitation (increase in rain and less snow in some areas)
- Increase safety risk
- Additionally, hunters noted that some animals are disappearing

- Overall climate change
- Change in ice cellars
- Decrease in types of animals (i.e. birds)

Additional changes and concerns related to an increase in industrial marine ship traffic, increase in pollution (i.e. contaminants, plastics), increasing costs, and overabundance of certain species due to overarching management decisions that conflicted with Inuit traditional practices. Many of the changes listed above related to climate change and human actions occurring from outside of the Arctic.

Inuit are at the forefront of all of these changes. Inuit adaptability, ingenuity, and holistic worldview is needed to navigate this changing environment. This requires moving to a community-driven approach to decision-making, open inclusion of IK, and equity. It also requires that national governments take responsibility for many of the changes occurring and provide financial support for communities to be responsive to the changes.

Flying over the Yukon-Kuskokwim Delta of Alaska. Photo: Carolina Behr



The examination of the legal framework of management and co-management through Inuit perspectives has revealed some telling themes that can inform better systems moving forward. Sometimes it's a question of good law versus bad law, other times it's about how law is interpreted or implemented. And in the worst instances, undesirable management and co-management processes come from a lack of trust and respect for Inuit ways of life exhibited by government officials involved in the process.

Having Participants in both Alaska and the ISR provided a unique lens through which to view management and co-management. Comparative analysis made it clear that it's not just about the laws, even though many of the laws may need to be changed. Instead, there is a need for a fundamental shift in how interaction occurs across culture about hunting, fishing, and harvesting issues. Through discussions with Participants, ten key themes (listed in no particular order) are essential for the law and policy recommendations.

THEME: Bureaucracy and a lack of representation for Inuit ways of life in federal, state, territorial, and international laws can impede food sovereignty.

Representation within management boards was listed as a key influence to Inuit food sovereignty, particularly within Alaska. As one participant shared, "we are the most [populous people] out here in our region and yet we have the fewest representatives and senators [within the state system]."

Within the ISR, Participants feel much more represented within the discussions. The IFA safeguards the rights of Inuvialuit to continue to make their own management decisions and to have more power to influence decisions that are developed through co-management with the Canadian government. Quotas are reserved for animals under special circumstances and are described by Participants as "self-imposed."

Dealing with "red tape" and bureaucracy when trying to practice Inuit ways of life can impede food sovereignty. One example identified in discussion was trying to build an ice house in Ulukhaktok. A participant described this situation: "One of the projects that we're undertaking now is food storage, so a walk-in freezer or distributing more individual freezers to families. In Ulukhaktok, they tried to get around that by building an ice house. When they actually got down to selecting a location, they thought it was just a question of, 'Okay. We'll get some guys, we'll get some picks, we'll get a backhoe, and then we'll go and do it.' Then they needed a mining permit. They needed all of this different confined spaces and mining training, and then it just got so cumbersome they just backed away from that idea. But that is a traditional practice that we had always used, and now it seems that that's being chipped away at." Another participant added, "We have learned there are so many hurdles to go past to do something simple, that just, I don't know, to me it's out of hand sometimes. Just to dig a little hole, you've got to go get the five different permits, and people think about stuff... I'll just stay away from that. It doesn't make you move forward."

Summary: In Alaska, representation often feels inadequate, while Canadian Participants generally felt more represented, though experiences vary. In both countries, bureaucracy and red tape can impede adaptive and Inuit-led management.

THEME: Inuit cultural values can be undermined during the co-management process.

Participants shared that within both national governments and international fora, many overarching policies and agreements are developed by or with people that hold little to no knowledge about the Arctic or Inuit way of life. This requires a lot of time and energy to educate those that make decisions that directly impact or influence Inuit lives, communities and homelands.

For example, many policy and decision-makers lack an understanding of the important role that harvesting plays in physical and mental well-being. Participants stressed that being on the land hunting, fishing, and gathering is about spending time together and being connected to the land, the water, animals, and plants. Several Participants shared that hunting, fishing, and harvesting is their identity, what elevates their spirits, what grounds them, or what makes them feel whole and mentally, physically healthy. It is also an opportunity to learn and to teach. When traditional hunting activities are interrupted, stifled or stopped by regulations, it has far-reaching impacts.

Participants from Alaska commented that policies and regulations consistently come from the outside, take a top-down approach, and are reflective of values of another culture and not their own. Participants expressed a deep frustration at being so heavily regulated, adding that "...regulations rarely reflect our ways of life." For example, single-species management, siloed research questions, large scale commercial fishery by-catch, catch and release practices used by sport fishing, and certain research techniques which bother or interfere with the animals

(such as placing antennae on the heads of fish) go against values and understanding of the Inuit world. They further commented that many regulations are often outdated and/or hard to follow (for example, having to consult multiple handbooks before going out to hunt).

In regard to salmon co-management, Participants expressed concern that they do not get to make their own decisions or use their own rules/laws/practices; they are forced to abide by the rules of the state and federal government. There is a feeling of having to beg for a chance to fish a resource that they have depended upon for centuries.

Participants in the EWC pointed out that interpretation of policies by both national and international bodies often lack a situational understanding and approach. For example, at times management decisions have conflicted with knowledge and way of life, leading to negative impacts to the animals, culture, and traditional economies.

One participant framed a central issue of cultural differences: "There is a big difference here [between Inuit and non-Inuit] – people are not just being difficult – there is a difference in the governance structure and system. For example, people are not individualistic and avoid a hierarchical structure."

Participants indicated that accepting regulations and management decisions which conflict with IK is often an emotional experience. One participant commented that it is particularly hard "...to know that there are animals that we are not allowed to take—such as minke whales, humpback whales, and gray whales—even though our ancestors made use of these animals for thousands of years. To be barred from all of those animals separates Inuit from an aspect of our culture and causes inevitable loss of Indigenous Knowledge." Participants described the feeling as having their hands tied.

Participants further shared concerns that the young people today think of the restrictions as normal because they have known nothing else. They feared that the normalizing of restrictions will create generational disconnect and challenges for youth in understanding their cultural identity and their connections/relationships with the environment. It is important to note that within the ISR, the quotas are agreed upon by Inuvialuit through the IGC. Within Alaska, there is no similar process.

An Alaska participant further shared: “I see our children are in a state of confusion right now. I have been telling my kids, my grandkids, and my children we hunt and live off the land. And yet when it comes time to fish, who is saying I can’t fish?”

Participants also shared frustration that at times they have been held to blame for declining populations of some animals. For example, migratory birds have always been one of the first animals arriving in spring. The birds harvested in Alaska are a tiny fraction of the birds that are being taken in other parts of the United States. Many non-Indigenous peoples were taking much larger numbers of birds for commercial sales in other parts of the southern United States. One Alaska Participant described the feeling of distress that resulted from that situation: “it still hurts me that they said the Natives up here were taking the eggs, that’s how come the birds were disappearing and there wasn’t enough.”

Within the IFA, harvesting of eggs is protected under the IFA. However, past measures by others to enforce outside regulations resulted in an overpopulation that began to impact habitat. Participants stressed that over-control of the animals results in harm to both the animals and the habitat. The impact of previous regulations are still visible today. However, new approaches with direction from Inuvialuit are being implemented to address overpopulation and applying a more beneficial, holistic approach.

Summary: For many Inuit, it’s not a question of bureaucratic management, but stewardship of life, culture, and personhood. That perspective is deeper and more meaningful than what is expressed by many government officials that think about these issues merely as a job. These issues are a question of human rights, not resource management, and that must be at the forefront of how interactions occur and how decisions are made.



