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ABORIGINAL PEOPLE AND RESOURCE CO-MANAGEMENT

The Inuvialuit of the Western Arctic and Resource  
Co-management Under a Land Claims Settlement

Prepared by:

Lloyd N. Binder  
Business Development Officer  
Economic Development & Tourism  
Government Of Northwest Territories  
Inuvik N.W.T.

and

Bruce Hanbidge  
Resource Person  
Joint Secretariat  
Wildlife Management Advisory Committee  
Inuvik N.W.T.

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## ABORIGINAL PEOPLE AND RESOURCE CO-MANAGEMENT

### The Inuvialuit of the Western Arctic and Resource Co-management Under a Land Claims Settlement

Inuvialuit knowledge and experience are essential elements in the proper management of renewable resources in the Settlement Region<sup>1</sup>

#### INTRODUCTION

One of the things an introduction should do, in the opinion of the authors, is introduce the writers. This is especially so when they are unknowns in the world of academics and "conferenciers". When Inuit meet they do this automatically, complete with their genealogies: it is a way of getting to know people. Lloyd Binder is an Inuvialuk; he works in Inuvik for the Department of Economic Development & Tourism (Government of Northwest Territories), in the Business Development section. Bruce Hanbidge is a Kablunaq from Saskatoon and an employee of the Inuvialuit Joint Secretariat in Inuvik, putting to work his education in the biological sciences.<sup>2</sup>

#### COMMON/COMMUNAL PROPERTY, CONFLICT, AND CO-MANAGEMENT REGIMES

Co-operative management systems and institutions arise when a resource has a number of parties with different interests and

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<sup>1</sup>Quoted from FJMC (1988): Inuvialuit Renewable Resources Conservation and Management Plan. Principles: participation.

<sup>2</sup>Lloyd has a B.A. (Economics) from University of Calgary; Bruce a B.Sc. (Biology/Biochemistry) from University of Saskatchewan.

rights, i.e. it has owners, or as Bromley puts it (Bromley 1989), "resource decision units":

The essence of control over resources is that there exist socially recognized and sanctioned rules and conventions that make it clear who is the "owner" of the resource in question: call these **resource decision units**. Each decision unit will have certain interests in the management of the resource, and those interests will find expression in claims made by the decision unit. When various claims are adjudicated and given formal protection, we say that rules and conventions are established that bestow entitlements on each decision unit. Entitlements entail a socially recognized structure of **institutional arrangements** that both constrain and liberate individuals in their behaviours with respect to other individuals; as such, institutions are at the core of group management regimes ...

These decision units must manage conflicting demands on the uses of a resource - there must be a process created to manage conflict, "an effective decision making process for a common [or a communal] property system must act both to resolve conflict and to minimize the amount and the cost of the conflict [i.e. reduce transactions costs] (Quiggin, 1988:1081)." It should be noted that this aspect of a decision-making process is highly prized by the Inuit, as conflict is seen as damaging to community harmony and to the individual's survival. Interdependence binds the society together.<sup>3</sup>

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<sup>3</sup>Arthur Chan (1990) says: "Interdependence in providing an important good or in managing a key resource is usually the principal thread holding common property together. If some change in technology, institutions, or environment eliminates this interdependence, common property is unlikely to survive, especially in the presence of commercial pressure. Conversely, if dependencies are increasing, common property may become more prominent."

Common property is not "open-access non-property".<sup>4</sup> Communal ownership is that "whereby a community controls access to a resource by excluding outsiders and regulating its use by insiders." The property continuum is, then: open-access - state property - common property - communal property - private property.

Furthermore, there are "no common property resources, just as there are no private property resources. There are, instead, resources that are managed as private property in one place and as common property in another." (Bromley 1989:871)

As further clarification of our discussion: we will not attempt to differentiate in our cases between common and communal property; suffice to say that some of the resources in the area of study are commonly owned, others are communally owned. There is certainly room for deeper study of the finer points, but such is not the intent of this paper.

#### THE INUVIALUIT FINAL AGREEMENT

The implementation of the Inuvialuit Final Agreement (IFA) wildlife provisions is largely an exercise in the co-operative management of resources. There are renewable and non-renewable resources issues, fugitive and relatively sedentary wildlife species to manage, institutional structures to develop and paradigms to argue, internal and external conflicts to resolve,

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<sup>4</sup>The authors are of the modern school that sees Garrett Hardin's "tragedy of the commons" as the tragedy of an over-simplified model and its subsequent misrepresentation.

questions of equity, effectiveness and efficiency, and questions of interests and rights and their enforcement and maintenance.

The Inuvialuit are the Inuit of the Western Arctic Region of the Northwest Territories. Their land claims settlement was legislated under the Western Arctic (Inuvialuit) Claims Settlement Act in June 1984. Over 3500 Inuvialuit are represented under the IFA, most of them residents of the Western Arctic, living in six communities.<sup>5</sup> The Inuvialuit Settlement Region (ISR) contains these communities and roughly 90,000 square kilometres of settlement lands.<sup>6</sup>

The IFA created two separate management structures -- the IGC and the IRC -- as policy and administrative bodies (See Figure 1). The IGC -- Inuvialuit Game Council -- is the body dealing with renewable resources conservation, management and harvesting, in short all matters that affect wildlife<sup>7</sup>. The IRC -- Inuvialuit Regional Corporation -- is a development oriented body, managing the IFA lands and cash compensation. It is, in effect, a large firm with business interests and an orientation to increasing the value of the corporation.

