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NUNAVIK MARINE REGION WILDLIFE BOARD

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Submitted via email.

Submission by Makivik Corporation Related to the “Modification of the Total Allowable Take and Non-quota Limitations for Beluga in the Nunavik Marine Region”.

Makivik Corporation (hereafter referred to as Makivik) is the birthright organization that represents the Inuit of Nunavik (Northern Québec). Makivik is mandated to protect the rights, interests and financial compensation provided by the 1975 *James Bay and Northern Quebec Agreement* (JBNQA), the first comprehensive Inuit Land Claim in Canada, and the more recent offshore *Nunavik Inuit Land Claim Agreement* (NILCA), for which Makivik is a signatory, and which came into force in 2008.

Makivik represents approximately 12 000 Inuit who are beneficiaries of the JBNQA, of whom the majority live in 14 coastal communities in Québec, north of the 55th parallel. Makivik’s core objectives are:

- to receive, administer, distribute and invest the compensation money payable to Nunavik Inuit, as provided for in the JBNQA;
- to relieve poverty, to promote the welfare, advancement, and education of the Inuit;
- to foster, promote, protect and assist in preserving the Inuit way of life, values and traditions;
- to exercise the functions vested in it by other Acts or the JBNQA; and
- to develop and improve the Inuit communities and to improve their means of actions.

Considering Makivik’s mandate, objectives, and history, it is in a unique position to comment on the means by which management of beluga whales is achieved in the Nunavik Marine Region and its impact on Nunavik Inuit.

Overview of submission

Beluga management in Nunavik has been a contentious issue for decades, dating back to the first imposition of harvest quotas during the 1980s. Quota-based management of beluga whales in Nunavik has been decried by Nunavik Inuit from day one. While the system has yielded positive results with regard to the number of beluga summering in Eastern Hudson Bay, its negative impacts on the Nunavik Inuit indicate that, overall, this system has failed. In light of this, and considering the current state of affairs, Makivik will use this opportunity to examine the quota-based management regime and will provide recommendations that seek to empower Inuit communities in managing a resource that is central to their culture, values and food-systems.

Successes and failures of the current management system

The debate around beluga quotas has taken many turns since the concept was first introduced to Nunavik during the 1980s and several attempts have been made to improve and/or strengthen the system. Throughout this time, various forms of co-management have been attempted (e.g. Hunting, Fishing and Trapping Coordinating Committee, Lumaq Committee, NMRWB, Nunavik Beluga Working Group, etc.) as a means of bridging the gap between the Western Scientific approach to beluga management and the Inuit perspectives about management and food security. **Despite these efforts, there continues to be a major communications gap between Inuit and Government with regard to beluga whales – this must be addressed rapidly and with the utmost priority.**

In Makivik’s view, a successful management system must achieve a balance between conservation of the species, the socio-economic/cultural impacts that result from it as well as the preservation and continuance of harvesting rights. From a species-conservation perspective, arguments can be made that the management regime has, at least in the case of Eastern Hudson Bay Beluga (EHB beluga), been relatively successful at meeting objectives on which decisions have been based. That is, setting harvest limits that will maintain a stable or increasing population of EHB beluga. Aerial surveys of this summering stock were conducted in 1985, 1993, 2001, 2004, 2008, 2011 and 2015. The results of these surveys are generally associated with wide confidence intervals, but overall suggest EHB beluga initially declined despite harvest restrictions but have been increasing in recent years such that the current population estimate is similar to the estimate from 1985 and the stock is relatively healthy^{1,2}. The same conclusion cannot be drawn with regards to the socio-cultural/cultural impacts that beluga management has had on Nunavik Inuit.

¹ Hammill, M.O., Stenson, G.B., and Doniol-Valcroze, T. 2017. A management framework for Nunavik beluga. DFO Can. Sci. Advis. Sec. Res. Doc. 2017/060. v + 34 p.

² DFO. 2018. Harvest advice for eastern and western Hudson Bay Beluga (*Delphinapterus leucas*). DFO Can. Sci. Advis. Sec. Sci. Advis. Rep. 2018/008.

A comparison of the original management plan from 1986 with the recent 2017 decisions reveals that much of the original management framework remains intact (despite the concerns raised by Nunavik Inuit) and that most changes which have occurred have revolved around regulating the number of beluga that can be hunted by each community. While the NMRWB has made attempts to shift some of the decision-making responsibility to the LNUKs and RNUK in recent years, their role has been limited to one of implementation rather than decision-making. This holds even though communities have essentially been repeating the same message to management authorities for several decades, namely: the quota system has eroded core Inuit values, prevented transmission of knowledge, negatively affected food security and pitted communities against one-another^{3,4,5}. The events that led up to and followed the closure of the 2019 beluga harvesting season are a testament to the level of dissatisfaction currently felt by Nunavik Inuit with regard to the beluga management process. **Several decades of beluga management by Canada has had only modest biological impacts, whereas the cultural and socio-economic impacts on Inuit have been devastating.**

Nunavik Inuit Self-Determination

In 2019, Canada signed a Memorandum of Understanding with Nunavik Inuit to support the advancement of Nunavik Inuit exercise of self-determination and governance in Nunavik. Through this process, Nunavik Inuit are preparing to establish a new governance structure that is based on Inuit laws, values, identity, culture and language. Canada has agreed to discuss the transfer of authorities and powers to Nunavik Inuit over the following subject-matters: environment, food security, renewable resources, off-shore and governance over oceans, and wildlife management and harvesting.