Harvesting eggs. Photo: Tom Gray

THEME: Education needs to be a more prominent part of co-management.

Participants recognized that there are rules, regulations, and laws that support Inuit food sovereignty, but lack of knowledge of these systems has a negative impact. There is a need to be aware of what these laws are and how they can be used and to hold federal, state, and territorial governments counterparts accountable. This responsibility does not only belong to Inuit. It is also the responsibility of the regulators, decision-makers, and those working in policy to know and understand laws that have been adopted and agreed upon by government.

It is important to recognize that these laws and regulations belong to both Inuit and the federal, state, or territorial governments that they work with. A positive example is seen in the initiative taken within the ISR to educate Inuvialuit to learn about the IFA through direct curriculum created by Inuvialuit. The Inuvialuit Regional Corporation

website houses an IFA 101 website. The website features a learning module to provide an e-learning platform.

Inuvialuit within the ISR also raised concerns when outside entities are not familiar with the IFA or the Inuvialuit interpretations of language within the IFA. Greater knowledge of the IFA is empowering for Inuvialuit and crucial for government workers who need to stay within their legal bounds. The lack of knowledge and understanding of the IFA can slow down or halt processes and prevent Inuvialuit managers from being able to make headway during meetings.

There is an understandable frustration of working with people who do not understand the agreements and processes. As one participant commented: "It's really frustrating sometimes, trying to deal with people who know absolutely nothing. And they are the people that are supposed to be your partner. It's not just our land claim, the government signed it too and having people show up to the meetings

that know nothing is beyond frustrating. How are you supposed to implement something that only one side knows what's going on?"

Participants have also noticed non-governmental outside entities like researchers struggling to understand the submission process for research studies. One participant recommended that Inuvialuit find a way to make the process clearer for outsiders, especially through online platforms. However, another aspect of education and food sovereignty is the constant burden placed on Inuit in both countries to educate new staff, researchers, and policy personnel as they come in and out of Inuit homelands.

Within Alaska, there is a need to understand the history of how agreements were made, and for there to be room for Inuit interpretation of these laws.

There is an equal need to be informed and educated about international instruments and components that support Inuit food sovereignty. Participants expressed frustration that some federal, state, territorial governments, agencies, or staff are not familiar with international agreements and instruments, and the need to implement them.

Summary: True co-management requires that partners have a shared understanding of goals and processes. Educational resources are helpful for both Inuit and government. In addition, it's important for government to understand the history and substance of these agreements and Inuit-government relations more generally.

THEME: Indigenous Knowledge and Inuit rules/laws/practices must be at the forefront of decision-making.

When IK is not fully respected, management systems have fundamental flaws built into the system which make any subsequent process inadequate. Participants expressed the importance of soliciting, incorporating, respecting, and compensating IK, Inuit laws/practices, and IK holders as a baseline requirement of all management.

Within Alaska there are positive examples of researchers from academic institutions, NGOs, oil and gas companies, and government agencies working with IK holders. This largely depends on the researchers involved. It is felt that in general there is an increasing respect for what IK holders have to offer. Participants provided the example of the FWS, in feeling

that the people they work with today are beginning to view the hunters (IK holders) with authority, understanding that they are speaking a “... powerful truth.”

Because IK is often not written down, it was felt that it is not taken as seriously as other forms of knowledge and at times treated as anecdotal. Some Participants expressed the need to have IK captured in writing. There is also a need for adequate and funded processes for the equitable involvement of IK holders in federal, state, and territorial decision-making.

Another barrier to food sovereignty is when IK conflicts with the methodology and/or findings of western science. Participants listed animal counting as a main area of conflict. They explained that western science is typically intent upon charting numbers in order to try to project increasing or declining populations. While western scientists and the government agencies they work for often understand declining populations to be indicative of a problem, Participants stressed that because of their IK, they understand that animals vary from year to year, sometimes experiencing unpredictable cycles. One participant commented: “science would say that it is disappearing, but when you have the IK and you look at the animals, you will know... it has happened before and it is going to happen again.” They explained that oftentimes declining numbers can be attributed to changes in migration habits, noting that animals such as beluga and caribou often change their habits even after an extended period of time migrating along a set route. There are numerous examples of the significance, weight and magnitude of IK that must be recognized.

Within Alaska, there is very little policy to support the equitable and ethical inclusion of IK. Under the co-management bodies, there is a strong feeling that IK is not taken seriously or shown trust and respect. IK holders are often “cherry-picked” by some scientists and managers. In addition, there is no platform or process for Inuit voices and knowledge. When meetings revealed important IK, some were

described by the knowledge holders as illusory or as if they were just for show and disparaged. When IK is included in decisions, it is often by the force of will by Tribal members.

Alaska Participants further expressed concern and doubts regarding how IK and science could be brought together under current processes and systems that the federal/state governments require IK holders engage or how IK is treated. The participant shared,

“When I was younger, they told me that the fish would swim under the ice before breakup. [The state government] tells me that isn’t true. I didn’t fight them on it, but it is true. I remember someone upriver caught two kings before anybody downriver had caught any, it was right after breakup. What does that tell you? Even during ice fishing people have pulled up an occasional king. Scientists believe that it has to be written down or it is not a fact. So sometimes I worry about how to [bring together] IK and science.”

There is frustration that practices and input are often not taken seriously until they are adjusted to be more westernized. One example of this is the land conveyance of St. Lawrence Island. Participants commented that the people of St. Lawrence Island held knowledge of their land ownership. The ownership was not recognized by the federal government until it was formalized in a western way. One participant who attended the land conveyance signing commented, “It was a big signing ceremony. And all of us said gosh, wow, if you put it on a piece of paper, it makes it real.”

Participants noted that scientists and lawmakers do not want to accept IK as legitimate or true information because it is unwritten and does not follow the same methodologies as western science. Participants described being dismissed and asked if they, “have science to support that” when trying to share their IK.

However, putting things in writing does not always have the same effect. Participants shared that concepts and laws that are in place to support Inuit often only exist on paper. One participant explained that food sovereignty is one such concept, noting even though food sovereignty is a term that Inuit have been hearing for several years now, it is not often seen in practice: “When we try to utilize it [in speaking with] people who manage our food sources, like Fish and Wildlife, they don’t recognize it. So, I think it is just on paper, that’s all.”

Participants additionally stressed that researchers often do not create space for Inuit to feel comfortable sharing their knowledge. Participants noted that at times the discussion of traditional rules does not seem appropriate in the context of consultation or co-management meetings. They explained that some outside regulators are often dismissive when Inuit co-managers bring up IK that conflicts with what researchers are doing.

Participants further explained that the very basis of western science and western wildlife management sometimes conflicts with Inuit values. For example, traditional rules such as never counting fish (counting fish is considered disrespectful to the animal giving itself to you) and never arguing about animals were disregarded when scientists installed weirs in the river. The scientific analysis of information is often singular in focus (focusing only on one aspect). While the information and analysis are important, it lacks a holistic understanding. Participants indicated that scientific findings often only show part of the story.

Participants also shared a few positive changes and success stories that are occurring in the co-management world. Some Participants described a shift in the way that agencies are responding to IK – these changes were closely tied to individual scientists and/or agency representatives.

Participants described some advances within the development of the KRITFC. For example, as opposed to holding a meeting where agency

representatives and scientists provide a series of western science-oriented presentations in a classroom-type of delivery, the KRITFC now determines who the presenters are and hold meetings sitting in a circle. A less structured agenda with a more holistic approach is also used.