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<sup>5</sup>. Inuvik, Aklavik, Tuktoyaktuk, Paulatuk, Sachs Harbour, Holman.

<sup>6</sup>. Of this, 12,800 sq.km. is surface and sub-surface ownership.

<sup>7</sup> IFA Section 14(74) states "the Inuvialuit Game Council shall represent the collective Inuvialuit interest in wildlife". The Principles section of the IFA states: 1. The principle goals expressed by Canada and recognized by Canada in concluding this Agreement are: ... (c) to protect and preserve the Arctic wildlife, environment and biological productivity.

As noted by Robinson and Binder, the relationship between the IRC and the IGC is not explicitly spelled out in the IFA. Rather, there is a deliberate "dichotomy or tension" created under the IFA:

... the Inuvialuit Game Council and the Inuvialuit Regional Corporation are charged with what in western industrialized societies are fundamentally opposite mandates: conservation and economic development. (Robinson and Binder, May 1991)

and the means of resolving the conservation and development mandates must be sought internally. This is addressed by the various co-management bodies.

#### CO-MANAGEMENT BODIES

We will explore the tension between conservation and development as we look more closely at renewable resources co-operative management systems and structures under the IGC. Before moving on to this, we refer to a definition of a "co-management regime" as outlined by Gail Osherenko (Osherenko 1988):

A co-management regime is an institutional arrangement in which government agencies with jurisdiction over resources and user groups enter into an agreement covering a specific geographic region and spelling out: 1) a system of rights and obligations for those interested in the resource; 2) a collection of rules indicating actions that subjects are expected to take under various circumstances; and 3) procedures for making collective decisions affecting the interests of government actors, user organizations, and individual users.

Evelyn Pinkerton (1989) has a much more simplified definition of the co-management process:

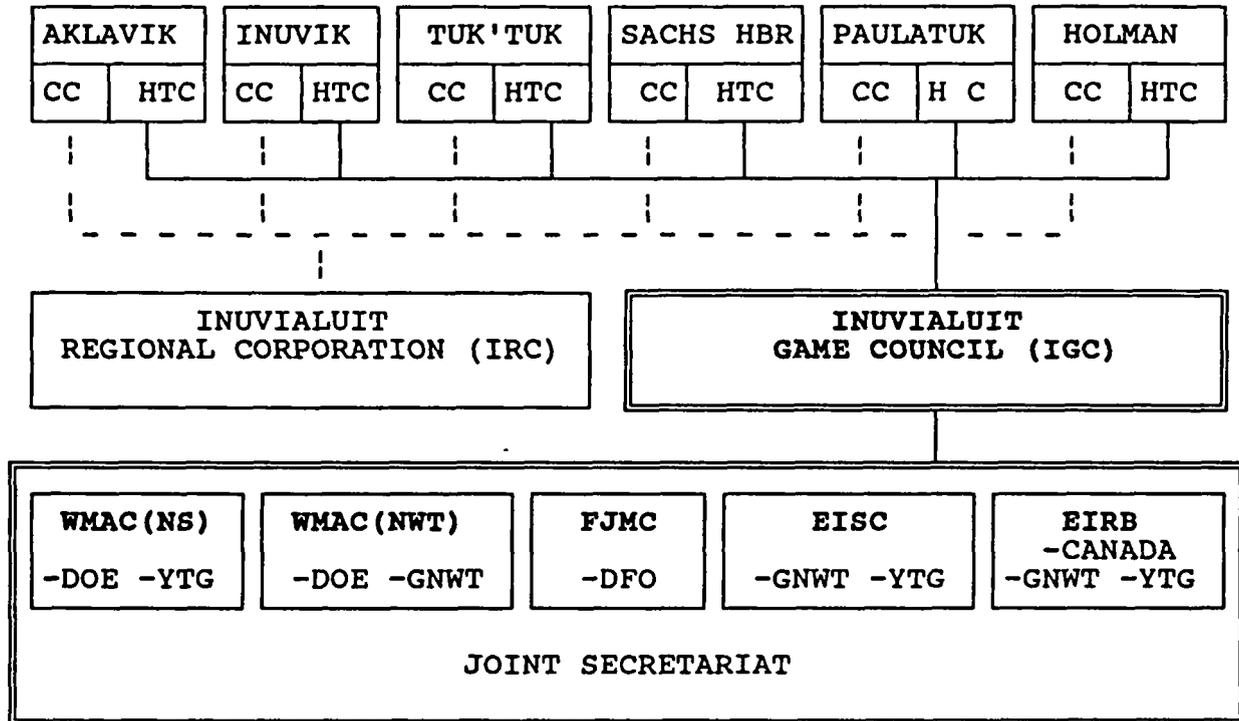
...by instituting shared decision-making among these actors, co-management systems set up a game in which the payoffs are greater for co-operation than for opposition and/or competition, a game in which the actors can learn to optimize their mutual good and plan co-operatively with long-term horizons.

