

# **First Peoples of Alaska**

## **Proclamation To Achieve Subsistence Rights and Protection of Native Cultures**

We are People of the Land. The essence of our being and our way of life---from the whale hunters of the Arctic to the fishers along the coasts and rivers of our state—is derived from our land and the sea. We are dependent on our hunting, fishing and gathering values and practices. Our ancestors developed distinctive cultures around our subsistence economies that have sustained Alaska Natives for thousands of years. It is a way of life and set of values that we are determined to maintain for our future generations. In the face of changes brought to our world throughout the last century, with and without our consent, Alaska Natives have remained committed to our traditions.

Alaska Natives have contributed to the prosperity and to the rich diversity of the United States but at the same time, we seek to maintain and bequeath to our children the knowledge and fruits of the land that have endured through the millennia. We find that in the face of welcoming others to our land, we have been subjected to challenges that threaten our very physical and cultural survival. We have worked tirelessly to defend our relationship to the land and sea and our subsistence way of life.

Our Native leaders sought protection for our hunting and fishing rights in our aboriginal land claims settlement, but instead the Alaska Native Claims Settlement Act (ANCSA) extinguished these rights. Nonetheless, Congress emphasized that it expected both the State of Alaska and the Secretary of the Interior to take “any action necessary to protect the subsistence needs of the Natives.”

Alaska’s expanding population increased competition for fish and game resources. Neither the State nor the Secretary of the Interior fulfilled Congress’ expectation that Native subsistence would be protected. Congress moved to protect the subsistence way of Alaska Natives and enacted Title VIII of the Alaska National Interest Land Conservation Act (ANILCA). Again, our leaders pressed for explicit protection of “Native” hunting and fishing rights, but the State objected. Ultimately, a law was crafted to provide a subsistence priority for “rural residents” with the expectation that the State would enact laws that conformed to federal requirements. Regrettably, Congress’ goal of ensuring the continuation of Alaska Natives’ customary and traditional way of life was dealt a death blow in 1990, when the Alaska Supreme Court declared the State’s rural priority law unconstitutional.

Today, after more than 20 years of dual federal and state management, it has become clear that ANILCA does not provide long-term protection for the Native subsistence way of life. Instead, subsistence harvests have been marginalized by other uses and ineffective management regimes; our People have been criminalized for feeding their families and communities, and Natives have been penalized for practicing our ancient traditions. Congress has the authority to enact legislation that ensures a “Native” or “tribal” subsistence preference on all lands in Alaska. It has done so with the enactment of numerous other federal laws that provide explicit protection for Native hunting and fishing rights in Alaska. Congress must recognize that a Native

preference for hunting, fishing and gathering throughout their traditional territory is required in order to fulfill the promises of ANILCA.

The fact that Alaska Natives are given only a very limited role in the management of their hunting and fishing rights through ANILCA critically undermines all attempts to protect customary and traditional uses, practices and needs. We have practiced this way of life since time immemorial, on these lands and waters, and with these fish, wildlife and other resources. We have the wisdom and skills to incorporate western science and traditional knowledge, to balance taking and conservation, and to manage in a manner that allows our way of life to thrive. Simply surviving is a challenge under the current system. There is no justification for management that fails to include Alaska Natives as at least equal partners. ANILCA contains an underutilized provision (Section 809) that would allow for contracting co-management with Alaska Native tribes and organizations. Numerous other laws provide a co-management role for Alaska Natives. The Migratory Bird Treaty Act and the treaties with Canada and Mexico provide for subsistence uses of migratory birds by the indigenous inhabitants of Alaska and for a federal-state-tribal co-management regime to manage the subsistence harvest. The Marine Mammal Protection Act provides an exemption for Native subsistence uses of marine mammals and for co-management by Alaska Natives. The North Pacific Fishery Management Council has authorized agreements with tribal governments for harvest monitoring, local area planning and other issues affecting the subsistence use of halibut. These federal laws demonstrate that it is not unreasonable for Alaska Natives to have a direct role in the management of subsistence uses.

Alaska Natives remain undaunted in our struggle, and we say to all that we will remain diligent in pursuing our food security and our cultural survival. We will continue to strive for recognition and protection of our basic human rights to food security and self-determination, and to maintain our own unique cultures – rights that are collectively recognized and codified in the International Covenant on Civil and Political Rights, the Universal Declaration of Human Rights, adopted by the United Nations in 1948, and the United Nations Declaration on the Rights of Indigenous Peoples. These rights are shared by indigenous peoples throughout the world and recognized by enlightened civilized societies.

Let it be known throughout the land that we, the First Peoples of Alaska---the Inupiat, Yup'ik, Unangan, Alutiiq, Athabaskan, Tlingit, Haida and Tsimshian, gathered at the Alaska Federation of Natives 2012 Convention, demand the revocation of federal laws that undermine our subsistence rights. We further proclaim that we commit ourselves to a unified, statewide effort at the international, national and local levels using every political and legal means at our disposal to achieve the following two overarching goals:

1. Full and lasting federal protections for our hunting, fishing and gathering way of life, and
2. A co-equal role in managing the fish, wildlife and other renewable resources that we rely upon for our economic and cultural existence.

We pledge ourselves to these two principal goals to be guided by a formalized Action Plan.