Beluga management, as well as management over wildlife and harvesting generally, should ultimately be transferred back to Nunavik Inuit through the exercise of their self-determination. The current process of determining a new management plan in the Nunavik Marine Region provides an excellent opportunity to move towards this goal. **Consequently, Makivik Corporation recommends the abandonment of a management system that is focused primarily on harvest quotas imposed by DFO in favour of an Inuit-led regime.**

³ Lee, D., W. Doidge, C. Burgy and W. Adams. 2002. Traditional Ecological Knowledge in Relation to the Management of Beluga whales in Nunavik Phase 1. Interviews at Kangirsuk, Salluit and Inukjuak. Makivik Corporation. Kuujjuaq, QC. 16 p. + Appendix of 18 maps.

⁴ Doidge, W., W. Adams and C. Burgy. 2002. Traditional Ecological Knowledge of Beluga Whales in Nunavik. Interviews from Puvirnituq, Umiujaq and Kuujjuaraapik. Makivik Corporation. Kuujjuaq, QC. 10 p. + Appendix of 9 maps.

⁵ Alayco, S., M. Bergeron and M.D. Michaud, with the participation of Anguvigaq (HFTA, Nunavik), mayors and Elders from Umiujaq, Inukjuak, Salluit, Kangiqsujaq and Kangirsuk. 2007. Inuit Elders and their Traditional Knowledge: Beluga Hunting and Sustainable Practices. Report Published by DFO, Avataq Cultural Institute.

Unequal Treatment of Nunavut and Nunavik Inuit

Under the existing management system, every community in Nunavik is subjected to the imposition of harvest quotas as a means of limiting the take of EHB beluga. Quotas are not imposed on Nunavut Inuit from Sanikiluaq, who harvest the same summering stock. Instead DFO has deemed that a set of local bylaws sufficiently limits threats posed to EHB beluga and that there is no need to further regulate their hunting activities. **Makivik is not refuting the value of this approach and agrees that there is sufficient scientific rationale to support this position. Instead, we argue that this line of thought should be extended to Nunavik thereby excluding most communities from the quota system.**

Eastern Hudson Bay Beluga: A History of Misguided Efforts and Inadequate Science

Nunavik Inuit have been subjected to misguided efforts by DFO on the basis of inadequate science for too long. Nunavik Inuit have faced hardship over the past several decades due largely to a perceived risk of extirpation of the EHB beluga because of overharvesting (management decisions have also aimed to protect the Ungava Bay summering stock, but these will be treated elsewhere). Most Nunavik communities also have access to the Western Hudson Bay (WHB) and/or James Bay (JB) stocks within their traditional hunting areas at some periods of the year. In short, should the EHB summering stock become extirpated due to overharvesting and should there be no re-colonization of these areas, then only communities within the Hudson Bay arc (primarily Inukjuak, Umiujaq and Kuujjuaraapik) would no longer have regular access to beluga whales within their traditional hunting areas. While this is a narrow take on the situation, it reflects the views that have been expressed by many hunters who question the need for a quota system, given the abundance of whales passing by their communities during migratory periods.

The closure of estuaries has also been a long-standing point of contention for many Inuit. In the case of Hudson Bay, closures were initially an Inuit-led initiative to reduce disturbance of beluga. In time, the closures became regulatory in nature and their purpose changed to one of harvest reduction. There have been several requests made by Inuit to resume harvesting activities within the closed areas, but these have usually been presented with caution (i.e. Inuit are aware that beluga are more vulnerable within these estuaries). DFO has continuously been opposed to a re-opening of the estuaries for harvesting. For Eastern Hudson Bay, this is rationalized by the fact that family groups are more susceptible to harvesting and that large numbers could be taken in a single hunting event. The position taken by DFO regarding the Eastern Hudson Bay closures is highly patronizing. **Makivik strongly encourages a regulatory framework that allows Nunavik Inuit to determine if, when and how beluga should be harvested in the Little Whale and Nastapoka Estuaries.**

Regardless, the quota system also continues to result in misplaced enforcement actions. The latest example came with the closure of the Fall 2019 beluga hunt. Despite positive collaboration between DFO, the RNUK and Makivik to extend the season, a number of “illegal” hunts occurred. In all likelihood, these posed very little threat to EHB beluga and taking measures to limit such actions in the future is likely to have little positive impact on EHB beluga. Any new measures must seek to address this issue and should make the most effective use of existing resources.