Pinkerton also outlines seven management functions that a co-management system can perform. If all are under the control of the system, it is complete; if not, it is an incomplete system. These seven functions are: 1) data gathering and analysis; 2) logistical harvesting decisions; 3) harvest allocation decisions; 4) habitat protection; 5) regulations enforcement; 6) enhancement and long-term planning; 7) broad policy decision-making.

There were five renewable resources co-management bodies (see Figure 1) created under the IFA, these managing specific resource fields under the aegis of the IGC:

During the negotiations of the IFA, the Government of Canada took the position, on constitutional grounds, that the ownership of wildlife must be maintained by the Crown and that ultimate authority for fish and wildlife management would remain with the Minister of the appropriate government department. The Inuvialuit insisted that they be meaningfully involved in all decision-making processes dealing with the management of land and wildlife. Those negotiating the IFA resolved the issue by creating a mechanism whereby Inuvialuit management advice would be incorporated into the ministerial decision process. The result was the creation of five joint management bodies, collectively referred to as the Renewable Resources Committees. (Carpenter, Hanbidge, Binder, 1991)

Fig 1 -Structure of IFA Management Bodies and IGC Co-management Bodies (see Appendix A for more detail on IRC sub-corporations)



(adapted from Robinson and Binder 1991)

- WMAC(NWT) - Wildlife Management Advisory Committee for the NWT;  
\* includes DOE and GNWT (Government Of NWT)
- WMAC(NS) - Wildlife Management Advisory Committee North Slope  
\* includes DOE and YTG (Yukon Territorial Government)
- FJMC - Fisheries Joint Management Committee  
\* includes DFO
- EISC - Environmental Impact Screening Committee  
\* includes Government Of Canada, GNWT and YTG
- EIRB - Environmental Impact Review Board  
\* includes Government of Canada, YTG and GNWT

These bodies are charged with specific resources sector issues:

These committees deal with all aspects of resource management in the ISR, and it is through these committees that the IGC interacts with governmental management bodies. (Carpenter, et.al. 1991)

The IGC is a policy-making body, referring to advice from the co-management bodies in its deliberations and reporting to the

communities through the Hunters and Trappers Committees (HTC's). In addition to the five co-management bodies and IGC, there is the Joint Secretariat which functions as a background technical and administration support to four of the five co-management bodies and to the IGC.

The Inuvialuit Game Council and the IRC have their Directors chosen by the community Hunter and Trappers Committees (HTC's), and the Community Corporations (CC), respectively. The IGC in turn appoints the Inuvialuit members on "all joint government/Inuvialuit bodies having an interest in wildlife" [s.14(74(a))]. Representation on each of these bodies is half Inuvialuit-appointed and half Government-appointed, with a chairman appointed by government with Inuvialuit approval. The exception to this is the FJMC whose chairman is appointed directly by the Committee members.

In this paper we will primarily discuss the activities of the WMAC(NWT), the FJMC and the "mother organization", the IGC. We will review particular examples of co-management agreements and examine them with respect to species, location and access, and disposition.

Fig 2 -Management of Renewable Resources : Cases and Issues

## SPECIES CO-MANAGEMENT

AGENCY	SPECIES	DIMENSION	LOCATION	ISSUE
IGC	1 Bowhead	International	Can/US	Subsistence Quota
	2 Beluga	International	Can/US	Management / Quota Allocation
	3 Polar Bear	International	Can/US	Quota
	4 Caribou	International	Can/US	Development
FJMC	5 Bowhead	International	Can/US	Subsistence Quota / Research
	6 Beluga	International	Can/US	TAC / Subsistence Quota / Research
	7 Char	Domestic	Akl, Paul, Hol	Commercial Quota / Research
	8 Whitefish	Domestic	Mack Delta	Commercial Test / Research
WMAC(NWT)	9 Grizzly Bear	Domestic	Inuvik, Tuk	Quota
	10 Polar Bear	International	Can/US	Management (Beaufort Sea)
	11 Polar Bear	Domestic	Paul, Sachs, Hol	Management / Quota
	12 Muskoxen	Domestic	Sachs, Hol	Commercial Quota
	13 Caribou	International	Can/US	Subsistence / Manage't (Porcupine)
	14 Caribou	Domestic	Inuv't, Gwich'in	Subsist/Quota / Manage't
HTC's	15 Wildlife	Domestic-ISR	Community	Quotas/Enforcement
	16 Wildlife	Commercial	Community	Tag Allocation

## Notes :

- 2/6: DFO enforces regulation upon non-Inuvialuit, HTC's regulate Inuvialuit.  
 7/8: Fisheries enforced by GNWT Ren Res (by DFO delegation); marine mammals by DFO  
 14: Gwich'in involvement is pending Gwich'in Final Agreement ratification/promulgation.  
 15/16: HTC's only enforce regulation upon Inuvialuit in ISR, GNWT Renewable Resources enforce upon non-Inuvialuit.  
 - FJMC is the only body that directs and conducts research; other bodies advise and monitor its conduct by renewable resource agencies.