KRITFC is also building partnerships with specific scientists and managers. As one participant shared, “A positive example is the influence that five Native fishermen have on the federal management of Chinook subsistence fishing. Four of the commissioners are elected annually to serve as in-season managers. The KRITFC’s Elder Advisor and the four in-season managers consult weekly, and often multiple times a week before and during the Chinook salmon run to advise FWS on escapement goals, harvest targets, gear-type, and times of closures and openings. IK is shared, respected, and incorporated into management decisions.”

While there are some examples of partnerships between researchers and Inuit communities, there is a feeling that these examples are too few and need to become the norm. Work is needed to move to equitable partnerships. Participants shared the need for community-driven research and being willing to aid scientists in advancing their work and understanding through collaboration. Participants felt that there is a need for processes that support the equitable inclusion of their IK, for a co-production of knowledge, and for trust and respect, including adequate funding.

Within the ISR, the IFA lays out strong pathways to promote inclusion of, and focus on, IK. For example, if a researcher has a thesis, they must bring it to the community first to ensure that it complies with the community’s evaluation before submitting it to their universities. In this way, Inuvialuit get an opportunity to review research objectives before initiated. This is also true for management-related research. Participants used the example of a shipping guidelines draft which they had recently reviewed prior to a shipping conference. The



Alecia Jade Lennie dancing as part of the Inuvik Drummers and Dancers group. Alecia is wearing a dance parka made by her mom, Billie Lennie. Photographer unknown. Photo provided by Alecia Jade Lennie

guidelines were proposing that tourists to come on shore to go fishing, even though the shores were private lands. Because Inuvialuit were able to review the guidelines before they were submitted, they were able to make recommendations which were then used to amend the guidelines.

However, Participants noted that there are challenges that come along with this process. For example, during the same shipping guidelines amendment process listed above as well as other review processes, Participants encountered obstacles including having to wade through and interpret thick legal or academic documents (due to time and funding limitations, this often means that IGC can only skim rather than fully read and analyze the documents) and working with people who do not understand Inuvialuit systems or lands. Regarding the shipping guidelines draft, one participant stated: “some items had to be removed because these are private lands and they didn’t think of operating within the private lands. They had no idea that this was private land.”

Participants indicated that having to constantly react to research ideas that are put forward by the federal or territorial governments slows and hinders the advancement of meaningful research projects. However, Participants highlighted that progress has been made as Inuvialuit have taken more control. Notably, Inuvialuit have put their foot down on projects that are “research for research’s sake.” One example of this is a small bird study proposed by the government. Inuvialuit determined that it didn’t make sense to research small birds, pointing out that the government was willing to spend hundreds or thousands of dollars to discover that there are small bird nests in certain areas that Inuvialuit already knew about.

Though the IFA lays out a strong pathway for the inclusion of IK, there is still a feeling that not enough respect, trust, and resources are put toward the inclusion of IK. Within one community it was stressed that sometimes it is hard in the meetings because IK isn’t put up as high as the science. For example, while a plan may call for the inclusion of IK, if no time or funding are put toward supporting this inclusion, it will not actually happen. Often times at meetings, there are more scientists than IK holders and they push their agenda.

Participants pointed out that although they have opportunities to provide input and voice their IK, western scientists and other outside entities don’t always take it seriously. In other communities it was stressed that IK is not in the decision-making as much as wanted. There

is also concern about how information may potentially be used against Inuit when used by those with a lack of understanding or knowledge of Inuit culture, values, knowledge, and governance systems. There are concerns that providing knowledge will lead to new regulations.

Additional issues arise when the methodology of western science conflicts with IK. Under the IFA, the HTC members are involved in the shaping of research questions and have ongoing opportunities throughout a project's lifespan to provide commentary or make recommendations to scientists and researchers. The system set in place aims to achieve a co-production of knowledge. Again Participants shared that their IK is not always taken seriously or put at the forefront of designing research. One example discussed by Participants involved a proposal to install scratching posts meant to collect muskox fur. This research project, like all projects involving animals, was scrutinized by the HTC. HTC members, by virtue of IK that the project was destined to fail—that muskox would not rub against posts because they do not behave that way. They explained that although the HTC sometimes disallows projects like this in favor of leaving the animals alone, this particular project was allowed to take place.

Inuvialuit continue to develop systems for the positive inclusion of IK. For example, through the Joint Secretariat, an IK coordinator works to “elevate our Elders to have as much clout as the scientists.”

Perhaps most important is to remember the historical context of racism and discrimination, and that none of these interactions are happening in a vacuum. As stated by one participant: “I think it was the Elders just felt like they weren't being heard. They weren't really being heard. For myself it's hard for me to speak in public, it's even hard for me to speak right now. A lot of our Elders are like that. They just have a hard time to express themselves and they were feeling, I guess back in the 70s, early 80s, that they just weren't being listened to. Rules and regulations from outside and they had to abide by that and some of it

was conflicting so they from there, they started getting involved and then the government started saying, you know it's important for the people, IK is very important. That's how we've always passed down from generation to generation.”

Within Alaska a participant shared, “...for years, our testimony before the various boards and commissions that do regulation was taken as anecdotal—because we didn't have a college degree, what we said wasn't the gospel's truth.” Participants noted that they often did not feel decision-making entities view them as being on the same level. They discussed that it is difficult to 'prove' that they know just as much or more than scientists. As a participant noted, “In such scenarios, we often feel pressured to step out of our own culture and behave in a way that is more like the outside managers: bragging or listing accomplishments or credentials.” Humility and respect are strong Inuit cultural values. These values aid in taking-care of one's relationship with all within the environment and working collaboratively.

Regarding what knowledge is used to inform decision-making and research, Participants identified single-species approaches as one of the main shortcomings of western science and management. One participant described single species management, commenting: “We are compartmentalizing everything; putting lines where they don't belong. Lines don't belong in the natural world. They don't allow freedom of movement so that everything will survive.” Another participant shared, “...It should be talked about as one environment. Salmon does not know who is regulating or what boundaries are”.

Summary: IK must be trusted and respected. At the core of many of the issues described is an overall lack of trust and respect toward IK. Additionally, Inuit hold a lack of trust due to historical precedent set by government managers. To move forward productively, IK not only needs to be recognized, respected, trusted, solicited, and heard, it must be funded and used in research and management. At the same time, it

is important to recognize that IK is not just information, it is a process, a way of life. The engagement of IK must occur through ethical and equitable practices defined by Inuit.

THEME: Understand, trust, and respect the sources of Indigenous Knowledge.

Participants shared the importance of the living memory that their IK is carried in. IK holders have powerful and reliable memories. This knowledge is passed on and built upon in many different forms and reaches back thousands of years. Understanding how IK works is essential to support co-production of knowledge and equity.

Participants shared the importance of hearing stories, that often the stories “encouraged you to go hunting. Some of those stories reaching back since the beginning and thousands of years old. All the stories have morals of how to live our lives and what the consequences of doing bad and hunting and respecting the animals”

Another participant shared the importance of songs. Songs and stories memorialize significant events, such as harvesting a whale, walrus, or a bear. It was further shared that songs are often focused on relationships between families and groups, between people and the animals. They hold history and knowledge of family and clans. These songs teach children where they came from, geography, and their origin. The songs teach how “significant the marine mammals are for your well-being and health.”

Participants highlighted the fact that substantial bodies of IK have remained relevant and have proven adaptable and lasting, guiding Inuit throughout the many changes that they have experienced in the Arctic. To pass those on, youth involvement is key, along with programs and practices that encourage the youth to engage.

Those sources of IK inform research priorities. Many communities within Alaska have established their own protocols that researchers are asked to follow. For example, Kotzebue has implemented a system in

which researchers are asked to include an IK component in their study.

