



NMRWB Resolution #2022-08-01

Resolution of the NMRWB to remove the Non-Quota Limitation of a winter Beluga Harvest closure for the Hudson Strait region of the Nunavik Marine Region

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- WHEREAS** pursuant to Article 5 of the *Nunavik Inuit Land Claims Agreement* (“**NILCA**”), the Nunavik Marine Region Wildlife Board (“**NMRWB**”) is the main instrument of wildlife management in the Nunavik Marine Region (“**NMR**”) and it has the sole authority to establish, modify or remove non-quota limitations (“**NQL’s**”) in the NMR;
- WHEREAS** Nunavik Inuit harvest from several stocks of beluga, including the East Hudson Bay (EHB) stock, which has been assessed as threatened by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC);
- WHEREAS** in an attempt to protect the EHB beluga stock, the Minister of Fisheries and Oceans Canada on November 26th, 2020 unilaterally added to the NMRWB’s final decisions the NQL of an annual winter closure in Hudson Strait from December 1 to January 31st, in a manner that was without proper engagement with the NMRWB as required under the NILCA processes as outlined in Part 5:5 of Article 5, and without due consultation and accommodation of Nunavik Inuit;
- WHEREAS** scientific and indigenous knowledge both indicate that the EHB stock largely migrates through Hudson strait in early November, and the likelihood of harvesting EHB beluga in Hudson Strait is approximately at its lowest during the months of December and January;
- WHEREAS** during the 2022 annual review of the 2021-2026 beluga management system participants to the review process raised concerns over the scientific and biological effectiveness of the December 1 - January 31st winter closure NQL as a conservation measure, and raised concerns with the justification and legality of the NQL as it relates to the requirement for minimal infringement of Nunavik Inuit harvesting rights;

- WHEREAS** as a result of the concerns and issues raised by participants during the annual review, the NMRWB, launched a public hearing for the purpose of gathering information and to provide all impacted parties with an opportunity to provide their submissions to the NMRWB on the issue of the Hudson Strait December 1st to January 31st Closure NQL and whether the NQL needed to be maintained, varied or removed pursuant to 5.2.3 (e) and 5.2.19 of the NILCA;
- WHEREAS** the public hearing on this matter was concluded on August 23rd, 2022;
- WHEREAS** on August 29th, 2022, following a review of all the evidence gathered and submitted through the public hearing process, the NMRWB held a meeting virtually in order to deliberate and reach a decision pursuant to article 5.2.3 (e) and 5.2.19;
- WHEREAS** the NMRWB reaffirms the Reasons for Decision and Resolution #2020-09-06 delivered to the honourable Bernadette Jordan, then-Minister of Fisheries and Oceans, on September 25th 2020, and affirms those documents are integral to and inform the decision herein;
- WHEREAS** the NMRWB and the Minister are required to exercise their authority in accordance with the terms and provisions of the NILCA, including section 5.5.3 which states that *“[d]ecisions of the NMRWB or a Minister made in relation to Parts 5.2 and 5.3 shall restrict or limit Nunavik Inuit Harvesting only to the extent necessary:*
- (a) to effect a conservation purpose in accordance with section 5.1.4 and 5.1.5;*
 - (b) to give effect to the allocation system outline in the NILCA, to other relevant provisions of the Agreement and to the reciprocal arrangements with neighbouring Indigenous Peoples under the Agreement; or*
 - (c) to provide for public health or public safety”;*
- WHEREAS** article 5.2.21 states that *“non-quota limitations established on Nunavik Inuit shall not unduly or unreasonably constrain their harvesting activities”;*
- WHEREAS** the NMRWB has given full consideration of the principles of conservation as outlined in 5.1.4 and 5.1.5 of the NILCA and recognise the importance of conservation measures and practices to ensure the maintenance of a vital, healthy beluga population capable of sustaining the harvesting needs of Nunavik Inuit;
- WHEREAS** the NMRWB further recognise and wish to give effect to Canada’s commitment to