In our closing we will address the function of the EISC and EIRB as forums for discussion and resolution of development issues on a more formal basis.

## CASES AND DISCUSSION [see Fig 2]

### Bowhead Whales

In September 1991, the hunters of Aklavik fulfilled one long-sought goal: the hunt of a bowhead whale (Balaena mysticetus) for subsistence consumption. This initiative was supported fully by all Inuvialuit bodies, including the IRC and IGC, by DFO and by Canada. The co-management bodies provided a means of addressing the request for the quota, and for enabling the hunt itself.

### Beluga Whales - Domestic

A Beluga Management Plan (FJMC 1991) was developed by Canada and the Inuvialuit in 1991, to manage the stocks of beluga whales (Delphinapterus leucas) that summer in the Beaufort Sea. Prior to the IFA, management was implemented under a variety of federal acts and regulations. After consultations with the HTC's of Inuvialuit communities, the FJMC (FJMC 1991) formulated two goals :

- (a) To maintain a thriving population of beluga in the Beaufort Sea
- (b) To provide for optimal harvest of beluga by Inuvialuit.

The Beaufort Sea Beluga Management Plan addresses:

- (a) determination of sustainable harvest levels
- (b) conservation and protection guidelines for development activities.

(c) development of bylaws, regulations, and a mechanism for enforcement

(d) guidelines on research and monitoring of public education.

The Inuvialuit harvest of Beluga is slightly over half of the total allowable catch (TAC). There is no quota; the Inuvialuit traditional management system functions well without it -- in the vernacular : "if it ain't broke, don't try to fix it". The IGC allocates the TAC to the Inuvialuit communities; the HTC's in the communities then allocate these to the beluga hunters.

#### **Beluga Whales - International**

The is also discussion between the Inuvialuit and the Inupiat of Alaska towards the development of a common management agreement for Beluga. The Alaska Inuvialuit Beluga Whale Committee was formed to discuss the management of the beluga stock by the Inupiat and the Inuvialuit (FJMC 1991) :

Currently there are insufficient biological data to determine if Beluga harvested in Canada by Inuvialuit and in Alaska by Inupiat arise from discrete stocks. There is also limited information available on the current level of the harvests in Alaska. Co-operative efforts have recently been initiated to provide the data necessary to determine the discreteness of the Beaufort Sea beluga stocks<sup>8</sup> and the size of the Alaskan harvest.

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<sup>8</sup>There is also a question whether the stocks is are the same as those harvested by the residents of Soviet Siberia; if so, there may be a need for tripartite international beluga co-management.

<sup>9</sup>For an update, see Harwood and Adams, 1991, this volume.

The close cultural, community and kinship ties between the Inupiat and the Inuvialuit go a long way in simplifying the dialogue and co-operation between the two groups.

### **Charr**

Within the ISR, there are three separate populations of Charr (Salvelinus Alpinus/Malma). One is near Aklavik, the second near Paulatuk, while the third is near Holman. Because of a declining population, the Paulatuk HTC requested the commercial quota for that area not be allocated, and DFO complied. There is also an effort to limit subsistence harvesting.

In 1986, the community of Aklavik, through the HTC, expressed a concern that fish size was decreasing. Prompted by this concern from the community and Department of Fisheries and Oceans (DFO), the FJMC requested a complete closure of the river to fishing. The river was closed in 1987 and re-assessments are under way to monitor the recovery of the stock.

These user initiatives bode well for conservation of the charr stocks in the ISR.

### **Whitefish**

There are substantial numbers of whitefish (Sub-family Coregoninae) in the Mackenzie Delta. The Uummarmiut Development Corporation (UDC), a wholly owned subsidiary of the Inuvik Community Corporation, is conducting the third year of a five year commercial test fishery, a project designed to establish commercial quotas for

whitefish and the commercial viability of such an enterprise. (Pers. comm. G.Fricke ED&T)

The GNWT Department of Economic Development & Tourism (ED&T), Department of Fisheries and Oceans (DFO), and the UDC jointly manage the project; biological study by DFO, project management by ED&T, and funding by ED&T and DFO and FJMC and UDC. The training in fish handling is conducted by the UDC, on the job.

HTC support was required from the communities of Inuvik and Aklavik, as was Hunter and Trapper Association (HTA) support from the Gwich'in communities of Arctic Red River and Fort MacPherson. Thus, although the Gwich'in Final Agreement was not yet enacted and enabled, they are nevertheless consulted through their HTA's -- this is cross-claim co-management in action. This is a good start, but there will be closer co-ordination required if commercial fishing is implemented.

### **Grizzly Bear**

The Inuvialuit have exclusive harvesting rights [(s.14(36)(b)] to Grizzly Bear (Ursus arctos horribilis) within their Settlement Region. A concern was raised by the Tuktoyaktuk HTC in 1987, that there was overharvesting. They suggested a quota be established and a process of implementation began :

The IFA requires cooperation between government, the joint bodies, the IGC and the HTCs to determine and establish harvest quotas. These activities are no longer the sole jurisdiction of government management agencies. ...With the WMAC (NWT) acting as a facilitator, consultations occurred between the government and the Inuvialuit until a consensus was reached. The WMAC (NWT) then made its

recommendation to the Minister of Renewable Resources, who accepted them.

