

# Commentary

## Leaders need to acknowledge complexities created by ANCSA

by Gary Moore

When historians of the future examine federal Indian policy and legislation implementation in Alaska during the 20th century, what will their analysis conclude? Will it reflect a federal government that lived up to its trust responsibility to protect the aboriginal population of Alaska from being entirely overrun, displaced, or dictated to by mainstream western society? Certainly, the political battles raging between Alaska's congressional delegation, the State of Alaska, and tribal governments over Indian Country, lessen that possibility.

During this century, unlike destructive Indian policies of the past, the rightful adoption of policy which aimed at benefiting Native Americans provided hope for all Native tribes in Alaska. Alaska Native lands were truly the end of the road for western civilization's insatiable

push for increased occupation and accessibility to valuable natural resources.

The passage of the Alaska Native Claims Settlement Act (ANCSA) in 1971 appeared on the surface to satisfy the intent of reimbursing tribes for the indiscriminate loss of their traditional lands and altered lifestyles. Twenty-six years later that promise remains unfulfilled. The majority of Alaska's 68,000 Natives and 220+ tribal governments, who gave up all but 44 million acres and were to receive \$1 billion dollars through ANCSA for compensation purposes, received nothing. Instead, the federal government earmarked all of the land and financial assets to newly formed profit corporations.

The proposed justification for this method was that corporations, run by Native people, would protect the remaining lands for Native use and yet provide

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the means for their financial resources to prosper in America's corporate society. The potential profits derived from these corporations would then be utilized to improve the village communities from which they originated and provide financial resources to assist with local government operations. It was a worthy and commendable motive for creating sustainable Native communities. However, although many of these corporations have prospered financially in the millions, most

villages remain in 3rd world conditions today. Inadequate infrastructure, high unemployment, under-funded tribal governments, and social problems which lead the nation in many areas, are still common place in villages across the state.

The failure of the Native for-profits to fulfill ANCSA's intended destiny of creating basic self-sustaining Alaska Native economies, is not entirely the fault of Native corporate leadership. Many of our Native leaders serving in executive positions within these institutions and those

serving as board members have the best of intentions towards their people and villages.

Unfortunately, American's corporate system misleads Native for-profits to pursue a mission of generating revenue for shareholders, which does little to directly benefit villages or their local economies. The resulting effect of this inappropriate system is that many Native corporations tend to shy away from investing within their own village economies or region. Any investment of development of Native lands is, without a doubt, high risk because of remote geographics alone, not to mention numerous other obstacles which inhibit profitability.

A corporate board member from one of the villages stated the problem in this manner, "If one shareholder, who no longer resides in the village were to legally challenge a Native corporation for investing in a village or region with high risk of failure, that shareholder could theoretically sue the corporation on the grounds of mismanagement." Even the remote possibility of this occurring may be preventing most corporate entities from investing any assets in their economically depressed villages.

The aftermath of ANCSA has basically established two classes of Native people. Those fortunate enough to be employed by these corporations have largely prospered and migrated in large numbers to

the urban centers of Alaska. Those that are not employed with these companies have either remained in the village to scratch a living from traditional methods or have migrated to urban centers to search for whatever work they can find. Shareholder dividends, from even the richest of corporations, are hardly sufficient to sustain a family for any period of time.

The political chaos and confusion of Alaska Native government systems today are also a direct result of ANCSA. The creation and empowerment of the for-profit corporations have severely limited the ability of authentic tribal governments to maintain the government-to-government relationship with Congress, who oversees Indian Trust responsibilities. With the tribe's ability to govern weakened, the for-profits inappropriately took it upon themselves to act as Alaska Natives governing authority, defining, prioritizing, and advocating Indian public policy.

They have accomplished this by their controlling the majority of available votes within the Alaska Federation of Natives (AFN) membership. AFN is most often looked to by our congressional delegation and other institutions of the federal and state governments on issues affecting Natives across the state. A corporate controlled entity, such as AFN, should not be acting in any governing capacity any more than the individual village and regional for-profits.

What is so baffling about this scenario is that Congress is well aware of the destructive potential of permitting or condoning profit corporations to serve as a governing authority. The danger is in the possibility that the good of the people will be overshadowed by the corporations in the name of increased profit. AFN's decision two years ago to support development of the Alaska National Wildlife Refuge (ANWR), despite the overwhelming objections by tribal governments, is a prime example and outcome of this problem.

The complexities created by ANCSA are enormous, but the first step towards seeking solutions to government and economic dilemmas caused by this legislation, is for us to first understand them. Just as important though, is the acknowledgment by leadership that these problems even exist. Only by these means can progress begin towards improving the lives of villagers and in the revitalization of their inherited governments.