Reconciliation with Indigenous Peoples and recognition of Indigenous and Human Rights;

WHEREAS the Prime Minister of Canada has emphasized repeatedly that, there is no relationship more important than the relationship between the Government of Canada and Indigenous Peoples;

WHEREAS modern treaties, such as the NILCA, are intended to renew the relationship between Indigenous Peoples and the Government of Canada to one of equal partnership, built on trust and respect and as expressions of partnership between nations, modern treaties play a critical role in fostering reconciliation;

WHEREAS the NILCA establishes a process for the co-management of wildlife resources in the NMR, and such process is designed to ensure the protection of rights and to ensure decisions on wildlife resources are made in a manner that advances reconciliation between Canada and Nunavik Inuit;

WHEREAS Canada is a signatory to the *United Nations Declaration on the Rights of Indigenous Peoples* and has passed the *United Nations Declaration on the Rights of Indigenous Peoples Act*, S.C. 2021, (*UNDRIP Act*) c. 14, giving it full legal effect in Canada;

WHEREAS in reaching their decisions, the NMRWB shall give due regard to the provisions and principles of the *UNDRIP Act*, which constitute minimum standards for the survival, dignity and well-being of Indigenous peoples, including, without limitation:

- (a) respect and promotion of Indigenous self-determination, Indigenous knowledge, culture and traditional practices;
- (b) recognition that Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired;
- (b) recognition that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment;
- (c) recognition of the urgent need to respect and promote the rights of Indigenous peoples affirmed in treaties, agreements and other constructive arrangements, and that, the relationship they represent, are the basis for a strengthened partnership between indigenous peoples and States;
- (d) recognition of the rights of Indigenous Peoples in the UNDRIP will enhance harmonious and cooperative relations between the State and

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Indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith;

THEREFORE, BE IT RESOLVED :

THAT the NMRWB, after consideration of all the information and evidence before it and in accordance with the terms of the NILCA, decide to remove the NQL of the annual December 1st to January 31st closure of the Hudson Strait (the coordinates of which are attached at appendix A);

THAT the NMRWB find that the NQL of the annual closure of the Hudson Strait to beluga harvest from December 1st to January 31st is not an effective conservation measure and offers no significant protection to the Eastern Hudson Bay beluga subpopulation. Further, the NMRWB finds that the measure unjustifiably limits Nunavik Inuit harvesting as well and the rights of Nunavik Inuit to exercise their wildlife management rights.

THAT the letter to the Honourable Minister Murry, Minister of Fisheries and Oceans, outlining the reasons for decision herein are hereby approved and shall form an integral part of the decision herein.

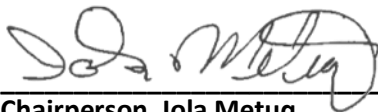
IN WITNESS WHEREOF the foregoing resolution to remove the winter closure NQL in the Hudson Strait has been reviewed by members of the NMRWB and voted up as follows:

Moved by: Salamiva Weetaltuk

Seconded by: Harry Okpik

In favour: 5 Abstain: 0 Opposed: 0 Absent: 1 Vacant: 0

Date of adoption: August 29, 2022.



Chairperson, Iola Metuq

Appendix A

Boundaries of the Hudson Strait

Hudson Strait		
22	62°10'00" N	78°10'00" W
18	62°10'00" N	79°10'36" W
19	62°30'00" N	80°00'00" W
23	63°00'00" N	77°40'00" W
24	63°12'00" N	77°00'00" W
25	63°25'00" N	76°10'00" W
26	63°15'00" N	74°00'00" W
27	61°38'00" N	69°00'00" W
28	61°00'00" N	64°24'00" W
29	60°23'00" N	64°24'00" W
Thence southerly and southwesterly, coincident with the Labrador Inuit Settlement Area and/or the Province of Quebec to the point of commencement of the Ungava Bay zone (point 30)		
30	60°09'48" N	65°00'00" W
31	60°25'00" N	69°44'00" W