In Utqiagvik, visiting scientists are asked to sign a protocol agreement before conducting their study which states that a presentation on findings must be provided for the community.

Within the ISR, communities approve or deny every study that takes place in their region and have opportunities to provide feedback throughout the lifespan of projects.

Inuit-run entities and regional entities, such as the North Slope Borough, Kawerak Inc., KRTIFC, FJMC, and the AVCP employ scientists (e.g. biologists, social scientists), hunters, Indigenous Knowledge holders, and/or implement their own monitoring programs and research. Building internal capacity is providing Inuit the ability to guide research and ensures gives Inuit direct access to information needed for decision-making.

Within the ISR, Participants explained that the consultation process provides Inuvialuit a chance to make recommendations, comments, or directives at a number of points in the decision-making process. This includes being involved in decisions regarding research or development taking place in the area. People wishing to do work on the land or in the communities, must submit a description of their research to each of the six HTC and give the HTCs time to respond. HTCs have the ability to say no, or to make recommendations. For instance, they could say that research taking place needs to be performed in a different season or that IK holders involved in the study need to be compensated more fairly. Each community is involved, and has the opportunity to make comments or recommendations, though Participants noted that typically communities outside of the research or development area will support the comments made by the community that is most directly affected.

As with research, management policy decisions must be accepted by IGC. There is a process of back and forth that allows Inuvialuit to

Box 12. Indigenous Knowledge and Science

The Arctic has been Inuit homelands for thousands of years. Throughout that time, an immense amount of knowledge has accumulated and continues to be expanded upon today.

IK is a systematic way of knowing and holds its own methodologies, evaluation, and validation processes. Like all knowledge systems, IK encompasses how one is taught to view the world. As many Inuit have shared, people begin to learn how to see the world even from the womb. This education continues as relationships are built with all within the Arctic ecosystem.

IK and science are two distinct knowledge systems. With this in mind, it is important not to force or interpret IK into science, but instead allow the two sources of information to work in coordination with each other. Often times, different questions are being asked between IK and science. Both questions are needed to understand the many changes that are occurring.

Consider monitoring. Inuit have taken in observations of the world around them for countless generations. The information gathered is evaluated and validated through a systematic process. However, the information gathered

often differs from a scientific approach. While science often works by illuminating variables, IK takes in multiple variables and focuses on the relationships between components. This approach naturally brings together cultural and social components with biological and physical components. For example, there is a relationship between walrus behavior, sea ice thickness, water currents, the stomach contents of the walrus, clams on the sea bed, a boy learning how to hunt and learning his relationship with the walrus, a boy providing his first catch to an Elder and becoming a provider as opposed to being provided for. All of these pieces are interconnected. Monitored information is brought together across these multiple elements to paint an entire picture. This is what needs to be considered when making decisions.

The information used to inform decisions is part of the decision-making pathway. IK has applications across all scales, from a community/local level to an international scale. There is a strong need for the ethical and equitable inclusion of IK in all aspects of co-management to support Inuit food sovereignty and for the health of the entire Arctic ecosystem.

review and ensure that decisions are acceptable: “If they say they are done with their report and we don’t think so then it comes back to the table. If we don’t accept it as a final report, then they have to review it again. We make sure that happens because if we don’t feel that we are benefiting from it then it has to come back to the table.”

Summary: Determining what information is needed and how it is used is a key component to co-management. Inuit ways of knowing need to be elevated to a preeminent role in management and research decisions. This includes respect for and recognition of the right, power and authority to review and withhold consent for projects or decisions that conflict with IK.

THEME: Sharing and cooperation must be key elements in all interactions.

Participants incorporate sharing and cooperation into nearly every facet of the overall conversation. Sharing and cooperation are, and have always been, central to Inuit culture. The essence of this value is largely rooted in collective survival and underscores the importance of the whole community.

Because food is so expensive in small isolated communities, because of strong family, community, and intracommunity ties, because of respect for Elders, single mothers, and others who cannot hunt for themselves, because it is a way to keep traditions and traditional foods alive—sharing is just what is always done.

Not only is food shared, but also the experiences of harvesting and processing food. Participants commented that Elders speak of the importance of working together for the future. That includes working together to bring in food. Hunting and harvesting resources are activities that family and friends can enjoy together. And working together can increase the safety and security of being out on the land; if someone gets stuck there is someone there to help them out.

Cooperation and sharing “has enabled us to survive this long.” There is a strong sense that the world needs to take a step back from politics and learn how to cooperate and share. This would allow for greater trust and respect, for people to truly communicate, and to have adaptive and holistic management.

Within Alaska, Participants stressed that recognized management structures are often at odds with Inuit rules/laws/practices. Under Inuit protocols, the law is in the hands of the communities, rather than the federal or state government. “Infractions” are mainly dealt with through social pressures rather than legal penalties. As one participant explained, a main difference between Inuit rules and federal or state management is that the basis for compliance with the federal and state systems is the physical world, whereas the basis for compliance with traditional rules is a sense of morality. The participant added that if people do not follow traditional rules, they tend not to be as successful in their harvesting.

Communication is a key component of sharing and cooperation and is further enforced by the strong relationships held among Inuit communities. There have always been close bonds between communities, which share resources, land, and information with each other. As a participant from Canada shared, “All governments should know that Inuit are borderless. We are all brothers and sisters. So it doesn’t matter if you are in Greenland or Alaska, we are all one. So we always have no problem talking to each other.”

The importance of cooperation goes to interactions with government as well. For example, within Alaska people often feel “overrun,” with a constant resistance from the government and that overall more cooperation from government and less resistance is needed. Similar sentiments were expressed in Canada, though often those interactions involved less resistance.

Summary: Sharing and cooperation is a social good that also allows for better cross-cultural interactions and more efficient management. It's essential that meetings and decisions are understood to be mutually beneficial and not viewed as adversarial.

THEME: Information must be readily accessible and shared.

Accessibility to information to make decisions is understood to strongly support Inuit food sovereignty. Communities within the ISR hold strong agreements with researchers to ensure that they review and receive access to information within an agreed upon time. Within the ISR there is a strong process for ensuring that all community members have access to information used to inform management decisions through the HTCs and the IGC. However, the process becomes more complicated at the national and international scale.

Within Alaska, Participants expressed frustration at the lack of accessibility or timely access to information being used to make management decisions or stated the results of scientific research. As one participant shared, "They don't give us the information that they [the state] have until the last minute and they have the control because we don't see the data. We don't have the money to gather that data." Another participant added, "The state does not listen to the Elders and people on the river. They are the only ones that have data, but they do not share it." Slow internet service provides another obstacle.

To overcome that obstacle, observation and monitoring systems must be improved and driven by Inuit. In order to adequately engage in true co-management practices there is a need for Inuit communities to be able to bring forward monitoring information derived from both IK and science.

Long-term monitoring requires adequate funding to support the ongoing collection and organization of information to aid in collective decision-making. Within Alaska, many Inuit communities want to

manage their own monitoring programs. There is also a need for mechanisms to enhance the networking capabilities across Inuit communities. For example, there is a lot of value in a community within Alaska being able to easily share information on beluga with a community within the ISR. While there is a lot of information exchanged through informal connections, there is a desire to enhance and formalize such networking.

Many examples exist of successful monitoring programs that are community led. For example, through the KRITFC people are involved in fish-monitoring programs. Within the past few years the KRITFC has hired and trained eight youth to collect information on fish.

