



INDIGENOUS PEOPLES FISHING RIGHTS AND RESPONSIBILITIES

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In the religions of many peoples who are indigenous to territories and lands of the world, there is the belief that human beings are thinking, acting and growing individuals with souls or spirits. This belief also extends to animals and plants that fill our environment. Even the different phenomena in nature--the sun and the moon which run from East to West, water which gives life, snow which comes and disappears again, volcanoes which rumble and fill the air with smoke and heat were--for our ancestors and many of us--still filled with life. This world exists as a balance between natural and supernatural forces. Both forces make up the real environment that one must accept. Through experience and through life's rituals, indigenous peoples have learned to live in harmony with the environment.

Not until the emergence of the nation or the political state was the harmony between human beings and the environment upset. The balance between the natural and the supernatural was and continues to be violently disrupted by those who would seek short-term benefits by extracting natural resources at rates, and in amounts, greater than can be naturally replaced. Political states have grown so rapidly in the past two-hundred years that they now consume resources

in excess of their own ability to produce them. The demand for consumable resources has increased so rapidly that shortages have multiplied to the extent that basic natural resources like water, petroleum, timber and fish are more and more difficult to secure.

The motivating force behind the misuse of natural resources is growth, consumption and the idea of progress. Because indigenous peoples live in close proximity to the natural world and the supernatural world, a relative balance is maintained through limited growth and moderate consumption. Human life could not be sustained without limits and moderation. Even political states recognize that limits must be placed on consumption of natural resources when there are shortages. But, instead of cutting back expectations and reducing the long-term use of resources, new goals are set for exploration and exploitation. Such new demands place new pressures on the fragile ecology and threaten the long-term future of humankind.

In Northern Europe, throughout the continent of Australia, in the jungles of the Amazon Basin, across North America, in the lands of Taiwan, the plains of Sudan and the vastness of the Indian sub-continent, indigenous peoples continue to inhabit territories long occupied by their ancestors. In these areas, and many more all over the world, tribal peoples continue ancestral practices. Like our ancestors, we strive to maintain the balance between the natural and supernatural worlds. And for this we have home lands which are not spoiled or completely disturbed. Tribal areas, the homelands of indigenous peoples, are now the "green" areas of the world, though they were once thought to be areas inhospitable to human life. Indig-

enous peoples have, by virtue of their way of life, protected and preserved lands, water, plants and animals that represent the last major undeveloped resources in the world.

Because of the increasing scarcity of natural resources of all kinds, political states are increasingly looking to indigenous resources for their use. The trend of increased exploitation of indigenous resources continues even though the consequences are clear. In the short-term, political states gain new raw materials and destroy the indigenous societies. In the long-term, humankind as a whole will suffer from the loss of all of life's natural supports.

The remedy for this seemingly disastrous conclusion is for political states to curb their all-consuming drive to expand and to respect international law. The industrial states, developing states and the governments of indigenous peoples must reexamine their policies on growth, consumption and progress. Political states must at once recognize the right of indigenous peoples to exercise their permanent sovereignty over natural wealth and resources as an expression of the fundamental right to self-determination. Such international recognition of indigenous peoples and their governments will provide a sound basis for intergovernmental planning for the development and management of natural resources on a global scale. The orderly use, development and management of natural resources must hinge on the cooperative and respectful relations between indigenous, developing and industrialized peoples through their respective governments. Respect for the right of peoples to dispose of their

own natural wealth and resources and to use them in their own interests is therefore a prerequisite for the elimination of underdevelopment. Respect for indigenous peoples' rights is essential to the preservation of the world's final resources.

How can these principles be applied in concrete terms? How can indigenous peoples play a role in the reestablishment of balance in nature and the global community? Let us examine for the moment the problems surrounding the use and management of fisheries resources. Most particularly, let us examine the use and management of anadromous fish--fish that live in fresh streams as well as the oceans.

Indian tribes in the United States have an internationally recognized right to catch and manage half of the salmon that return to fresh waters. These rights are protected under international law and treaties between the United States and the various tribes. The Indian tribal governments on the Pacific Coast have offered to join national governments in the development of a joint management plan that would insure the continuity of salmon runs for use by all interests while preserving the distinct integrity of each specie of salmon. The management plan requires that all governments manage the salmon according to specie and the river or stream from which they spawn. All open-sea fishing must be regulated to insure the integrity of each salmon stock. This will mean that open-sea fishing for salmon must be reduced, while river terminal fishing must be increased, but carefully regulated. Tribal governments, in conjunction with other national governments, must play an equal role as managers and regulators under the same management scheme. Where tribal people or

other indigenous peoples can be defined as the principle guardians over a resource like fish, they must be recognized as the permanent authorities over the use and management of the resource.

Indigenous governments must be recognized as having the principle right to determine the use of resources that begin in their territory. Fishing regulation is no less a responsibility of an indigenous government because a national government has come into existence. Mutual co-existence and respect between the governments will insure measured and responsible use of natural resources while also insuring the survival of our peoples.

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