

# Tribal authority should govern, not the state

## OPINION

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for the Tundra Times

Customary and traditional hunting and fishing rights and tribal authority may appear as two separate issues. Realistically, they form one subject.

As the first people we have the moral right to priority hunting and fishing privileges in our own homelands. We also have the responsibility to preserve customary and traditional hunting and fishing for the cultural and nutritional sustenance of our future generations.

Tribal authority, not state authority, is what governs — or should govern — bag limits, means and methods of hunting and fishing and seasons.

No one is more capable of preserving our resources than those of us who depend on them for not just our nutritional, but our cultural survival.

It is our respective chosen governments which must regain the right to regulate our customary and traditional fishing and hunting.

The right to self-regulation through the use of our chosen entities is the very essence of our inherent right to survive within our own cultures.

When we allow the state or federal governments, sportsmen's groups and others to tell us how, when and where to live, hunt and fish or to define our culture or dictate our future, we undermine our ability to survive.

When our own people defy tribal authority, and we allow them to get away with it, we do the most serious damage to the foundation of our cultures.

A good case in point is the recent action by two or three members of the Kenaitze Indian Tribe. These renegade members of the tribe refused to recognize tribal authority. By fishing in defiance of the tribe's regulation, they managed to accomplish the following:

- Demonstrating that tribal authority — sovereignty — means little or nothing to them since they ignore it at their own convenience.

- Encouraging our enemies to argue we are incapable of controlling our own resources since we can't control our own people.

- By arguing first for an unlimited

I'm certain that other villages, such as Mentasta, for example, would not appreciate it if any of the nearly 700 members of the Kenaitze Indian Tribe decided to fish and hunt within their sovereign boundaries, without the permission of the Mentasta Tribal Council.

The recognized tribal government of the Kenaitze Indian Tribe issued an interim regulation, based on a tribal-state agreement, regarding the customary and traditional fishing of its members.

The tribal fishery is open to any member of the tribe using a tribal net. Any members of the tribe, whether they help with the net or not, can ob-

pose their view of the way things should be on the Kenaitze Indian Tribe are no different than the state attempting to impose regulations or deny customary fishing rights to the Kenaitze Indian Tribe. I don't believe any other village in Alaska would want any individual to violate their territory or disrupt their tribe or village. The Kenaitze people deserve the same respect.

Finally, members of a tribe should come under tribal authority. This is what sovereignty is about. The tribe has the absolute right to govern its members. If a tribe has a member who refuses to abide by tribal authority and proceeds to undermine that authority, the tribe has the right and the obligation to deal with that member in any way it chooses, be it by sanction or expulsion.

Sovereignty — self-determination — is not a word that any of us should take lightly. Sovereignty is not something to use when it's convenient and abandon when it seems to stand in our way.

Our ability to participate in customary and traditional hunting and fishing, to be governed by our own governments and to have secure and recognized tribal boundaries hangs on our ability to practice sovereignty.

Every village and tribe has its own way of doing things. It is not the business or the right of any other entity to interfere in the sovereignty of any tribe or village. When one sovereign attempts to manipulate another sovereign, the survival of all of our Native governments is jeopardized.

In summary, sovereignty and customary and traditional hunting and fishing rights are one topic. They can't be separated.

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commerical fishery, later an unlimited Native fishery and still later an unlimited Native and non-Native fishery, they have managed to confuse everyone as to their real motives and have lost sight of the Native sovereignty issue altogether.

- By fishing with individuals who are not members of the tribe and declaring they, too, have a right to fish within the boundaries of the Kenaitze Indian Tribe, they have attempted to destroy the very essence of sovereignty, which is the ability to maintain recognized tribal boundaries which must be respected by the state as well as other tribes.

tain the number of fish necessary to meet their family needs through the tribal fishery.

The interim agreement was arrived at through the participation of a subsistence task force. The task force was, and is, open to any tribal member.

All any individual or family has to do is request the tribe to supply them with the fish they need. No one can claim they are fishing in violation of the tribal regulation because they need the fish to feed their families. The fish they need are available to them.

Outsiders who come to Kenai to im-