

**SUBMISSION TO THE
NUNAVUT WILDLIFE MANAGEMENT BOARD (NWMB)**

Regular Meeting No. RM 001-2022

FOR

Information: ☐

Decision: ☒

Issue: ***Establishment of an Inuit System of Narwhal Management in the Waters of Northern and Eastern Baffin Island, 2022***

Background:

Assertion of Primacy of Inuit Systems of Wildlife Management Decisions in Nunavut

In December 2020, the Qikiqtaaluk Wildlife Board (QWB) adopted the legal position to assert that the Nunavut Agreement, a constitutionally protected treaty between the Inuit of Nunavut and the Crown of Canada, intended to provide primacy to Inuit Systems of Wildlife Management with respect to decision-making processes and outcomes regarding wildlife and wildlife harvesting by Inuit. This primacy extends to Inuit Qaujimajatuqangit (IQ) because IQ is the basis for Inuit Systems of Wildlife Management. In this context, “primacy” refers to what comes first and remains most important. Inuit Systems of Wildlife Management are specifically recognized in sub-section 5.1.2(e) of the Nunavut Agreement. Several other sections of Article 5 of the Nunavut Agreement point out the special rights and roles that Inuit have in wildlife management and harvesting in Nunavut. Science and scientific systems of wildlife management are not specifically recognized or mentioned in Article 5 of the Nunavut Agreement.

More specifically, the QWB asserts that any wildlife management plan, recommendation or measure established or implemented by the NWMB or Fisheries and Oceans Canada (DFO) must give primacy to Inuit rights, Inuit Systems of Wildlife Management, and Inuit Qaujimajatuqangit. Such a view is supported by the Nunavut Agreement and the United Nations Declaration on the Rights of Indigenous Peoples.

Summary of Applicable Inuit Qaujimajatuqangit about Narwhal in the Waters of Northern and Eastern Baffin Island

In 2018, the QWB Executive and the Hunters and Trappers Organizations (HTOs) learned that DFO did not plan to review and revise the 2013 Integrated Fisheries Management Plan for Narwhal in the near future. As a result, the QWB Executive and HTOs began discussing improvements to narwhal management in the waters of Northern and Eastern Baffin Island (NEBI) based on Inuit Qaujimajatuqangit (IQ) and began developing the Inuit System of Narwhal Management, initially proposed to the NWMB in May 2020.

IQ about NEBI narwhal is far too extensive to describe fully here. IQ is orally transmitted among Inuit in every community, covering knowledge collected by many past generations to the current day across all waters that community members collectively and regularly travelled almost every day from the floe fledge in spring to the end of the fall migration of the narwhal. Harvesters, elders, youth, women and men all have roles in the IQ system and collectively share their knowledge within and between communities. The HTOs develop the best consensus-based decisions in keeping with IQ principles and practices, and Inuit Systems of Wildlife Management among affected Inuit communities, largely as Inuit have always done since time immemorial.

In January 2020 Eric Ootoovak, then Chairperson of the Mittimatalik HTO, told DFO scientists and managers repeatedly and emphatically that “there are no summer stocks” during a survey planning workshop in Winnipeg. Eric was referring to three hypothetical summer stocks delineated by DFO in the above-mentioned 2013 science-based management plan. According to IQ, the three summer stocks of narwhal do not actually exist in reality within the waters of NEBI!

In January 2020, DFO could not provide the needed evidence showing multi-year fidelity of narwhal to any one of the three hypothetical parts of NEBI waters. DFO offered no clear methods or plans to obtain the required information (C. Watt, DFO, Winnipeg, pers. com.). DFO’s telemetry data shows that narwhal may move from one area to other areas in the same open-water season in which they were tagged within and beyond NEBI waters.

At that 2020 workshop, delegates from all six HTOs agreed that DFO’s 2013 hypothetical summer-stock management system was not supported by Inuit Qaujimajatuqangit, and unduly restricted harvesting by Inuit in contravention of sections 5.3.3 and 5.6.50 of the Nunavut Agreement.

