

# ANCSA at 40: Where are we and where are we going?

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The passage of the Alaska Native Claims Settlement Act (ANCSA) in 1971 was a dramatic event in Alaska Native history. By the mid-20th century, Alaska had been under American rule for about 100 years and various colonial interest groups were carving up the territory. Land was being used and claimed by a variety of interests, including gold miners, homesteaders, the timber industry, commercial hunting and fishing companies, conservationists, federal agencies including the U.S. Military, the state government and, of course, the industry that propelled the issue to resolution -- big oil. In the midst of this churning sea of activity, Alaska Natives were thrust into a fight for our lands with few professionals in the ranks and almost no money. It is a remarkable story that Alaska Natives were able to deal with this freight train of interests.

Under ANCSA, Native peoples were promised title over 40 million acres of our former lands and \$962.5 million to establish Native regional and village corporations charged with promoting the social and economic well-being of Alaska Natives. ANCSA is criticized both in terms of product and process, i.e., it yielded too little and the process did not meet a reasonable bar for inclusion. Most condemning for some is that as Native corporations, created in the image of a Western corporate model, have prospered, many Alaska Natives see ANCSA as a vehicle for assimilation. In this view the quest for profits has trumped the quest for culture. For others the criticism is that we now have a new class of Native corporates who share a common culture of the pursuit of wealth.

On the other hand, ANCSA is also celebrated as a David and Goliath story that ended with a victory that far exceeded what anyone could have, would have or should have predicted. Imagine if the Alaska Native leadership of that generation had decided to forego the intense political and social costs of fighting for our lands and instead ceded the fight to the good graces of the oil industry and the federal government. Imagine if that cadre of Alaska Natives, outgunned in all regards, had walked away. How much land would have been dedicated to Alaska Natives? How much money would have been granted for setting up organizations structured to promote the social and economic health of Native societies? Is there really any question that Alaska Natives would have been stripped of land and that other interests would have overridden matters of justice or fairness? Once ANCSA had been legislated into existence, the terms were exceedingly complex, and corporations were formed in an era of high inflation by Native peoples who had little professional training and virtually no talent pool. While there have been painful failures, there have been outstanding fiscal successes.

ANCSA at 40 was billed as a "gala celebration," and it is easy to fall into a celebratory mindset as the story is filled with heart-warming and hard-fought elements of triumph. Yet ANCSA clearly remains controversial, and how we view ANCSA today influences how the story is told to our young people and how it is viewed by generations to come. I suggest that rather than an unbridled celebration, we use the occasion to reflect on an essential question: "Is ANCSA a tool that continues to allow us to be peoples who transform our opportunities and make our lives better -- in what ways yes and in what ways no?"

While evaluating present circumstances is always difficult, one way to start is to consider our place in the timeline of Alaska Native history. When traveling in the country, for example, especially an area unknown to you, one way to find your place is to look back and find two landmarks behind you -- one closer and one more distant. As you travel, you turn back periodically to view the landmarks so that your present and future travels are safeguarded by your past.

Our place today is ANCSA at 40. It is the near marker in our past. For Alaska Natives, the distant marker is the traditional use of lands and waters unfettered by colonization. This distant marker holds the memories and legacies of cultures that were uniquely shaped and identified by the lands and waters of each region that generated and sustained our peoples for thousands of years. These are our essential homelands and inescapably valuable to each of our peoples, past, present and future. Our rich cultural heritages are anchored in the lands and waters that sustained us economically, socially and spiritually.

With ANCSA the long period of uncertainty regarding the status of Native land claims of Alaska Native peoples under colonization entered a new chapter. As well, ANCSA promised to address the social and economic well-being of Alaska Native peoples. The cultural erosion that resulted from the forces of assimilation and the weakening of traditional social, religious, economic and political structures caused by the imposition of Western culture was severe and abrupt. Alaska Natives, struggling to find their footing during much of this time, were excluded from land ownership, citizenship, and besieged by policies related to the civilization of Native peoples. The legislative intent of Congress through ANCSA is stated in the first section as one of promoting the social and economic well-being of Alaska Natives. To that end, although most of our traditional lands legally became the property of others, ANCSA did turn about forty million acres of homelands to the stewardship of the regional and village corporations. Despite what some view as insufficient terms, ANCSA should be recognized as an event that delivered Alaska Native societies both challenges and opportunities for success. One question at this forty year mark is, "How should we measure our success and understand our challenges?"