It therefore became the responsibility of the IGC to designate the hunting area and quota recommended by the Minister. Once this was accomplished (IGC 1989), the Tuktoyaktuk HTC drafted and passed a bylaw with the assistance of the Territorial Justice Department that set out the terms under which grizzly bear could be taken. ... The IGC approved the by-law, (IGC 1990) making it applicable to all Inuvialuit. Concurrently, the government of the N.W.T. adopted the bylaw as a regulation under the Wildlife Act, making it enforceable by Wildlife Officers as anticipated under section 14 (77) of the IFA. At the same time the government passed a regulation under the Wildlife Act which was virtually identical to the HTC bylaw, making its terms enforceable as general law to non-Inuvialuit.

...for the first time in Canada, a native organization (and user group) enacted wildlife regulations enforceable under government Statutes. [Emphasis added]

At all times the WMAC (NWT) provided a forum for the government and the Inuvialuit to interact. The final result was a long-term management plan for grizzly bear and a potential economic benefit for Inuvialuit through guided sports hunting of this species. (Carpenter et al 1991)

### **Polar Bear**

Polar Bear (Ursus Maritimus) is another species that has no respect for human boundaries. There are two discrete sub-populations in the ISR, one in the Banks Island area and one that ranges between the Baillie Islands in the N.W.T and Icy Cape in Alaska. The Banks Island sub-population is managed in a manner similar to that for the Grizzly Bear case cited above, while for the latter, International sub-population:

The Polar Bear Management Agreement for the Southern Beaufort Sea (IGC and NSB 1988) is an international agreement between the Inuvialuit and the Inupiat of Alaska. It was developed pursuant to Articles 2 and 7 of the International Agreement on the Conservation of Polar Bears and Their Habitat (1976). As the major users of

this resource, the Inupiat and the Inuvialuit recognize their unique position to benefit from its management. With the assistance of the WMAC and the United States Fish and Wildlife Service, these two user groups have cooperatively developed the management agreement.

The agreement's primary objective is the maintenance of a healthy and viable population of polar bears in perpetuity. It accomplishes this through:

- (a) the enactment of hunting regulations to maximize protection of female bears and cubs.
- (b) the collection of data on all polar bear harvests.<sup>10</sup>

... In recognition of this agreement, the United States Fish and Wildlife Service officially commended the IGC and the North Slope Borough Fish and Game Management Committee and presented them with an award for their efforts. (Carpenter et al 1991)

#### Inuvialuit Renewable Resource Conservation and Management Plan

This conservation and management plan is the result of a cooperative effort by the FJMC and The WMAC. It was endorsed by the IGC and the government bodies involved in co-management. It is, in effect, the blueprint for acting on the requirements and recommendations arising from the IFA and the Report of the Task Force on Northern Conservation (1984).

The plan sets out a long term strategy for renewable resource conservation and management in addition to providing specific direction to the co-management bodies on issues of concern. A priority of the plan is that local community plans will be

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<sup>10</sup>"Other objectives include the minimization of the detrimental effects of human activities, particularly industrial activities, on polar bear habitat, and the encouragement of the wise use of polar bear products and by-products. Efforts to obtain legislative changes are integral to satisfy these objectives."

developed within the overall ISR plan to highlight local goals and priorities. A community plan has already been developed for Paulatuk (WMAC 1990) and another is under way for Tuktoyaktuk. The other four community plans are soon to be completed.

The Inuvialuit believe that this approach will exemplify the philosophy of the Inuvialuit, for whom the fish, wildlife and other renewable resources are so important.

The plan's principles and goals are a good example of co-management in action, reinforcing the traditional stewardship of the land, expressed in contemporary terminology.

#### COMMERCIAL UTILIZATION OF RENEWABLE RESOURCES

Wildlife harvesting is a consumptive use of wildlife, with three categories of end use: subsistence, commercial or recreational. But these distinctions are not easy to make, nor do they occur separately. The Inuvialuit trade different game among individuals, families and communities; this is a transaction like any other, sometimes for cash, sometimes by barter, sometimes for ceremonial reasons. Hunting is also a recreational activity that is deeply embedded in the culture. There is as well, the social dimension of forming and maintaining the "hunting partner" arrangement and the bartering ties.

Commercial activities include trapping, guided sports hunting, commercial sales of caribou, commercial capture and sale of falcons, and as the north develops, so also are new activities evolving. For example, there are the test fisheries in the

MacKenzie Delta and the test slaughter and marketing of muskoxen on Banks Island.

### **Renewable Resources Development Corporation**

As indicated earlier, the IRC and the IGC are distinct and separate structures with different orientations to development and conservation. Commercial, development activities fall under the purview of the IRC. The Inuvialuit Renewable Resource Development Corporation (RRDC), a private corporation, was created in early 1990 by the IRC. Its mandate being to develop viable economic ventures based on renewable resources, its objectives are to:

1. become a medium sized, diversified renewable resource corporation.
2. develop renewable resource based enterprises that would:
  - a. maximize profit.
  - b. provide local employment.
  - c. create spin off industries.
3. Develop national and international markets for renewable resource products from the Western arctic region.
4. Develop locally the management and administrative structure necessary to support the corporation.
5. Support the research and management systems necessary to manage the resource.

