

Berger presents recommendations to ICC

by Jim Benedetto
Tundra Times editor

KOTZEBUE — Thomas R. Berger presented his Report of the Alaska Native Review Commission to the Inuit Circumpolar Conference recently, culminating nearly four years of work on behalf of ICC and Alaska Native people.

The Alaska Native Review Commission, in the person of Berger himself, visited 60 villages across Alaska in order to document the concerns of Alaska Natives over the progress of the Alaska Native Claims Settlement Act of 1971.

Copies of the published work, "Village Journey," were distributed

ICC Kotzebue 1986

to the delegates from Greenland, Alaska and Canada, shortly before Berger delivered his remarks to the assembly.

Berger said in his report that the deep concerns expressed by Alaska Natives covered main areas: land, self-government and subsistence.

Holding Our Ground

According to Berger's findings, "deep structural flaws" in ANCSA make it likely that Native people will lose their land through corporate takeovers after 1991, when statutory protections on the land expire; through financial failures, in which land would have to be surrendered to creditors; or through state taxation of the land holdings of the village and regional corporations created under ANCSA.

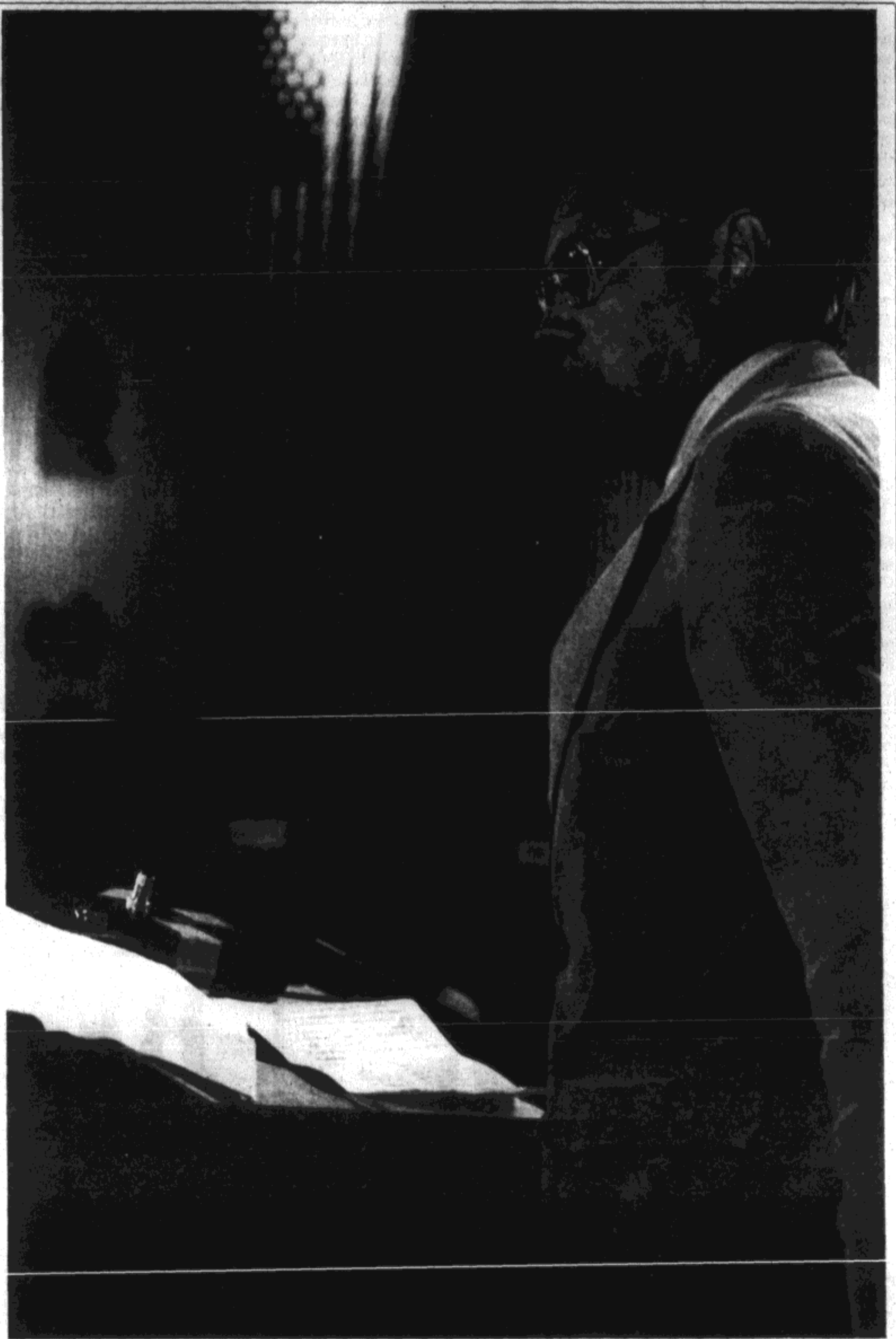
In order to counter these very real threats to the land, Berger recommends that the lands be "retribalized," and get all the protections of Indian country under federal law.

In order to accomplish this, says Berger, Congress would have to pass enabling legislation — something the entire Alaska congressional delegation is on record opposing — and establish a fund from the ANCSA 7(j) revenues to deal with the debts already incurred thus far by the corporations.

Tribal Governments

Berger's second main recommendation is that tribal governments assume a greater role in the local governments of Alaska's Bush communities.

This could be accomplished if the state would make more money available for the provision of basic services, which, he says, would entail the



Judge Thomas Berger completed years of work on behalf of the Inuit Circumpolar Conference by presenting the ICC delegates with copies of "Village Journey."

photo by Jim Benedetto



Throughout the ICC meet, volunteers simultaneously translated the proceedings into six different languages and dialects, including Siberian Yup'ik, Inupiaq, English and others.

photo by Jim Benedetto

recognition of tribal governing authority by the state. This should be no problem, says Berger, who points out that the state already provides limited funding to tribal councils in 55 unincorporated villages.

Berger told the delegates and observers at the weeklong ICC meeting that Native sovereignty is an American idea, developed by Chief Justice John Marshall in the 1800s. The idea was reaffirmed by the Warren and Burger courts in this century, said Berger, and has been adopted as a legal basis for asserting the rights of Native peoples in many countries around the world.

Subsistence

Berger's third major recommendation concerns Native access to fish and wildlife. Berger's report calls for tribal jurisdiction over Native subsistence on Native lands, for guaranteed Native access to fish and wildlife resources

on public lands (already guaranteed by the Alaska National Interest Lands Conservation Act of 1980 on federal lands, and by a recently signed subsistence measure on state lands) and for a Native share in the management responsibilities on lands used by Natives for subsistence.

The audience showed its respect by waiting patiently for Berger when illness forced him to retire briefly from the main area before returning to complete his remarks.

Dalee Sambo, special assistant to the president of ICC, told the *Tundra Times* that through his work Berger has captured the voice of village Alaska.

"It is now up to Native people to use their own voices," she said.

At the close of Berger's report to the conference, delegates unanimously passed a motion to endorse and support the recommendations made in "Village Journey."