Through these types of programs, there is documented baseline data. It is also important that IK is included in collected baseline data. Within both the ISR and Alaska, there is expressed concern that IK and science are often not treated equitably at different scales. Some Participants expressed frustration that scientists are regarded with greater credibility because they hold a graduate degree, while the expertise of IK holders is not understood or respected. Examples were provided of scientists or other professionals being dismissive of IK or not understanding the knowledge. Participants also shared that while science is funded by federal, state, territory, or international agencies, much more effort is required to fund activities that include IK and is often expected to fit within a 'western' model.

Summary: Inuit must have access to all of the information used to inform management decisions and research projects. That information must be shared in ways that overlap with Inuit needs, and there must be a background focus on trust, respect, and cooperation. Additionally, there is a need for long term monitoring programs established and administered by Inuit or in partnership with Inuit. Monitoring programs should include adequate information from both IK and scientific methods and information.



Fish net. Photo: Chris Arend

THEME: Equity and respect are principles that inform actions.

Within the ISR, there have been huge advancements to develop equity within the co-management process with the federal and territorial government. Before the IFA, Inuvialuit rarely felt that their voices were heard, noting that the government agencies did not care about their input, ideas, or IK. Now, over 30 years after the signing of the IFA, Participants are starting to observe real improvements. Efforts have been made by government to understand Inuvialuit practices and traditional management. The government is now obligated to include IK in co-management decisions and Inuvialuit are significantly involved in the decision-making process at many different points.

Everything begins with the HTCs. Participants indicated that this allows more equal representation in decision-making. They also noted that “ground-up” decision-making leaves more space for inclusion of IK and what the Elders say. Inuvialuit Participants commented that IFA provides for equal opportunity.

There is a current movement pushing governments to uphold the IFA by people and communities in the ISR. One participant explained: “historically, we are a nice people, we always just went along. And we are starting to use our land claim more and more. That is why our co-management boards are starting to work pretty good. Because we are starting to say look, this is the claim—if you keep going against the claim, then we have no choice but to go to court.” Participants expressed that this change in approach was born out of impatience after years of being ignored. Now, as Inuvialuit focus on asserting their distinct rights more, government, industry, and researchers are responding.

While the land claims agreement is generally seen as very strong, it is noted within some communities that it is not always followed. They indicated that there is still quite a way to go before true co-management is achieved. Participants emphasized that improvement is a continuous process and while Participants feel that their voices are now heard, they do not feel that there is true equity of voice. Participants stressed that

although Inuvialuit rights are supposed to be ensured, written into law by the IFA, the government doesn't always adhere to the agreement.

One participant summarized the situation in Canada: "It is still a fight. It is a question of where the balance lies. Sometimes we feel we have more equity than other groups. It feels that way but when you get down to the bottom line, it doesn't look that way or it doesn't actually feel that. Then you look back and see, I could have won that – I could have dated those arguments or I could have used other words that expressed our feelings greater. So the fight goes on. It is not that they are talking down to us....it is just that we did not come up to speed with them."

The following were identified as ways inequity at times appears in working with territorial and federal government:

- Difficulty bringing focus to Arctic issues at a federal level (for example, there is only one ice breaker and little infrastructure to deal with disasters in the US)
- A tendency for people to group Indigenous Peoples together (for example, thinking that Inuvialuit are the same as the First Nations in Canada)
- Decisions are made by majority vote at the higher levels of government; although Inuvialuit have a platform for their voice, they can still be outvoted
- At some levels, lack of understanding about Inuit culture and ways of life
- Lack of adequate funding for the gathering and inclusion of IK
- The Canadian government should make a concerted effort to let go of the desire to control Inuvialuit management practices

Alaskan Participants described a lack of equity at multiple levels. Many Participants indicated that while Inuit are sometimes successful in fighting to have their voices heard, true equity and equal partnerships

within co-management rarely exist. This offset is primarily because no true co-management exists within Alaska. Below is a brief list of inequities faced in Alaska and the existing co-management system:

- State of Alaska uses formal equality in the context of "subsistence" by including non-Native people, hunting and fishing rights (this does not include marine mammals) without recognizing the distinct cultural context of Inuit
- Lack of equity in decision-making representation on management boards, and in funding
- Large scale power imbalance (asymmetry); federal and state government set on maintaining those imbalances
- A pervading sense that money equals power
- A lack of trust and respect for IK apparent from scientists, managers, and policy makers
- Lack of trust and respect for knowledge that is unwritten or experience-based
- IK comes second or not at all
- Lack of full recognition of the legitimacy and capacity of Tribal Governments

Alaska Participants expressed frustration at being expected to live under another culture's imposed management system, the associated power dynamics, and how this relates to equity. In regard to reflections on the state, one participant shared, "...they [the state] does not cooperate or support us...they are in opposition to everything we say... it is a constant fight and we are not supposed to fight".

Within the management of walrus, Inuit have stressed that true co-management would allow for Inuit representatives to hold substantial power in decision-making, including veto power. They commented that without the power and authority to say no, there cannot be equity of voice. Such power, including full implementation of free, prior and



Kikmiñat (Inupiaq- NW Arctic dialect), are picked by the basketfull in Sisualik in early September. Photo: Majja Lukin

informed consent, changes the power dynamic from one in which Inuit partners in a co-management structure must choose between very limited options presented to them by the government into one in which they are able to equitably shape decisions. A co-management system in which Inuit partners have no power to reject proposals or the right to say yes, no or yes with conditions forces them to solely follow the direction and decisions of the government, thereby diminishing their rights and wholly diminishing equity of voice, ultimately resulting in a system far from “co-management.” Participants also highlighted the unequal representation of Inuit in co-management bodies, like the FSB.

In both Alaska and the ISR equity includes how language is interpreted and used. The use of English in official co-management meetings can directly influence the management decisions that are made. The main example given by Participants was regarding beluga whales. In Inuvialuktun (an Inuit dialect used in the ISR), there are four or five words which describe the animals known simply as belugas in English. Participants noted that distinct words exist to describe whales at different stages of their lives. And because there are distinct management decisions to be made for those different kinds of whales, a conversation in English about beluga management does not fully capture the extent of Inuvialuit IK or traditional management structures.

The freedom to use Inuit language in management settings is important because it is such a descriptive and expressive language which inherently holds IK that is based in relational values and respect. Participants emphasized that Inuit speakers are often able to describe resources and IK in richer detail and more concisely, accurately in their Mother tongue. As a participant shared, “speaking in our language can also create a more comfortable management environment.” One participant stated: “Sometimes two words sum everything up that someone’s been talking about for the last two hours. In our language, you say two words and you know what you’re talking about.”

However, there are ways that language can also impede food sovereignty. For example, the use of academic or jargon-ridden English or legalese can cause confusion for people who are not familiar with certain kinds of vocabulary that are common in management and regulatory meetings. Participants provided examples such as “anadromous” and “extirpate” as common management words which are unnecessarily academic. Other words common within management processes and legislation exist—for example, “substantial”—are not clear

or easily defined. Inuit face challenges to their food sovereignty when laws are left open to interpretation or context, especially across different languages like English.

Another point raised in relation to equity is funding. In both Alaska and the ISR, true equity can only be achieved with proper, sustained funding. Within Alaska, there is a lack of funding to adequately support meaningful and effective participation in a co-management system. While the state and federal governments are funded to do what they believe needs to occur, the co-management bodies are not automatically funded. The federal and state agencies get to meet their goal because they have funding to support all that they do that. All of the federal and state policy-makers, regulators and law enforcement representatives are employed and paid for the role that they play in the dominant system of management. Yet, within Alaska, it is important to note the few economic opportunities in communities, the lack of potable water and other basic infrastructure, and numerous other social inequities. With these considerations, funding is a major roadblock to effective co-management.