The areas that the RRDC proposed to develop into were:

1. large scale harvesting of wildlife for edible and non-edible products.
2. commercial fisheries
3. tourism, (all aspects including lodges, tours, big game hunting and outfitting)
4. restaurant business aimed at northern foods

The RRDC is currently developing the commercial harvesting of muskoxen on Banks Island. For this it needs to develop herding and handling processing and marketing techniques.

### **Structural and Development Issues**

There are potential problems in the commercial development of a renewable resource: a single-minded corporate objective (profit and growth) may end up competing with subsistence (and recreational) use and conflicting with conservation requirements. This can be mediated by ensuring local participation at all levels of the corporation. The IFA allows for local control by way of quota allocation by the community HTC. The community also has its say in the commercial, development side by way of its management role in IRC via the Community Corporation.

A potential structural problem is that, since the HTC's are so clearly oriented to resource conservation, there may arise an increased polarization of the Community Corporations from the HTC's. Over time, as new generations become more involved in the modern-day, commercial economy, they may lose the wildlife conservation ethic. Will CC's and HTC's naturally become polarized camps of the development/ conservation dichotomy? Is there a need for a new community institution, perhaps a Council of Elders?<sup>11</sup>

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<sup>11</sup> Robinson and Binder: "...we recommend ... the creation of of an elders senate [that] would utilize traditional conflict resolution techniques and work to keep traditional knowledge embedded within the Inuvialuit government."

The IRC/IGC dichotomy may also increase if the IRC grows more along "Western", commercial lines. There are no advisory bodies in the IRC that function like the Joint Secretariat, providing general technical management advice and expertise. Individual advisors can become powerful forces in influencing corporate management decision-making. Neo-classically minded advisors and consultants have little time for traditional systems, especially if they are seen to be antithetical to "modern development" and "commercial market systems". As Feeny et al (1990) put it:

To avoid the tragedy [of the commons], Hardin concluded that the commons could be privatized or kept as public property to which rights to entry and use could be allocated. Hardin has been widely cited as having said that resource degradation was inevitable unless common property was converted to private property, or government regulation of uses and uses was instituted. In a later paper, Hardin (1978) specifically recognized two general solutions, and presumably no others: private enterprise and socialism (control by government). [emphasis added]

How would Hardin have seen the existing Inuvialuit structure? This is not an idle question, as there are many who share his views. Is the IGC a socialist or crypto-communist organization, that a good dose of modern, scientific management principles will cure? Is the market economy the only way to go? There is some sentiment by some advisors that the IGC should become subordinate to the IRC, so as to not allow the crippling of "development".

As Robinson and Binder put it with reference to the EIRB review and decision in the Kulluk Drilling Program application:

So what goal<sup>12</sup> will triumph -- development or conservation? The answer to this question is really at the core of co-management as an institution. Given that the IRC has both the land and the money, it has significant institutional advantages in a showdown. We think it would win... Such a win would not be without consequences, however, and one of those consequences could be the functional gutting of co-management."

But it is unlikely that such a face-off would occur.

The Inuvialuit believe that commercialization of wildlife is compatible with conservation when it has the full involvement of the communities and the co-management structures of the IFA. This means ensuring the maintenance of the existing structure, and warding against efforts to change it into a monolithic one. The traditional consensual philosophy of Inuvialuit culture must be retained and strengthened. Here is a role for Inuvialuit Elders.

#### **Roles of the EISC and EIRB**

If the IGC and the IRC cannot solve a development/conservation issue by negotiation, it can be referred to the Environmental screening and review process. The EIRB acts as a tribunal to hear issues related to environmental impact and to advise as to its disposition. As a more formal process, it can provide a more rigorous evaluation<sup>12</sup> and assessment of a proposed development. As a public forum, it can be more comprehensive.

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<sup>12</sup>Robinson and Binder are discussing a theoretical proposal for a linear development, e.g a pipeline, in the ISR.

COMPLICATIONS ARISING FROM CONTIGUOUS LAND CLAIMS

Migrating wildlife don't recognise human boundaries. When a species is mutually harvested by two or more native groups, their management requires a mechanism that allows for the participation of all concerned groups.

The IFA addressed this need by providing membership on the co-management bodies to non-Inuvialuit native wildlife harvesters, with settled land claims. This membership is temporary in that it is for the duration of a specific issue of mutual concern and it is conditional on reciprocity: these groups must provide, in their land claim, for equivalent Inuvialuit membership on their wildlife boards. The Gwich'in of the upper MacKenzie Delta (south of the ISR) are on the verge of signing their own land claim, the Gwich'in Final Agreement (GFA), that has these reciprocal provisions for Inuvialuit. Because of the potential complexities of three of more parties involved in a co-management issue, the IFA provides for the creation of overlap agreements to specifically define the relationship between different native groups.

