



CENTRAL COUNCIL
Tlingit and Haida Indian Tribes of Alaska
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CENTRAL COUNCIL OF TLINGIT & HAIDA INDIAN TRIBES OF ALASKA
Eighty-Ninth Annual Tribal Assembly
April 17-19, 2024
Juneau, Alaska

Resolution TA 24-18

Title: Development of the Rights of Tlingit & Haida Indigenous Rivers, Herring and Salmon

By: San Francisco Community Council / Delegate Will *Yaan Yaan Eesh* Micklin

WHEREAS, the Central Council of Tlingit & Haida Indian Tribes of Alaska (Tlingit & Haida) is a federally recognized tribe with more than 37,000 citizens; and

WHEREAS, the Tlingit & Haida Constitution Preamble provides for the preservation of “our culture and way of life, known as “Haa Kusti” among the Tlingit and “Tlagw íitl’ xíinangaa Gíidang” among the Haida”; and

WHEREAS, Article XII, Section 2. Collective Rights of the Constitution provides that Tlingit & Haida shall “Honor our ancestors through best efforts to maintain, protect, and repatriate funerary and cultural objects, to protect sacred places, to maintain and enhance our indigenous languages, and to preserve traditional knowledge;” and “Protect, preserve and enhance Tlingit “Haa Aani” and Haida “Íitl’ tlagáay”, our way of life, its ecosystems and resources, including the right to clean water and access to native foods and traditional practices through our inherent rights to traditional and customary hunting, fishing and gathering ...”; and

WHEREAS, since time immemorial our Tlingit & Haida “way of life” is the source of all that make us Tlingit and Haida peoples and that is inseparable from the health of our indigenous ecosystem and known to us through our indigenous knowledge; and

WHEREAS, our Tlingit and Haida “way of life” mean indigenous rights, interests, and responsibilities exercised in relation to our ecosystem within our aboriginal territory, including rights, interests, and responsibilities in relation to the occupation, use, and preservation of our ecosystem; and

WHEREAS, our ecosystem is an indivisible and living whole, including, but not limited to:

- a) transboundary rivers and inland rivers representing our surface waters and groundwaters, from the mountains to the sea; and
- b) salmon and other fisheries, representing our fisheries, fauna, and flora and its resources; and
- c) incorporating all its physical and spiritual elements; and

WHEREAS, our Tlingit and Haida “way of life” and their ecosystems comprise the intrinsic values that represent the essence of Tlingit & Haida citizens, namely—

- a) the ecosystem, represented by our rivers, is the source of physical and spiritual sustenance; and
- b) our salmon is a physical and spiritual entity that supports and sustains both the life and natural resources within our rivers and the health and well-being of our communities; and
- c) our ecosystem is an indivisible and living whole, including the rivers that run from the mountains to the sea, and all of their physical and spiritual elements; and
- d) our “way of life,” represented by our rivers and salmon, are us, and we have an inalienable connection with, and responsibility to, their health and well-being; and
- e) the groundwaters and the surface waters run into small and large streams that flow into our great rivers, which gives life to our salmon, and is a singular indigenous ecosystem comprised of many elements and communities, understood by our Indigenous Knowledge to require our duty of care to preserve and protect our integrated ecosystem if we are to sustain the health and well-being of Tlingit & Haida citizens; and

WHEREAS, the rights of our ecosystem, represented by our rivers and salmon, means recognizing that ecosystems and natural communities are not merely property that can be owned; rather, they are entities that have an independent and inalienable right to exist and flourish as rights-bearing entities, under our duty of care as stewards of our aboriginal lands; and

WHEREAS, environmental laws legalize environmental harms in that they regulate how much pollution or destruction is permitted to occur under law; however, the purpose of this resolution is not to make anthropocentric environmental laws, but to recognize that the interdependent living of humans within their ecosystems is not possible unless human rights to exploit their environment are counterbalanced by defensible rights of the ecosystem as unique entities with protections against degradation and destruction; and

WHEREAS, by this resolution, instead of defining a threshold perspective for adverse impacts to the environment that define levels of pollution and exploitation, Tlingit & Haida intends that the benefits of a thriving, healthy indigenous ecosystem is to be evaluated from the basis of inherent rights to exist in a healthy condition, as a shift of perspective from object to subject, and from a status as property to legal entity with an intrinsic value for the general welfare of its condition;

NOW THEREFORE BE IT RESOLVED, that the Eighty-Ninth Tribal Assembly of the Central Council of Tlingit & Haida Indian Tribes of Alaska delegation convened April 17-19, 2024, hereby requests that Tlingit & Haida provide for the development of a draft statute for consideration by the 2025 Tribal Assembly that would give effect to this Resolution if enacted;

BE IT FURTHER RESOLVED, the proposed draft statute is intended provide for rights for our ecosystem, represented as our rivers, herring and salmon, as a legal framework that recognizes the status of ecosystems and their communities as rights-bearing entities with protections against degradation for the purpose of restoring balance and respect;

BE IT FURTHER RESOLVED, the proposed status is intended to preserve and protect our indigenous ecosystem by codifying its status as a legal person, and therefore provide for:

- a) status as a legal person with all the rights, powers, duties, and liabilities of a legal person; and
- b) the rights, powers, and duties thereof must be exercised or performed, and responsibility for its liabilities must be taken, by Tlingit & Haida on behalf of, in the name of, and in the manner provided for in forthcoming statute, its protection and preservation;

BE IT FINALLY RESOLVED, the intended legal effect of the declaration of status:

- a) applies to entities and persons exercising or performing a function, power, or duty under any authority referred to in forthcoming statute:
 1. if the exercise or performance of that function, power, or duty relates to—
 - i. the indigenous ecosystem represented by the rivers and salmon; or
 - ii. an activity within the ecosystem that affects the rivers and salmon;and
 2. if, and to the extent that, the status relates to that function, duty, or power;
- b) persons exercising or performing a function power, or duty (decision makers) under the authorities listed in forthcoming statute must recognize and provide for and have particular regard to the preservation and protection of status;
- c) the obligations under subsections (a) and (b)—
 1. must be carried out in a manner that is consistent with the purpose of this Resolution as provided for under forthcoming statute and under which the function, power, or duty is exercised or performed;
- d) subsections (a) and (b):
 1. do not remove, or prevent the exercise of, any discretion that a decision maker has in exercising or performing a function, power, or duty under any existing authority as provided for in forthcoming statute;
 2. permit a decision maker to consider the status as determining factors when exercising or performing a function, power, or duty under any existing authority as provided for in forthcoming statute;
- e) if the exercise or performance of a function, power, or duty under subsection (a) or (b) requires a decision, document, or report, that decision, document, or report must state how the requirements of subsection (a) or (b), as the case may be, have been complied with;

- f) unless expressly provided for by or under forthcoming statute, nothing in this resolution:
1. limits any existing private property rights; or
 2. creates, limits, transfers, extinguishes, or otherwise affects any rights to, or interests in, water; or
 3. creates, limits, transfers, extinguishes, or otherwise affects any rights to, or interests in, wildlife, fish, aquatic life, seaweeds, or plants; or
 4. affects the application of any other authority.

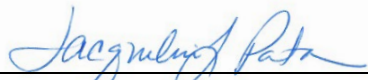
ADOPTED this 17th day of April, 2024, by the Eighty-Ninth Tribal Assembly of the Central Council of Tlingit & Haida Indian Tribes of Alaska.

CERTIFY



President Richard J. Peterson

ATTEST



Tribal Secretary Jacqueline L. Pata