Ungava Bay:

For Ungava Bay, the closures have been justified by the need to protect the Ungava Bay (UB) summering stock. There is little evidence that this population continues to exist and based on the NMRWB’s Inuit Knowledge study it appears that the region is used mostly by transient whales. Recent genetic evidence suggests low numbers of EHB beluga being harvested in this region, yet little effort has been made to explore alternatives to quota-based management in this area.

Makivik strongly recommends adopting an Inuit-led management strategy for Ungava Bay.

With regards to the closed area at the Mucalic Estuary, hunters that were consulted during the NMRWB Inuit Knowledge study appear to propose a careful re-opening of the area, coupled with a harvest sampling program aimed to determine whether UB continue to occupy this region, or whether they have been extirpated. ***Makivik supports this approach but reiterates the need for all co-management partners to support the relevant LNUKs in implementing their decisions.***

Regional Strategies

Because the impacts of declines in the EHB beluga population will have the greatest impact on the communities of Inukjuak, Umiujaq and Kuujjuaraapik, Makivik considers it important that they be fully involved in determining the level of risk that is acceptable and the corresponding actions that should be taken. ***If it is determined that strict harvest limits must be imposed onto these communities, they must be fully involved in determining what those levels should be and what they are intended to achieve. For the rest of Nunavik, alternatives to a quota (e.g. harvest seasons, closures, etc.) which transfer harvest pressure onto WHB or JB beluga, or otherwise limit risk for EHB beluga (e.g. limit on number of whales taken per hunting event) should be implemented.***

The Precautionary Approach framework

The application of the alleged Precautionary Approach (PA) at the expense of Inuit rights has been another grave concern. When previous Minister of Fisheries and Oceans, Dominic Leblanc, accepted the NMRWB’s previous TAT and NQL decision, in May 2017, he asked that “the co-management partners work together to explore the use of the precautionary approach decision

framework". Makivik is aware of the work that has been done by DFO science^{6,7} to determine what the PA framework could look like for EHB Beluga, including an exploration of various approaches to determine the Limit Reference Level and Precautionary Reference Level. However, this work has not succeeded in convincing Makivik Corporation that a strict adherence to the PA approach is compatible with the Nunavik Inuit Land Claims Agreement. Specifically, while a PA approach could possibly be considered under the Principles of Conservation (NILCA s. 5.1.5), its application does not consider Inuit Knowledge nor can it be viewed as respecting and reflecting Inuit approaches to wildlife management. Furthermore, if DFO is committed to applying a PA framework to satisfy international commitments that the federal government has made, then Nunavik Inuit should have been given preferential treatment during consultations, as per NILCA s. 5.8.2. Makivik is not aware of any such consultations taking place. **Given that, Makivik is opposed to adoption of a PA framework for EHB beluga.**

Negative Impacts on Nunavik Inuit

Makivik's position is that the relationship between DFO and Nunavik Inuit has eroded so severely in recent years that any gains that can be made towards conservation of beluga whales must be initiated and carried-out by Nunavik Inuit:

- Ever since the first management plan was implemented, **the voluntary compliance of Nunavik Inuit has been the primary driver of beluga conservation in Nunavik. They have had to bear the brunt of costs (financial and cultural) and risks associated beluga conservation efforts without sufficient support from DFO;** these include costs and risks associated with traveling to distant hunting locations and with local management efforts;
- The role of DFO has largely been limited to data acquisition and approval/enforcement of management decisions. There has been little/no dialogue established with hunters; DFO has instead relied heavily on Makivik, the RNUK and, more recently, the NMRWB to relay the results of scientific research back to hunters (including the results of genetic analyses that are central to previous management plans and which are provided by the hunters);
- The erosion of harvesting skills and loss of tradition values is both a perverse result of the management system and one of the factors that exacerbates the frictions that are currently felt between DFO and Nunavik Inuit. The quota leads many hunters to feel an urgency to harvest what quota has been afforded to their community, before it runs out. Consequently, the hunt is more aggressive than in the past. This has resulted in new

⁶ Stenson, G.B., M. Hammill, S. Ferguson, R. Stewart and T. Doniol-Valcroze 2012. Applying the Precautionary Approach to Marine Mammal Harvests in Canada DFO Can. Sci. Advis. Sec. Res. Doc. 2012/107. ii + 15 p.