The Inuvialuit and the Gwich'in signed an Overlap Agreement in 1984 that temporarily dealt with wildlife harvesting by Gwich'in within the ISR and by Inuvialuit south of the ISR, until the settlement of the Gwich'in land claim. This was done by identifying the individual Inuvialuit and Gwich'in who had in past harvested wildlife in the others' areas and affirming their and their immediate family's right to continue. The overlap agreement was to be updated when the GFA was finalized.

An additional item addressed in the Overlap Agreement recognized the Gwich'in claim to the ownership of a block of land within the ISR and dealt in general terms with the principles for mutual consultation in its management and development.

The complication of two land claims being applicable to the same piece of land and the conflicting jurisdictions of the various boards is the topic of a current Overlap Agreement being negotiated between the Inuvialuit, the Gwich'in and Canada. It will be a tripartate management agreement with many new questions to be solved.

#### RESEARCH

Control by any group or body can seriously hamper co-management.

As Usher notes (Usher 1986:114):

...technical control of wildlife means that what were commonly considered natural events will now be matters of human decision-making. So who gets to make these decisions will be of crucial importance, because research will increasingly be oriented towards achieving technical control.

This was recognized by the negotiators of the IFA:

It is important that, under section 14(5), "The relevant knowledge and experience of both the Inuvialuit and the scientific communities should be employed in order to achieve conservation." This is one mandate in the IFA for co-management in action. (Robinson and Binder 1991)

and as Pinkerton notes (Pinkerton 1989:13) :

...the most successful and smoothly managed negotiations occur when neither government nor [user] groups have exclusive control over data and data analysis.

Control can be exercised indirectly, through control of funding.

As noted earlier, of the five IFA co-management bodies, only the

FJMC can undertake its own research directly. The other bodies only advise. But even the FJMC is subject to external manipulation -- for example, if DFO wished, it could easily advise Canada that research funding be restricted or removed. Such action would have repercussions on the credibility of the Department and on the future co-operation of the users, however, and would be an extreme measure. While the IFA allows for the creation of a research body, a Research Advisory Council (RAC), (S. 14(80)), and funds allocated for this purpose, the RAC has not yet been established. That function is now being substantially carried on by existing institutions. But there is more than scientific research to be undertaken. There is also a need for study of other issues:

...we recommend the following ... the creation of a co-management research trust fund to enable research into administrative policy and practice issues and feedback to the practitioners; and the creation of an elders senate [that] would utilize traditional conflict resolution techniques and work to keep traditional knowledge embedded within the Inuvialuit government...We end this review of the IFA's mechanisms for resource use conflict resolution with a general conclusion: co-management is working for the Inuvialuit, it is efficient both in terms of administrative cost and time expenditure, and it lives up to the basic goals of the IFA. It has democratized the development decision making process in the Inuvialuit Settlement region, and it has injected traditional wisdom into debates which for too long have depended on the process services of lawyers and the transcribed testimony of southern scientists. (Robinson and Binder 1991) [emphasis added]

## CONCLUSION

Going back to Osherenko's definition of a co-management regime, let us see what we can conclude with respect to her three points:

A co-management regime is an institutional arrangement in which government agencies with jurisdiction over

resources and user groups enter into an agreement covering a specific geographic region and spelling out: 1) a system of rights and obligations for those interested in the resource; 2) a collection of rules indicating actions that subjects are expected to take under various circumstances; and 3) procedures for making collective decisions affecting the interests of government actors, user organizations, and individual users.

1) a system of rights and obligations for those interested in the resource: The Inuvialuit are required to follow conservation principles while holding the rights of subsistence and commercial harvest in different species, with protection of these rights under various laws, statutes and regulations.

2) a collection of rules indicating actions that subjects are expected to take under various circumstances: The rules are as clear as can be without being overly rigid and complicated. The IFA is mostly a collection of rules and principles to be followed as issues arise over time.

3) procedures for making collective decisions affecting the interests of government actors, user organizations, and individual users: the processes of consultation are defined in the IFA. Much of the IFA outlines responsibility areas, consultation measures and regimes, and actors in the processes. Each wildlife co-management body makes collective decisions on behalf of the actors and users, with HTC's providing direct input from resource harvesters. Where development/conservation conflicts occur, especially from outside actors, the EISC and EIRB function as forums for resolution on a more formal basis.

As to Pinkertons complete/incomplete systems and the functions of a co-management system<sup>13</sup>, we think that the IFA as a total system, linked in the ways it is with the various levels of government and their agencies, is a complete system. It is a strong system. While the IFA has not created a fully autonomous system, it has in a sense made contractual arrangements (in analogy to the firm) with government, for the government to perform some of the functions by means of its agencies.

We think the success of co-management in the Inuvialuit Settlement Region is demonstrated by the relatively low public awareness of the cases we have described. There is little in the media (usually a good sign of minimal strife) and little in the academic record (unfortunately little, since we believe a lot has been accomplished over the past 7 years since the signing of the IFA and its promulgation).