Key points raised related to funding equity in Alaska

- A co-management system fails when only one of the managing bodies has the power to decide what is to be funded.
- Frustration over the requirements that entities must meet in order to receive funding noting that requirements are formed without any consultation with Inuit governing bodies. In addition they cannot use government funding to fight or challenge governing bodies.
- Lack of compensation for the IK holders and expertise provided by Inuit.
- Always competing for funding against the state for federal funding.
- A need for Tribal Governments and Indigenous management organizations to be funded directly to implement management.
- Only research, projects, and directives deemed necessary or important by the state or federal government are discussed or pursued. Inuit partners in the management structure are then forced to comply or else receive no funding. In this way, there is no shared vision and no real management; federal and state governments are still managing and prescribing what Inuit can do and how they can do it. The result is a unilateral management system as opposed to a co-management system.



Aqpik (salmon berries). Photo: Chris Arend

In Canada, the funding made available to IGC from the Canadian government for implementation of the IFA is limited. In order to gather the information needed to co-manage resources, Inuvialuit have to be strategic to make a little go a long way. One participant commented: it's "the big guys versus the little guys in some cases; it is whoever carries the biggest stick with the amount of money you have." This means that certain aspects of management can fall by the wayside.

Inuvialuit should have greater control over how monies are allocated or spent. Participants described routinely butting heads with the governments over how IFA funding should be used. "They want to do some study on some insect or a study on some songbird or some shorebird that we don't really harvest, that we don't really feel is a priority right now and for whatever reason, they feel it's a priority. It starts the process over again where we butt heads with them again. Sometimes it comes out in our favor, sometimes it doesn't, but if it's money to implement a land claim we feel that they should be giving us a greater say or more control over how those monies are spent."

Summary: There are three main considerations for equity. First, funding must be adequate to avoid a unilateral or dramatically imbalanced power structure. Second, the means of communication through language and science must overlap with Inuit systems. Third, individuals interacting in the process must have an open mind and good intentions, rather than perpetuating a power dynamic that undermines co-management and the Inuit concerned.

Box 13. Language and Food Sovereignty

The importance of using Inuit dialects, the pain of loss language (violently taken away through boarding and government-funded schools and forced cultural assimilation), and the ability to speak from truth through one's own language was expressed through every focus group meeting, workshop, and expert interview.

As one participant shared, "When you have your native tongue, you feel so empowered, when you say something you really mean it." Participants further shared that language is not just the words you speak; it is also how Inuit communicate through body language and comfort within their environment.

Some described language as living within you and being a connection to ancestors. A participant shared the pain of not having her language anymore. There is such an extreme sense of loss that left the participant unsure of how to express important concepts needed in decision-making. The feeling was described as your body knowing what needs to occur but your brain does not have the words to say it in English or your own language.

Another participant shared the importance of speaking from within the environment, "Just like the way a goose calls or a moose calls, they are speaking from within the environment...not from outside of it. As Indigenous Peoples, we already know that we are part of the environment. The music of language is connected to the spirituality of it all."

These shared points also relate to the complexity of trying to translate complex concepts from Inuit language into English at meetings. As shared throughout this report, Inuit are part of the Arctic ecosystem. Through shared values and IK, Inuit have strong relationships, spiritual connections, and a responsibility with all that is within this environment. These relationships go beyond "management" and "resource management"- terms that are often used in a process that seems to take an objectified approach to animals, water, ice, air – to all within the Arctic.

Continued on page 133

Box 13 continued from page 132

This approach, an objectification of life within the Arctic, is in strong contrast to an Inuit understanding and way of life.

Participants raised discussions about the terms “management” and “resource management,” with reflections of what is meant by these terms. In considering how these terms and concepts would be translated into Inuit dialects, they were unable to come up with any words. At one meeting, a few Inupiaq, Yup’ik and St. Lawrence Island Yupik speakers (three Inuit dialects) attempted to translate management or resource management.

For those Participants that did hold this discussion, they shared a few initial ideas and included words and phrases which roughly translate to the following:¹³⁵

- *Taking care of children/everything*
- *Caretaker or gatekeeper*
- *Taking care of living things*
- *Holding the responsibility to take care of*

In this discussion, a few phrases were considered:

Aflengakista, Aflengakistet (Saint Lawrence Island Yupik)

Aulukstai (Yup’ik)

Pikasiuq, Isamaloon, Isamalootit (Inupiaq - Alaska North Slope Region dialect)

The words used describe the way one views the world and influences how and what decisions are made. Within an Inuit worldview, management is much more about managing human behavior and guiding respectful relationships with all within a shared ecosystem. The language reflects an understanding of the relationships between everything within the Arctic. In contrast, much of the language used within a western management construct tends to be linear.

¹³⁵ To appropriately identify terms, consultation with Elders in various communities to determine a working translation is needed. These terms are only used to provide an example of the challenge that Inuit hold in translating foreign concepts between Inuit dialects and English.



Elders hold and share the knowledge and wisdom passed from generation to generation. Photo: Chris Arend

THEME: Power dynamics and historical context must be considered. Past injustices underscore the need for proactive pursuit of justice in the future.

In thinking about potential negative impacts of regulations, it is important to understand that there is a lasting impact of the colonization that has occurred throughout history. Restrictive and hierarchical management practices have added to an overall sense of loss—for tradition, for a way of life, for core values of personhood, basic dignity and community. Numerous examples were shared by participants to emphasize this point.

In Alaska, it was noted that the repercussions for infractions such as “wasteful take” (more commonly used word) can be particularly devastating to Inuit hunters who sometimes lose their boats or equipment due to fines or confiscation. One participant suggested that such infractions should be turned over to Tribal governments first, rather than going directly to the federal and state governments. Additionally, Participants stressed the importance of educating those that are assigned to work within this important context (i.e. managers, law enforcement, scientists).

Further within the discussion about regulations, Participants shared concerns about the tenuous, and at times, paternalistic relationship that communities have with law enforcement. They noted that there is often a deep cultural rift between law enforcement officials and communities.

A few participants compared their relationships with law enforcement and the feeling of being heavily regulated to being tied up, being blocked, or being fenced in. They described a history of fear at hearing law enforcement planes flying into a community or area where harvesting is occurring.

Participants further shared that the terminology often used to describe their activities can be hurtful. For example, using the term “overharvest” to describe harvesting activities to feed families is disrespectful, dismissive of the relationship that people hold with animals, and the Inuit laws that people live by. One participant commented: “We do not waste or overharvest and if we do, it weighs on us.”

Respect needs to come first. Inuit emphasize respect for all of life, for the land, water, and air, for the animals and plants, and for each other. Respect encompasses an understanding that everything is connected. There is a strong relationship between everything within the environment. Recognition of the Inuit cultural context and distinct rights can make a significant difference in approach throughout.

Summary: Co-management requires an understanding of how current outlooks are shaped by historical injustice. That is especially pertinent in enforcement actions that can resemble that horrific history in tone and form.





The land is where our roots are. The children must be taught to feel and live in harmony with the Earth.
Photo: Chantal Gruben



Harvesting near Paulaturk in the ISR.
Photo: Rebecca Ruben



Across the Arctic, we feed our families from the land and water. Photo: John Noksana



Ice road near Aklavik in the ISR. Photo: Carolina Behe



Whale bones in old Point Hope village. From preparation to sharing during Nalukataq, the bowhead whale is at the center of Inupiat culture. Photo: Brian Adams as part of the ICC AK led, *I AM INUIT* project

There are many local, national, and international laws and legal instruments that support the interrelated, interdependent, and indivisible rights of Indigenous Peoples which were developed to safeguard their distinct status, including hunting, fishing, and harvesting rights. However, the present system for management and co-management falls short in diverse ways and requires improvement and reform to realize the legal protections that exist and to gain true co-management.