Below are some conclusions about the narwhal in NEBI waters based on generations-old, up-to-date, peer-reviewed Inuit Qaujimajatuqangit:

- Narwhal move freely throughout the NEBI area (see Appendix A). Their distributions and abundances change across NEBI waters between years, showing that individual narwhal do not always return to the same specific areas within NEBI waters every year.
- Narwhal also move freely and widely from day to day, from week to week and from month to month in NEBI waters, and their local distributions and abundances change accordingly. Groups of narwhal are seen moving out of and into major inlets and sounds, and among various smaller fiords and bays, throughout the open-water period.
- In spring, narwhal arrive at various areas in NEBI waters at varying times each year, depending on the development of open water within variable patterns at the floe edges, leads in the ice in various areas, and ice break-up into summer. These patterns and their timing vary from year to year, and can affect the abundance and distributions of narwhal across NEBI waters into August and September.
- Throughout the open-water period, narwhal move as needed for their biological needs like birthing and mating, as well as in response to environmental factors like changing food concentrations, killer whales, and ships. Narwhal also probably move in response to factors largely unknown to humans.
- Underwater sounds are probably important factors that influence the real-world, real-time distributions and abundances of the narwhal because narwhal can hear other narwhal, other whales, predators, ships and other sources of sound across very long distances.
- Inuit manage their harvesting in real time as narwhal move throughout the open-water season because the movements, distributions and abundances of NEBI narwhal cannot be predicted accurately months in advance.

In the opinion of the QWB, the following proposed Inuit System of Narwhal Management for the waters of NEBI is based on strong evidence from generations of up-date IQ. It will enable Inuit to better manage their harvesting of NEBI narwhal, so they can effective conservation this very important species and resource.

Further, the QWB and affected HTOs conclude that the following proposed Inuit System of Narwhal Management for the waters of NEBI is strongly and legally supported by the Nunavut

Agreement, including but not limited to the following sections: 5.1.2 (e), (g) and (h), 5.1.3 (a)(v) and (b) (iii) and (v), 5.1.4, 5.3.3 (a), 5.6.50, 5.7.3 and 5.7.6.

Recommendations:

1. The QWB and six affected HTOs of Arctic Bay, Pond Inlet, Clyde River, Qikiqtaaluk, Pangnirtung and Iqaluit make the following recommendations for decision by the NWMB to implement an Inuit System of Narwhal Management in the waters of Northern and Eastern Baffin Island (NEBI) in accordance with sections 5.1.2 and 5.2.33 of the Nunavut Agreement:
 - a) Delineate only one narwhal management unit in the waters of NEBI in accordance with Inuit Qaujimajatuqangit, as per the map and boundary points described in Appendix A;
 - b) Amalgamate and total the current TAHs and BNLs for Admiralty Inlet, Eclipse Sound and East Baffin Island into a single annual TAH and BNL for narwhal in the proposed NEBI narwhal management unit of the six communities (see Appendix B);
 - c) Continue the current annual inter-regional allocation of the BNL for Somerset Island narwhal to be harvested by Inuit in Arctic Bay (i.e., 51) and Pond Inlet (i.e., 53), to avoid impacts on allocations to other HTOs in the Kitikmeot and Qikiqtaaluk Regions;
 - d) Establish only one annual season for management of narwhal in the waters of NEBI; and enable the issuance of “all-season” tags (valid from April 1 to March 31, inclusive) annually by DFO to the six affected HTOs;
 - e) Enable the QWB to allocate the proposed NEBI BNLs among the six affected HTOs, and any future changes in the BNLs, among the six HTOs, based on IQ and other information, as per clauses 5.1.2(e) and (h), and 5.7.6. of the Nunavut Agreement;
 - f) Continue to carry-forward unused allocated tags from one year to the next for each HTO;
 - g) Support the QWB’s and HTOs’ jurisdictions to establish by-laws to govern how the BNLs, including carry-forward tags, may be allocated, how narwhal may be harvested, and generally how narwhal harvesting may be managed among the six HTOs under section 5.7.6 of the Nunavut Agreement, and locally near each of the six communities under section 5.7.3 of the Nunavut Agreement.
2. This proposal was developed by the QWB in close consultation with the six affected HTOs, and all six HTOs have supported the proposal. Therefore, the QWB waives the need for a Public Hearing by the NWMB, of course at the NWMB’s discretion.
3. To facilitate initial implementation of this proposal in 2022-23, the NWMB may prefer to approve interim implementation for a period of 1-5 years with subsequent reviews, at the NWMB’s discretion
4. The NWMB could encourage the creation of a forum whereby the QWB, the HTOs, DFO and other co-management partners may exchange information on IQ, science and harvest management strategies and methods related to NEBI narwhal on an as-needed basis, at the NWMB’s discretion.

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