



# An Indigenous approach to ocean planning and policy in the Bering Strait region of Alaska

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## ABSTRACT

Bringing western science and policy together with Traditional Knowledge and values from indigenous communities for ocean planning is lacking and a framework is needed. This article articulates indigenous perspectives about the ocean and a culturally appropriate methodology developed in the Bering Strait region for a visioning process that can be used to bridge western and indigenous value systems. Recommendations for an indigenous approach focused on inclusion, the examination of values, adequate representation, and Tribal direction in ocean planning and policy are made. This approach is needed to move forward on a path to achieving more equitable, sustainable and inclusive ocean planning for the future.

## 1. Introduction

The Arctic has been experiencing the impacts of climate change disproportionately than other places on the planet [34]. Along with warming temperatures, loss of sea ice and changing landscapes [5], there are concomitant increases in anthropogenic activity such as Arctic shipping and vessel traffic. The Arctic has been home to Indigenous Peoples from time immemorial and they have adapted to this environment and developed distinct knowledge systems through living in and with the environment. These knowledge systems are multi-dimensional and include information, values and understandings of resource and environmental management, governance structures, cultural values, social roles and responsibilities, and many other aspects of human-environment relationships, among other things. The United Nations Declaration on the Rights of Indigenous Peoples [83] recognizes the sovereign rights of Indigenous Peoples to land, self-government and culture. An important aspect ensuring control over livelihoods is ensuring that Indigenous Peoples have the tools and ability to plan for the future. Ocean environments are critical to many Indigenous communities in the Arctic, and as such regional adaptation planning with an emphasis on marine environments should be prioritized. This type of regional focus has been successful across different northern regions including the Canadian Beaufort Sea [13], Haida Gwaii [39], and Bristol Bay [11]. These processes ensure that Indigenous values form the framework of a shared vision that is important to have in place

in advance of any processes involving multiple stakeholders (e.g., agencies, industry, non-profits) such as ocean planning. They also strengthen community-based efforts and provide a base for stronger governance.

The Bering Strait region in the U.S. Arctic is the focus of this paper. There has been little extensive ocean planning by federal or state agencies in the Bering Strait region to date. Given the rate of environmental change this region is experiencing from climate change (e.g. [14,77,85]) and other anthropogenic activities such as increased vessel traffic, there is an imperative to address the dramatic change communities have faced and may experience in the future. The aim of this paper is to illustrate the regional process that the Bering Strait region has advanced for ocean planning, the result of which is an equitable framework for such work that highlights collaborating with federal, state, non-governmental and other partners to plan for the change that communities are experiencing [48–50]. The Tribes in the region were successfully brought together to strategically contribute to a regional vision based on shared values and planning.

### 1.1. Background: ocean planning and Indigenous participation

Ocean planning is growing in importance in the United States, including in the Arctic,<sup>1</sup> as interest in and pressures on the marine environment grow. These pressures include various climate change impacts, increasing vessel traffic (e.g., from shipping, tourism and

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<sup>1</sup> The Arctic as defined by S. 373: Arctic Research and Policy Act of 1984 (98th Congress, 1983–1984).

research activities), potential development in the oil, gas, minerals and fisheries industries, and other forces [16].

The importance of global oceans to overall ecological and economic well-being has been widely acknowledged (e.g., [65]) and has led to the establishment of state-level national ocean policies [35]. By Executive Order the United States established a comprehensive policy for the oceans in 2010 with the National Policy for the Stewardship of the Ocean, Our Coasts, and the Great Lakes.<sup>2</sup> The Trump Administration has recently revoked the 2010 National Ocean Policy.<sup>3</sup> The 2010 Order adopted the Final Recommendations of the Interagency Ocean Policy Task Force and directed federal agencies to implement these recommendations under the guidance of a National Ocean Council. This Policy encouraged all stakeholders, including Federally-recognized Tribes (Tribes) to come together to address challenges and to find solutions to manage multiple and often competing uses. Ocean planning was one of the key recommendations to address these problems. Ocean planning under the National Ocean Policy [58] required Tribal representation. None of these recommendations remain the policy of the United States, but they remain relevant to Tribal involvement in ocean planning.

The United States recognizes that American Indian and Alaska Native Tribes, as the Indigenous Peoples of North America, were self-governing and autonomous.<sup>4</sup> The United States holds a trust responsibility to federally recognized Tribes<sup>5</sup> and “has charged itself with moral obligations of the highest responsibility and trust.” This means the United States holds a legal and moral obligation to protect Tribal treaty rights, land and resources. Through Executive Order in 2000 the executive office of the President of the United States upheld Tribal sovereignty, affirmed and committed to coordinating with Tribes, and developed protocols for consultation that have been espoused to this day.<sup>6</sup> Alaska Native Tribes hold the same legal status as other Federally-recognized Tribes in the lower 48 contiguous states [7]. Alaska Native Claims Settlement Act (ANCSA) corporations have similar rights when their lands are directly impacted by Federal action.<sup>7</sup> These for-profit corporations work to benefit their respective regions economically and typically do not carry out trust responsibilities. The regional non-profit Alaska Native Tribal consortiums provide services, offer expertise, and may carry out some trust responsibilities for Tribes. The regional non-profit organizations’ priorities are determined based on direction from the Tribes in the consortium.