There were common themes that emerged from among the many presentations that were given at the ANCSA gala. These addressed the positive economic, social, educational and political changes that have occurred. There are clearly many reasons to applaud the opportunities that have been seized via ANCSA but, surprisingly, there were few speakers at the celebration who commented on the shortcomings of our journey or who posed challenges for the future.

Alaska Native corporations were established in the image of Western corporate structures. Inherent in these structures are the pursuit of profit and the enrichment of shareholders. There is often, in American companies, a friction between the long-term health of the company and the desire of current shareholders to maximize their profits. Many Alaska Native Regional and Village Corporations are experiencing this same tension.

It is deeply troublesome, for example, that despite the hard-fought battle for land ownership of some of our lands, over 700,000 acres of original ANCSA land have been sold by Native corporations. A decision to sell cultural lands by the present generation of shareholders deprives all future generations of this sacred legacy. Have decisions to sell land been made strategically with the well-being of future generations in mind, or have these decisions been made to enrich the current generation of shareholders? Have the long-term social and cultural costs of land sales been considered as equally or more important than the economic benefits?

The issue of land ownership may be compounded in the future if corporate shares become public. If that happens, what portion of our original ANCSA lands will become non-Native property? Will today's shareholders sell for immediate economic benefit? Will our corporations rededicate themselves to the social and economic benefits of future generations and prevent the sale of shares to non-Natives? The positive news is that ANCSA legislation has evolved, and the 1991 amendments, for example, rescinded the provision that required corporate shares to become public after twenty years. Corporations are now empowered to determine their own timelines for public trading. This is a critical responsibility and must be debated, not with the present in mind, but rather with an eye to future generations and the continuation of our cultures and their connections to our lands.

While many corporations have been amazingly successful, it is important not to forget that many have experienced bankruptcy, and many village corporations are seemingly dead with no Boards of Directors, no annual reports and no plan for revival. Are we seriously cutting loose these village corporations? How many are

there and what are the repercussions? Better tracking, better data and some dialogue are needed.

While the Alaska Native middle class has expanded in some areas, the economic health of Alaska Natives, in general, still lags behind that of other Alaskans. Likewise Alaska Natives continue to experience many serious social problems and other symptoms of cultural dysfunction across regions. It would seem that ANCSA at 40 is better perceived not as a gala but rather as a time to note leaders who fought for a better future while trying to better understand and tackle our many remaining challenges.

As we view both the present and the future, the most glaring departure from the far marker of traditional societies is the dispossession of our young people. There are two groups of Alaska Natives: those who are shareholders and full members of Alaska Native Corporations and those who are not. The celebration of ANCSA at 40 is viewed by many of those who are 39 years old and younger with alienation since they lacked full membership at ANCSA's passage and, in most cases, still do. Can any culture that bans its young adults and youth from full membership in the group have a right to a future? What futures do our young people imagine for themselves as Alaska Natives when they remain outside one of the most critical structures of modern Native Alaska?

Again, however, the 1991 amendments allow us to imagine and build a different future. These amendments support, but do not require, the opportunity for corporations to bring in new Natives as shareholders. Some corporations have seized this opportunity and begun to admit new members, but most have not. Is the dilution of the value of shares preventing more corporations from acting? If not, what value can possibly be gained by the present situation where about half of our population has no direct legal or political connection to Alaska Native lands or to the Native corporations that touch the lives of all Alaska Natives?

Where are we at 40? Are we turning the bend so that more Alaska Natives have a clear connection to our lands and waters in addition to the economic engines of

the corporations? How many more of our lands will be sold for corporate profit or transferred into non-Native ownership? Will modern Alaska Native cultures retain links to their histories? Through what prisms are Alaska Natives viewing this 40-year marker? It takes sustained effort and thought to see beyond the quarterly profits and annual dividends to the health of the culture. I hope that we are as observant as our ancestors were so well noted for being.

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