⁷ Hammill, M.O., Stenson, G.B., and Doniol-Valcroze, T. 2017. A management framework for Nunavik beluga. DFO Can. Sci. Advis. Sec. Res. Doc. 2017/060. v + 34 p.

hunting techniques, some of which may be more stressful to beluga and which may lead to more struck-and-lost whales. In some cases, there is more wastage or less sharing of the catch. In all cases, Inuit culture and traditions are being affected.

- Issues such as reducing wastage, better hunting techniques, improved stewardship, etc. These issues can only be addressed at the local/regional level and involvement by government to resolve them is inappropriate.

Implementing a major shift in beluga management

This fundamental shift in roles and responsibilities is needed to turn the page on a relationship that has soured over several decades, to the point where it is severely broken. Even though DFO Scientists and Managers will be inclined to distrust and dismiss the changes we propose as being ineffective means of ensuring beluga conservation, they will likely be prepared to admit that the current system is not working. Makivik believes that there has never been a better time to transfer responsibility over this resource to Inuit than the present.

While Makivik intends to implement a new governance model for Nunavik, the recommendations made herein must be implemented via existing frameworks and by the institutions and organizations that are currently mandated to play a role in beluga management in Nunavik. To that end, the RNUK and LNUKs must play a primary role in determining the most acceptable and effective approaches to beluga management and must be given the means to properly implement these decisions at the local/regional level. Specifically, this means enabling them to fully undertake the roles and responsibilities afforded to them under the NILCA, including the regulation of harvesting practices and techniques and use of non-quota limitations (e.g. through implementation of bylaws). Makivik Corporation will support these efforts and it trusts that the Government of Canada will recognize that support offered to these organizations in the past has been vastly insufficient to allow for proper implementation.

When implementing this approach, all organizations presently involved in the management of beluga (i.e. Makivik, DFO, RNUK, LNUKs) must come together to determine which indicators should be monitored to track the successes of this Inuit-led management effort. Given the history of beluga management in Nunavik, we expect that there will be a learning curve associated to the implementation of Inuit-led management. It is therefore important that all organizations agree what is acceptable or not, the elements that should be monitored/reviewed and the timeline for doing so.

While Makivik establishes an Inuit-led management regime, DFO, the NMRWB or the Kativik Regional Government's Uumajuit Wardens program can still play an important role. However, it will be imperative to reassess the roles of each organization and confirm that they are given the capacity to fulfil the tasks that are expected of them.

Among these deliberations, the role of enforcement in beluga management and the means by which it is achieved must be discussed at length. While DFO fisheries officers have made efforts to increase their role in education and communication, these are overshadowed by their enforcement actions (or lack thereof, as the case may be). The Uumajuit Wardens continue to be underfunded, have a limited mandate and are not fully integrated in beluga management. The RNUK and LNUKs have a central role to play in determining how the hunts should/should not be conducted yet have no formal role for enforcement (beyond enforcement of basic needs levels). An in-depth review of all aspects of enforcement is required. This should not be limited to roles and responsibilities, but also to the objectives of enforcement and the most appropriate means by which it can be achieved.

As well, it is imperative that DFO Science be more actively involved in addressing data gaps and returning information to communities and co-management partners in a timely manner. The research schedule for Nunavik has been almost entirely decided by DFO, with little input from Nunavik Inuit. Past efforts^{8,9} show that it is possible to collaboratively identify research needs and agree on the means by which they can be addressed. DFO must consider investing more heavily in Nunavik-based research and must make our region a priority. For example, the management structures in place since 2014 have been based heavily on genetic information, yet there is a major lag in analysis/response time from DFO and there has been little concerted effort to fully review the available genetic information, gaps therein and means of addressing them. This information could have major and immediate implications for beluga management.

⁸ Archéotec Inc. 1990. Proceedings - Beluga Whale Workshop, Kuujuaaraapik, July 30-August 03, 1990. Montreal, QC. 125 p.

⁹ Smith, T.G. 1996 (?). Research and Management of northern Québec beluga populations: a five year plan. Eco Marine Corp., Ladysmith, B.C. 58 p.

Summary and Concluding Remarks

Nunavik Inuit have clearly (and loudly) expressed that their frustrations with the quota-based management of beluga whales in Nunavik have hit a tipping point. Many are no longer willing to passively abide by whatever measures the Minister has deemed best to conserve EHB beluga at the expense of Inuit harvesting opportunities. These decisions have a proven track record of damaging the threads of Inuit values and traditions, and Inuit have clearly expressed they must be in charge of the path forward.

Makivik fully supports this position and recommends moving away, immediately, from a quota-based system wherever communities can offer alternative means to affect a conservation purpose. The local and regional organizations mandated to regulate the hunting practices and techniques must be empowered to do so.

The timing is ripe for a bold and significant shift away from quota-based management and Makivik is more concerned that a failure to do so may be more damaging to EHB beluga in the long-run than it is of the short-term risks associated with implementing a new, Inuit-led, approach.