We end by making a call for closer study of active co-management systems by the academic community. There is much that could be learned from closer study of the IFA co-management bodies and their successes in the various fish and wildlife management and harvesting issues, for instance. There will be an ongoing and increasing demand for the knowledge, in the implementation of future land claims settlements. Efficient systems will be sought to maximize on scarce financial and human resources. In fact, there

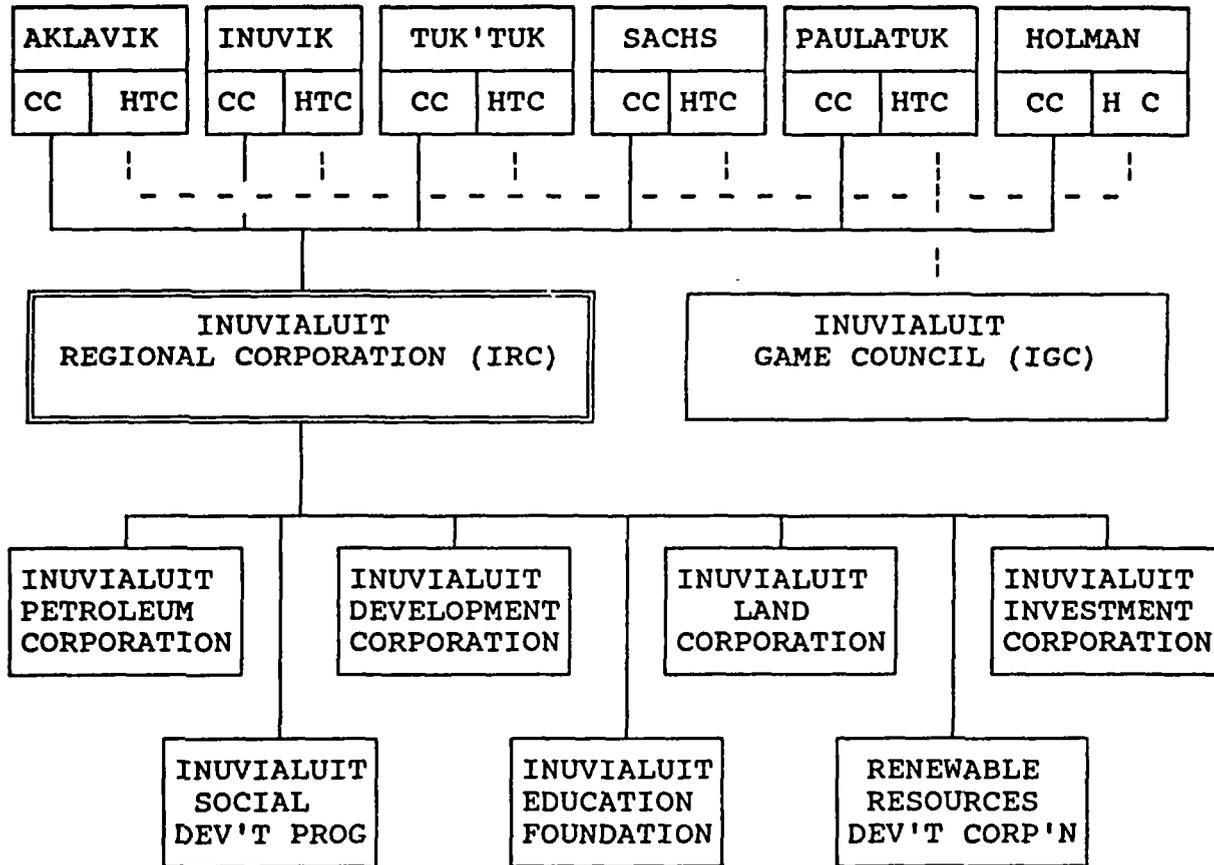
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<sup>13</sup> These were: data gathering and analysis, logistical harvesting decisions, harvest allocation decisions, habitat protection, enforcement of regulations, enhancement and long-term planning, and broad policy decision-making.)

is likely a danger that co-management systems under other claims (and even the IFA) will be crippled by insufficient funding. Efficiency decisions made by economists may see a tradeoff of the long-term benefits for short-term economy.

Appendix A

Structure of Inuvialuit Regional Corporation (IRC) and Subsidiaries



- Notes :
1. CC - Community Corporation ( The Chairman of each CC is a Councillor on the Inuvialuit Regional Corporation.)
  2. Inuvialuit Trust not shown, but is administered by IRC.
  3. Inuvialuit Land Administration not shown, but is a division of IRC.
  4. Subsidiaries of Corporations and Programs not shown.

Chart by L.N.Binder, Sept, 1991

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Common Property is no "open-access non-property". Communal Ownership is that "whereby a community controls access to a resource by excluding outsiders and regulating its use by insiders." The Property continuum is, then: open-access - state property - common property - communal property -private property. Furthermore, there are "no common property resources", just as there are no private property resources. There are, instead, resources that are managed as private property in one place and as common property in another. As further clarification of our discussion: we will not attempt to differentiate in our cases between common and communal property; suffice to say that some of the resources in the area of study are commonly owned, others are communally owned. There is certainly room for deeper study of the finer points, but such is not the intent of this paper. (p.3)