Tribes face many challenges in actively participating in the governance and management of Tribal treaty rights, land and resources as sovereign entities. The legally enforceable fiduciary responsibility of the federal government to Tribes is often not fulfilled (e.g., [8]). The burden of participation usually falls on Tribes, who often lack capacity. The role that Tribes hold in an ocean planning context has been one of many stakeholders rather than as recognized sovereigns with each Tribe executing their sovereign status. Most Tribes are considered advantaged if they have one staff member working on environmental issues; it is not uncommon for Tribes to lack their own equivalent agencies and departments to address natural resource management as NOAA, DOI or other bodies have (e.g. [57]). In Alaska this also places burdens and

expectations (from government and society at large) on the regional Tribal non-profits to fill such roles with little funding or capacity.

## 1.2. The Bering Strait region

The Bering Strait region (BSR) is located in northwest Alaska (Fig. 1). The U.S. side of the Strait is home to three distinct Indigenous Peoples, the Inupiaq, St. Lawrence Island Yupik, and Yup'ik peoples. Approximately 10,000 predominantly Indigenous People live throughout the region in 16 year-round occupied communities [84]. There are 20 Federally-recognized Tribes in the BSR. Kawerak, Inc. is the regional Alaska Native non-profit Tribal consortium which provides services on behalf of the Tribes in the Bering Strait region. Kawerak is governed by a Board of Directors comprised of the 20 presidents of the Tribal or Traditional Councils, two elder representatives, and a representative from the regional health care provider.<sup>8</sup> Kawerak, at the direction of the Board, addresses natural resource priorities for the region and is an important convener for Tribes to address issues in the region.

The BSR contains over 570 miles of coastline including Norton Sound, the northern Bering Sea (and its islands), and the southern Chukchi Sea. The region is located at the confluence of large water masses that are among the most productive northern latitude waters [17,79]. The shallow waters of the BSR are seasonally ice covered and experience large marine migrations including sea mammals, birds, and fish [19–21,63]. The Indigenous Peoples of the region have complex, important and generations-long connections to the marine environment in the region. The diverse cultures of the communities in the region today remain inextricably linked to the biodiversity, health and abundance of the marine environment, and particularly to marine mammals [14,28].

The BSR has been undergoing rapid change. Climate change continues to impact the Arctic region disproportionately [1,34]. Warming in Alaska is occurring at more than twice the rate of other places on the planet [85]. Increasing temperatures have led to the significant loss of sea ice and longer periods of open water. The impacts of climate change, and in particular the loss of sea ice, is significantly impacting Indigenous livelihoods [53,54,61]. Some examples of impacts include the inability to reliably access important subsistence resources such as ice seals, the occurrence of abnormalities in fish, the physical loss of communities or subsistence camps due to eroding shorelines, and increases in offshore industrial activity such as shipping, fishing and offshore exploration. Open water extends the time that vessels have to travel a shorter distance from Asia to Europe across the Arctic [6]. Increased vessel traffic presents a number of risks that could impact a subsistence way of life [14,33,47,68]. Industrial bottom trawling could result in damage to benthic ecology which forms the base of the food web in the northern Bering Sea [78,81].

Indigenous Peoples in the BSR of Alaska have a vision for ocean planning based on a proven Indigenous approach successfully applied in the region. This Indigenous approach is needed and was developed because federally recognized BSR Tribes have not been, or have not been adequately, included ocean planning and related processes, nor have their methodologies or Traditional Knowledge.<sup>9</sup> The lack of

<sup>2</sup> Executive Order 13547. Stewardship of the Ocean, Our Coasts, and the Great Lakes, July 19, 2010.

<sup>3</sup> Executive Order 13840. Ocean Policy to Advance the Economic, Security, and Environmental Interests of the United States, July 19, 2018.

<sup>4</sup> Cherokee Nation v. Georgia, 30 U.S. 5 Pet. 1 1 (1831).

<sup>5</sup> Seminole Nation v. US, 1942 and Cherokee Nation v. Georgia, 1831.

<sup>6</sup> Executive Order 13175, Consultation and Coordination with Indian Tribal Governments (2000); Executive Memorandum on Government-to-Government Relationship With Tribal Governments (2004); Presidential Memorandum on Tribal Consultation (2009).

<sup>7</sup> Department of the Interior Policy on Consultation with Alaska Native Claims Settlement Act (ANCSA) Corporations, 2012: [https://www.fws.gov/alaska/external/native\\_american/doi\\_ancsa\\_policy.pdf](https://www.fws.gov/alaska/external/native_american/doi_ancsa_policy.pdf) (Accessed 11–21–2017).

<sup>8</sup> Kawerak, who we are: <http://kawerak.org/about-us/who-we-are/> (Accessed 6–25–2018).

<sup>9</sup> Traditional Knowledge can be defined as “a living body of knowledge which pertains to explaining and understanding the universe, and living and acting within it. It is acquired and utilized by Indigenous communities and individuals in and through long-term sociocultural, spiritual and environmental engagement. TK is an integral part of the broader knowledge system of Indigenous communities, is transmitted intergenerationally, is practically and widely applicable, and integrates personal experience with oral traditions. It provides perspectives applicable to an array of human and non-human phenomena. It is deeply rooted in history, time, and place, while also being rich, adaptable, and

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