One crucial starting point is to effectively uphold the laws, policies, agreements and human rights instruments intended to ensure the survival of Inuit as distinct peoples. In addition, the objectives of this project have revealed many of the flaws and inequitable processes that impede true partnership with Inuit in order to support Inuit food sovereignty and subsequently Inuit food security and ecosystem health.

In the ISR, the case studies on beluga whales and char demonstrate that the IFA has provided a strong legal basis for equitable inclusion of IK and Inuit community-focused management. In Alaska, the case

studies on walruses and salmon demonstrate that there is still work to be done to elevate Inuit voices. Across all four case studies, Participants emphasized the need for respect and shared goals to support adaptation to climate change.

Across the circumpolar Arctic, Inuit are facing similar political and legal threats. Throughout the project, Participants shared realities which were sometimes painful and sometimes encouraging. The consensus is that both minor and major changes are needed to achieve food sovereignty and self-governance. In the context of such change, the worldviews, perspectives, knowledge, culture, and most importantly, Inuit themselves, must be central in the process.

To Inuit, the term “management” can be difficult to translate directly, but the matter goes far beyond law and policy. Rather, it is closer to a way of life central to the continued existence of Inuit communities. Moving forward, the Inuit way of life must be recognized, respected, and elevated in the rapidly changing Arctic.

APPENDIX 1: GLOSSARY

ANCSA - Alaska Native Claims Settlement Act

ANILCA - Alaska National Interest Lands Conservation Act

ANO - Alaska Native Organization

AVCP - Association of Village Council Presidents

BSBMP - Beaufort Sea Beluga Management Plan

CCP - Community Conservation Plan

CITES - Convention on International Trade in Endangered Species

DFO - Department of Fisheries and Oceans Canada

DOI - United States Department of the Interior

ELI - Environmental Law Institute

ESA – Endangered Species Act

FJMC - Fisheries Joint Management Committee

FSB - Federal Subsistence Board

FSSG - Food Sovereignty and Self-Governance project

FWS - US Fish and Wildlife Service

HTC - Hunters and Trappers Committee

ICC - Inuit Circumpolar Council

IFA - Inuvialuit Final Agreement

IGC - Inuvialuit Game Council

IK - Indigenous Knowledge

ILO - International Labour Organization

IPCoMM - Indigenous People's Council for Marine Mammals

IRC - Inuvialuit Regional Corporation

ISR - Inuvialuit Settlement Region

JS - Joint Secretariat

KRITFC - Kuskokwim River Inter-Tribal Fish Commission

KRSMWG - Kuskokwim River Salmon Management Working Group

LAC - Local Advisory Committee

LOMA - Large Ocean Management Area

MMPA - Marine Mammal Protection Act

MOA – Memorandum of Agreement

MOU - Memorandum of Understanding

NGO - Non-Governmental Organization

NMFS - National Marine Fisheries Service (please note this is actually defined wrong within the report. Currently it is listed as National Marine Fishery Services and should be updated)

RAC - Regional Advisory Council

TAB - Technical Advisory Body

TCC - Tanana Chiefs Conference

TNMPA - Tarium Niryutait Marine Protected Area

UN - United Nations

UNCLOS - United Nations Convention on the Law of the Sea

UNDRIP and *UN Declaration* - United Nations Declaration on the Rights of Indigenous Peoples

UNFCCC - United Nations Framework Convention on Climate Change

UNGA - United Nations General Assembly

WMAC - Wildlife Management Advisory Committee

YK - Yukon-Kuskokwim, referring to the Yukon-Kuskokwim Delta Area



Broad whitefish in the ISR. Photo: Chris Kelly

APPENDIX 2: BARRIERS

Throughout the project Inuit shared barriers that limit or impede food sovereignty. Due to the interconnecting nature of all within the Arctic ecosystem, many of these barriers also lead to an unhealthy environment, harming the health and welfare of people, animals, plants, water, ice, land, and air. These barriers are shared to inspire a focus on filling gaps and building genuine, stronger co-management that supports holistic, adaptive decision-making processes within the Arctic. The barriers have been separated into three categories, 1) those identified from within both ISR and Alaska, 2) those identified from within the ISR, and 3) those identified from within Alaska.

ISR and AK

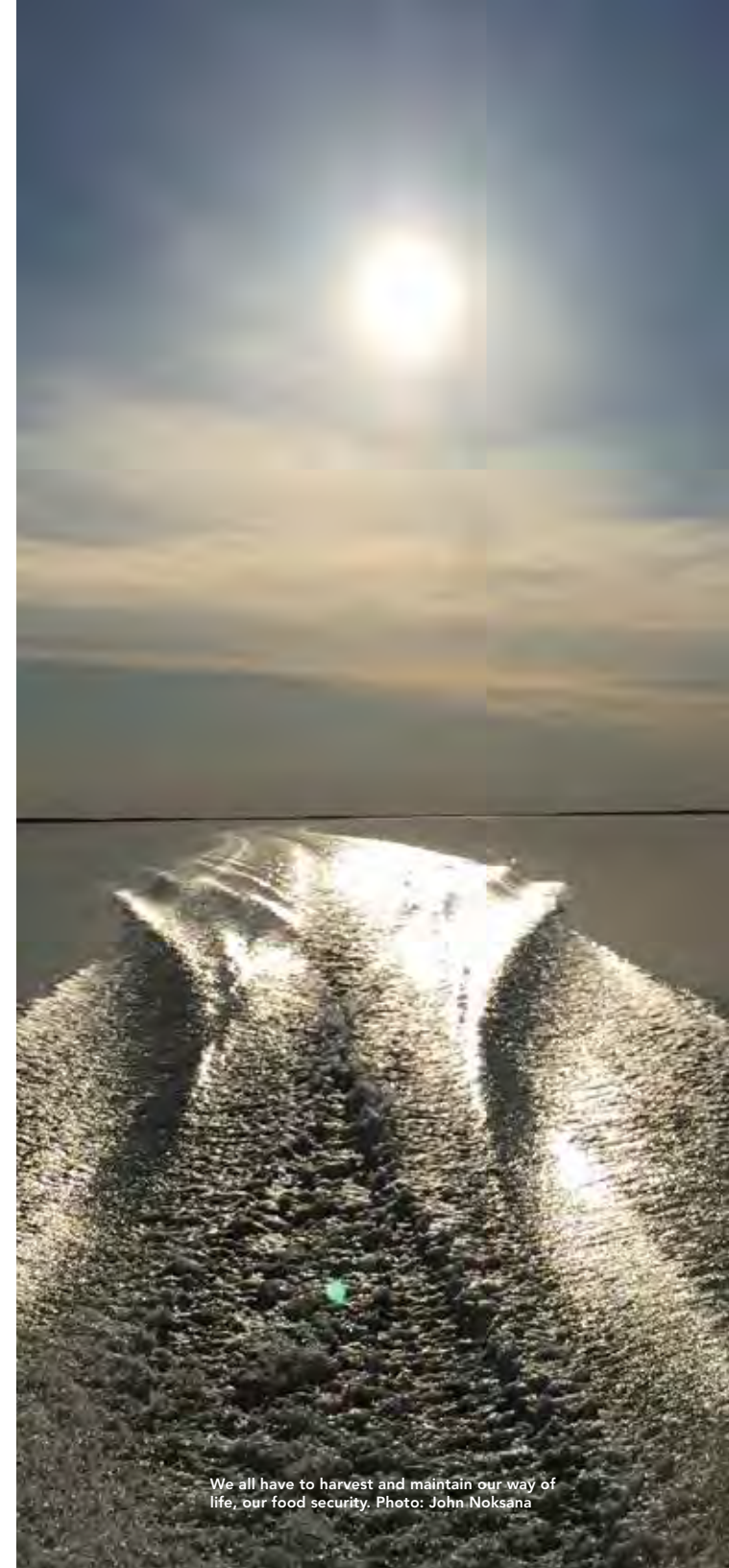
- ✦ Lack of knowledge and understanding of Inuit ways of life by outside government entities, scientists, and international institutions
 - ✦ Slow, rigid, complicated decision making, lack of adaptive management
 - ✦ Feeling overrun, in the face of resistance from federal, state, territorial governments and/or international institutions
 - ✦ Management and/or regulations which conflict with IK timelines, values, and priorities
 - ✦ Red tape and bureaucracy
 - ✦ Lack of equity – related to funding, use of IK, prioritization, and voice
 - ✦ Exclusive use of English in management settings structure, form and content of meetings
- ✦ Misrepresentation of Inuit practices within media and other communications fora
 - ✦ Challenges with co-management across borders, which stifles a holistic approach, sound management and cultural exchange
 - ✦ Single species and siloed approaches to research and decision-making
 - ✦ Competition of resources driven by those with lobbying power and financial backing
 - ✦ Laws and regulations that are difficult to understand and hard to navigate
 - ✦ Challenges in communication
 - ✦ Always working under someone else's system
 - ✦ Turn-over of federal, state, and/or territorial government representation
 - ✦ Negative impacts when a holistic approach is not taken
 - ✦ Limited or no pathways for equitable input into international processes/decisions that impact communities, such as shipping
 - ✦ National processes and international fora that apply a top down approach to decision-making
 - ✦ Lack of implementation of tools that support Indigenous human rights, such as the *UN Declaration*

