

1991 proposed resolutions for convention

PROTECTION OF NATIVE VALUES

WHEREAS, Congress decided to use Western business corporations as the vehicle for implementing the Alaska Native Claims Settlement, and

WHEREAS, such corporations are foreign to Native culture and in many ways inconsistent with Native values, and

WHEREAS, such corporations may not be the best vehicle for implementing the settlement in the future, and

WHEREAS, Alaska Natives should not confuse their Native identity, culture and heritage with the tools provided by ANCSA corporations, and should be prepared to revise or discard the structure of those corporations,

NOW THEREFORE BE IT RESOLVED, that the Alaska Federation of Natives in convention assembled endorses the prior efforts of AFN in this area and directs AFN to conduct a thorough study of the practical and legal implications of changing the vehicle for implementing the settlement. This study should examine the following options:

1. Membership organizations combining Native values and traditions with compatible aspects of Western corporations.

2. Tribal organizations, both traditional and IRA.

3. Separating the land from the business and using different organizational vehicles to manage the different assets.

ELDERS

WHEREAS, Alaska Native Elders have made an important contribution to the enactment of the Alaska Native Claims Settlement Act, the preservation of Alaska Native culture, and the social and economic well-being of Alaska Natives, and

WHEREAS, without Alaska Native Elders the enactment of the Alaska Native Claims Settlement Act would not have been achieved, and

WHEREAS, the structure established in the Alaska Native Claims Settlement Act for implementing that Act does not provide an opportunity to provide Alaska Native Elders special benefits which reflect their special contributions, and

WHEREAS, benefits provided to Alaska Native Elders by Native corporations are frequently used by federal, state and local agencies to offset services provided to the

Elders by those agencies,

NOW THEREFORE BE IT RESOLVED, that the Alaska Federation of Natives shall request Congress to alter the structure of the Alaska Native Claims Settlement Act to authorize Native corporations to provide social benefits to their Elders, and

THERE BE IT FURTHER RESOLVED, that the Alaska Federation of Natives shall request Congress to exempt such benefits from consideration by federal and state agencies for eligibility for programs for the Elders provided by those agencies.

STOCK ALIENATION

WHEREAS, each Native region and village is entitled to consider and decide its own destiny, and

WHEREAS, the decisions of each village and region on the 1991 issues affect other regions, villages, and all Natives, and

WHEREAS, the decisions of each corporation affect other corporations and individuals and each corporation should consider the views of other organizations and the impact of choices on other corporations and individuals,

NOW THEREFORE BE IT RESOLVED by the Alaska Federation of Natives in convention assembled that no ANCSA corporation either regional or village should be compelled by federal or state law to implement any new restrictions on the disposition of land or stock, but that each corporation should make its choices from a uniform set of options, and

BE IT FURTHER RESOLVED that the ANCSA restrictions against alienation of stock should be continued indefinitely, but each corporation should be given the choice of "opting out" of those restrictions.

LAND PROTECTION

WHEREAS, the relationship of Alaska Natives to their land retained pursuant to the Alaska Native Claims Settlement Act is the relationship which is fundamental to the continuation of Alaska Native culture and to the economic and social well-being of Alaska Native people, and

WHEREAS, provisions of the Alaska Native Claims Settlement Act and the Alaska National Interest Lands Conservation Act establish mechanisms to prevent Native lands from being transferred out of Native ownership, and

WHEREAS, these mechanisms are not sufficient to protect Native lands from being transferred out of

Native ownership after 1991,

THEREFORE BE IT RESOLVED, that the Alaska Federation of Natives shall develop and request the Congress to enact additional mechanisms which achieve the goal of continuing Native ownership of Native lands.

NEW NATIVES

WHEREAS, Alaska Natives have existed as a distinct and unique people from time in memory and will continue to exist, and

WHEREAS, Congress in passing ANCSA picked an arbitrary single date in 1971 to determine who would be entitled to participate in the Alaska Native Settlement, and

WHEREAS, it is not acceptable to Natives to create or continue different classes of Natives and exclude those born after December 18, 1971 from the settlement, and

WHEREAS, inclusion of new Natives in the settlement structure should not affect revenue sharing under Section 7 of ANCSA,

NOW THEREFORE BE IT RESOLVED, that the Alaska Federation of Natives in convention assembled endorses the prior efforts of AFN in this area and directs AFN to undertake a thorough study of the practical and legal implications of making sure that individual Natives born after Dec. 18, 1971, should share in ANCSA as a birthright.

This study shall include consideration of the following specific issues:

1. The definition of "Native" for purposes of the settlement.

2. The possibility of Natives receiving stock as a birthright, but not immediately upon birth, rather using mechanisms such as no stock at birth and full vesting of stock at maturity, use of non-voting stock at birth and conversion to voting stock at maturity.

3. Different classes of stock.

4. Whether there should be a uniform way of treating issue for all ANCSA corporations.

5. Providing participation in the settlement for Natives born before Dec. 18, 1971, who were left out of the current structure.

6. Mechanisms for dealing with new Natives whose ancestral roots go back to two or more regions or villages.

STOCK PROTECTION

WHEREAS, the existing provisions of ANCSA require that Native corporations issue new stock in 1991 without the absolute prohibition on sale that is set out in ANCSA, and

WHEREAS, ANCSA permits Native corporations to impose restrictions on the stock which must be issued in 1991, and

WHEREAS, the type of restriction on ANCSA stock after 1991 will have a significant effect on the future of the settlement, and

WHEREAS, the Natives must control our own future with respect to the settlement,

NOW THEREFORE BE IT RESOLVED, that the Alaska Federation of Natives in convention assembled endorses the prior efforts of AFN in this area and directs that AFN conduct a thorough study of the options that each ANCSA corporation might use to prevent any ownership of stock by non Natives after 1991. This study shall examine the practical and legal aspects of the following options:

1. Complete prohibition on selling or transferring stock by inheritance, or otherwise.

2. Permitting sale or transfer of stock only to the corporation that issued the stock or to Natives that already owned that stock.

3. Permitting sale or transfer of stock only to Natives or Native organizations.

4. Requiring the specific approval of the corporation before selling or transferring stock.

5. Limiting the amount of stock that one person could sell in a given period of time and/or the amount of stock one shareholder could own.

6. Utilizing the right of first refusal and/or limitation of voting rights to Natives as permitted under the ANILCA amendments to ANCSA.

7. Creating different classes of stock for Natives and non Natives.

8. Using voting trusts to preserve Native control regardless of ownership of the stock.

9. Elimination of stock.