

Alaskan Implementation Issues and Related Research Areas

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Making the Alaska Native Claims Settlement Act (1971) Work for Future Generations

Thomas Thornton gave a presentation on Alaskan land claims and the Alaska Native Corporations (ANCs). He began with a brief introduction to the Alaskan land claims and the ANCs, explaining that the land claims in Alaska are like architecture for self-determination, restoration, cooperation, and sustainment. The Alaska Native Claims Settlement Act (ANCSA) is not a treaty in the same sense that the Comprehensive Land Claims Agreements (modern treaties) are in Canada. Rather, it is an act of congress: a mix of termination and self-determination. Congress declared that there was “an immediate need for a fair and just settlement of all claims by Natives”. ANCSA was produced in a particular power setting through three dimensions: agenda setting, preference shaping, and decision-making. In all of these dimensions, the Government was in control and wanted to ensure they came to an agreement that was final. There were limited choices presented to the Aboriginal groups and although they were consulted throughout the negotiation, Aboriginal peoples did not have a final vote in the outcome of the claims. As a result of ANCSA, Aboriginal land title, and hunting and fishing rights were extinguished, and in return 13 regional and 203 village corporations were allocated \$962.5 million and 44 million acres of land to manage.

The Alaska Native Corporations are unique hybrid institutions. The indigenous shareholders are invested as decision-makers and leaders in maintaining financial and natural capital, and have tremendous power. The corporations are rooted in traditional land base and are both geographically and culturally diverse and are multigenerational. In addition, the corporations are economically diverse, including construction, government services, timber, tourism and mining. They have built in reciprocity, which states that they must share 70% of their revenues from ANCSA lands. They are polycentric and networked, which means they have regional and village level and supra, state-level organizations. Further, the corporations have strong social corporate social responsibility, and are focused on sustainable development and community well-being.

In a brief literature review, Thornton identified that there has been little written on ANCSA. One of the most important contributions is the book, *Village Journey*, by Thomas Berger, which provides a critical look at the dynamics of land and power in the Aboriginal villages in Alaska. A second book he discussed is a two-volume history by Craig Mitchell. He also reviewed a few of the contributions that have been

made by Aboriginal authors, including *Then Fight For It* by Fred Paul and *In the Absence of the Sacred* by Jerry Mander.

Thornton's own interest in this research came from his work in subsistence. From 2008-2011, he was the principle investigator for a research project, *Indigenous-State Relations in Alaska and Beyond: Sustainable Livelihoods, Biocultural Diversity and Health since the Alaska Native Claims Settlement Act*. The project examined how the creation of ANCs had transformed institutional arrangements between Alaska Natives, state governments, ecosystems, and regional-global economies. Further, the project looked at how native corporations have contributed to particular outcomes in indigenous groups' well-being in two distinct biocultural regions: Bering Straits (Inupiat) and Southeast Alaska (Tlingit, Haida, Tsimshian). The research examined two regions: Southeast Alaska and Bering Straits. The research took a social-ecological perspective by focusing on ANCs own ideals and cultural models of sustainable livelihoods and wellbeing, rather than focusing on measuring ANCs against dominant stereotypes, such as growth or tradition. The research also examines vertical and horizontal linkages between ANCs and other institutions, key social-ecological processes, and networks. It also looks at ANCs not simply as institutions but also as entities shaping and being shaped by values and 'rules of the game' in a political-ecological system. The research was framed through the use of the Sustainable Livelihoods Assets Framework, which includes human, natural, financial, physical and social capital. Thornton also discussed two additional elements that could be added to the framework: cultural capital and political capital. The framework, in a simplified manner, begins with assets (natural, financial, physical, human and social capital) that are used for strategies and activities, which generate outcomes (well-being, income empowerment, health and vulnerability), which are then reinvested into assets. Thornton explains that if you take a broader view of assets, you can develop strategies and outcomes that allow for more sustainable development.

Thornton also introduced the Millennium Ecosystem Guide to how wellbeing goes back to the earth. He stated that the ecosystem services are seen as the foundation of wellbeing. He provided the example of the Sealaksa Corporation, who used this guide to conduct an evaluation of their key values and to determine how they could represent these values in their business plans. The values they were interested in sustaining was Haa Ani (our land); Haa Latseen (our strength, leadership); Haa Shagoon (our past, present and future); and Wooch Yax (balance, reciprocity and respect).

There are four dimensions related to ANC corporate social responsibility and well-being that ANCs try to balance and embed within their missions and value statements. The first dimension is land selection, management and property rights. Alaska Native groups were limited in the lands they could choose from and, at times, had to pick land outside of their domains, which caused conflicts between groups. The second dimension is resource conservation and development. Third is sociopolitical organization, leadership and inequality; and finally, the fourth dimension is cultural investments and protocols.

One of the challenges that came as a result of the extinguishment of rights in the land claims was a limitation on what resources could be developed by ANCs. Almost every corporation became a timber harvester until the timber started to disappear. ANCs had lost their sea rights, including the right to fish or to remove fish from the water. However, this did not stop Alaska Natives from investing in seafood.

Sealaska, for example, bought a huge stake in a transnational fishing company, Ocean Beauty Seafoods LLC. Eventually they sold their \$25 million stake for \$60 million.

The limited access to natural resources led many corporations to adapt by creating new economic niches. Hoonah, for example, got into tourism. Their main objective: bringing tourists to Hoonah with a “one-of-a-kind” tourist facility. They converted an old canning facility into a museum and tourism site, which produced jobs, business, and tax revenue without overstressing Hoonah’s physical, human and social capital. It has also created a high level of cooperation amongst groups that had previously been in conflict over the timber harvest.

There is debate surrounding the degree to which corporations should invest in culture. There are two sides to the debate: one side argues that by default culture institutions should be embedded into corporations, the other side argues culture should remain separate. Most corporations support cultural programs and events, but not always directly. For example, many have created non-profit heritage foundations that are separate and designed to become self-supporting. Further, leaders are also called upon to act as cultural leaders, which involve significant commitment.

At the end of the presentation, Thornton brought the discussion back to the metaphor of land claims as architecture. As architecture, ANCSA has built many new houses, economies, and livelihoods, and there is lots to learn from the Alaskan model. ANCSA was not a treaty that was negotiated between parties. It was imposed on the Aboriginal peoples in Alaska. The legacy is one that is very mixed but the potential for these corporations is great. There is no institution that is as important as the Alaska corporations for embedding culture. ANCSA and the ANCs have created the potential for reducing livelihood insecurity through development of niches and economies based on cultural models of sustainability. ANCs are reassessing local assets and investing in key sources of livelihood capital, security, diversity, identity, and values. Policy and ANCSA reforms should encourage this within shared SE and SL framework to manage risk. This will require improved linkages and partnerships and ‘organization of diversity’ between ANCs, stakeholders, and other levels of governance to clarify models of sustainability and adapt the ‘rules of the game’ to support them.