ISR only

- When leaders of management bodies are not Inuit
- Permitting requirements for activities, such as building a freezer or structure
- Federal and/or territorial representatives with a lack of knowledge of the IFA
- Difficulties with reversing older decisions
- Limited decision-making power when it comes to selling processed country foods

AK only

- Limited, restricted decision-making power; processes and procedures that do not support Inuit to exercise their right to say no, yes or yes with conditions
- Lack of respect, trust, or acknowledgment
- Dismissive and disrespectful behavior towards IK
- Imbalance in representation on state and federal management boards
- Lack of mechanisms in place to ensure true consideration of IK
- Discrimination, racism
- Frustration in holding the burden of proof
- Burden of conservation (a westernized concept of conservation)
- Manipulation of laws, not upholding laws meant to protect Inuit rights, including those where there is an explicit exemption in favor of Inuit based upon their long-standing use
- Not enough locally grown managers; Seasonal managers who do not live in the regions year round



"[Consultation means] them coming in to meet with the community, the community gets information from them, the community gives feedback to whoever is coming in as to what they can and cannot do." – ISR

"In my eyes or in my opinion, consultation is face to face. That way, I get to tell just by looking at you whether you're lying or you're submitting or you're going to comply. I get to see the reaction of your face or the people that you're with. Through the phone I can't. I can imply something by the sound of their voices but that's it. But face to face meetings are where I get to express myself, I get to see where they are coming from. I have a better feeling as to what decision to make after that." – ISR

"Food from the land is so much healthier than going to the store. I love it when I go to Shingle [Point] so I can work with my fish. Being at my age, I just love being there cutting it. I just love the peacefulness of that time...when I come back, I bring it to the Elders." – ISR

"What is well-being? My own being: the sun rises, you have food in your stomach, you have provided for your family. To be able to go out on the land, that's well-being right there. You take care of the animals, the animals will take care of you, like that— simple as that." – Alaska

"As long as there is the ocean, we are going to hunt sea mammals because we know how. We know the migrations, we know where we can get them. We know where they have their young. That is all Indigenous Knowledge that was passed on to us. So we are going to survive whether the laws and regulations come around...We've got to make sure that the managers of Fish and Wildlife take into consideration our knowledge. Because we know. We are part of the land. We are out there living it. We are not sitting at a desk trying to count animals on a computer. We see them. We see what's dying; we see what's living. We see the cycles that are, that have been happening for thousands of years. Like the caribou has a cycle, you know." – Alaska

"Earlier on, they would send higher level people that can come and sit down with you, you look them in the eye and you make decisions there on the spot. Those people were fairly knowledgeable" later adding "sometimes you're sitting there across the table with someone who knows absolutely nothing about your land claim and can't tie their shoes without going back to their office and speaking with their superior." – ISR

"They amended our marine mammal act... so that they can hunt polar bears. Now everybody got their polar bears. They [international governments and entities] made another amendment to shut it down now. Really, the big world, takes a lot on how we conduct our lives up here." – ISR

"We do more for sun protection now. We used to not worry about it so much back in the day, but the sun is so warm now. It is so hot. Cause that sun could be so dangerous on foods. It starts creating bad stuff." – ISR

All quotes provided during interviews, focus group meetings, and/or workshops held within Alaska and the Inuvialuit Settlement Region (ISR) of Canada.

“We are so rushed by the seasons to get everything done and now that it’s back to how it was before the climate change really hit us; it’s nice to go out there and not have to rush to do everything. You get everything you need and there’s still time... but that’s the instability of the thing—I wouldn’t trust my instincts to this year to say it’s going to happen next year. I mean, it’s all different.”
– ISR

“When the ice began to retreat, the migrations [animals] started going north. The water currents started flowing south to north during April. All these marine mammals catch a ride on the current. Then all the ice that we’re losing is ending up in the Atlantic Ocean side because of the NW Passage is open [from lack of ice coverage]. That is where the polar ice is ending up and melting. That affects our own lack of ice too. Then the earth rotates and the water starts flowing south in September and then the animals begin to migrate south.” – Alaska

“It’s lots of water out there and we don’t know is the ice going to go this year. It is totally different this year our winter is still totally different again. So much melting and getting cold, hot, getting cold. We never had this when we were growing up. There used to be 40 below and our daylight in December was really dark, now it is no more darkness in there. It is totally different.” – ISR

“Erosion is a huge problem. Traveling down towards the coast, some of the rivers and channels are changing and some of them are really shallow water and we have a tough time to get through them now. Use to go all the way down. And now it’s you can’t go that far because you know the hills are sliding down and it is pushing that sticky mud and then it goes right into the ocean, you know, like those landslides.” – ISR

“Sometimes trying to dry char fish, you have to watch it. When I have it on my deck, if I keep it on my deck and then put it indoors when it is too hot, or I used a covering of brown paper or cardboard like shade. Still it is scary.” – ISR

“I notice that we are harvesting 10 to 14 days earlier than normal on everything. Even the berries were early, the fish were early and everything was just a little bit earlier than normal. We live with the seasons and the regulations are for set from this month to this month. But our seasons are changing with the climate so later on, I would imagine they are going to have to revisit those dates to change them according to our seasons.”
– Alaska

“[Animals that are] more available in places where they weren’t. As an example, a moose is now available out on the coast, here in Alaska, where it didn’t used to be. Weather conditions are not aligning with the harvest times that are set out in regulations. For instance, June has always been when we dry meat, because it’s the best conditions and no flies. But, if we’re not allowed to fish, we could miss the good drying weather, and sometimes it’s just a week or two weeks of a window. And when that’s missed, it really messes everything up.” – Alaska

“Number one, is to keep the family on the land, keep in touch with the land, and live.”
– ISR



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