



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians
Resolution #ANC-14-023

TITLE: Supporting the Inherent and Recognized Rights of the Alaska Native People in Subsistence Fishing

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WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, the Alaska Native people have lived in the lands now known as the State of Alaska since time immemorial; and

WHEREAS, the Alaska Native People have survived to the present day relying on a subsistence economy based on the harvesting of salmon and other fish from our waters and hunting and gathering from our land; and

WHEREAS, Alaska Native people depend upon subsistence fishing, hunting, and gathering to not simply survive but to also as a means to preserve their unique culture and way-of-life; and

WHEREAS, the Alaska Native Claims Settlement Act (ANCSA) of 1971 section 4(b) extinguished the aboriginal subsistence fishing and hunting rights of the indigenous people of Alaska thus having the effect of extinguishing the right to their primary source of food; and

WHEREAS, the Alaska National Interests Land Conservation Act of 1980 section 811 made provisions for "rural" but not Alaska Native specific subsistence rights; and

WHEREAS, despite the legislative intent of ANCSA that the federal and state governments provide a resolution at some time in the future for securing comprehensive Alaska Native specific subsistence rights, no such provision has ever been made; and

WHEREAS, despite the legislative intent of ANCSA, the Alaska Native people have not secured a significant improvement in their economic condition, thus making subsistence fishing and hunting an essential aspect of their continued survival and preservation of their way-of-life; and

WHEREAS, Article 20 of the United Nations Declaration on the Rights of Indigenous Peoples provides that "Indigenous peoples have the right 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" and that deprivation of "their means of subsistence and development are entitled to just and fair redress;" and

WHEREAS, the stock of King Salmon migrating in the Yukon and Kuskokwim Rivers have declined in recent years as the result of human influences on the environment, competition with other harvesters, and other unknown factors thus leading to restrictive conservation measures being implemented by the State of Alaska and the United States; and

WHEREAS, on or about May 5, 2014, the State of Alaska closed the subsistence fishing of King Salmon on the Kuskokwim and Yukon Rivers with a consequence of criminal prosecution for failing to abide by such order; and

WHEREAS, the effect of this prohibition, and other hardships suffered by Tribal users of King salmon throughout Alaska, have devastating effects on the subsistence economy and culture of the Alaska Natives Peoples living along the Kuskokwim and Yukon Rivers and other Rivers in Alaska; and

WHEREAS, Federal agencies involved in managing salmon and other subsistence resources in the 200 mile marine environment offshore of Alaska have failed to adequately engage Alaska Tribes in the management of these resources and have not fulfilled their trust responsibility for these resources, and they must begin to do so in order to ensure the conservation and use of these resources for customary and traditional tribal uses; and

WHEREAS, it is morally wrong and a violation of basic human rights for the United States and Alaska state governments to extinguish the subsistence fishing, hunting, and gathering rights of Yupiit, Athabascan, and all other Alaskan Native peoples.

NOW THEREFORE BE IT RESOLVED, that the NCAI finds that the United States and State of Alaska's inadequate management of the Kuskokwim and Yukon River King Salmon, and other Chinook salmon stocks important for Tribal Fisheries in Alaska, has led to the voluntary moratorium by Alaska Native peoples, which is a severe sacrifice made in order to restore these vital Chinook runs to historic levels, and which foregoes the opportunity to satisfy the basic human rights of tribal peoples to harvest Chinook salmon to sustain their spiritual, cultural and nutritional needs; and

BE IT FURTHER RESOLVED, that the NCAI supports the formation of strategic intertribal fish commissions to gather and use traditional knowledge and scientific data in order to preserve and strengthen King Salmon runs along the Kuskokwim and Yukon River Drainages; and

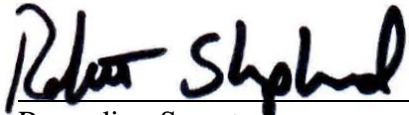
BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2014 Mid-Year Session of the National Congress of American Indians, held at the Dena'ina Civic & Convention Center, June 8-11, 2014 in Anchorage, Alaska, with a quorum present.


President

ATTEST:


Recording Secretary