



BERING STRAITS AGLUKTUK

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BERING STRAITS NATIVE CORPORATION

AFN Special 1991 Convention

Getting down to business

As the 891 delegates at the AFN Special 1991 Convention quickly discovered, it is not easy to amend an Act of Congress. The delegates, representing 200 Alaskan villages, 12 regional and 11 non-profit corporations met from March 26-28 at the Anchorage Sheraton Hotel to formally act on eight draft resolutions to the Alaska Native Claims Settlement Act (ANCSA).

On the first day of the convention no action was taken on any of the resolutions. Some delegates used the opportunity to vent their frustrations about the deficiencies of ANCSA. Others such as Sheldon Katchatag, chairman of the United Tribes of Alaska voiced the concern that the villages had not yet had enough input in the resolutions and had little understanding of them. Katchatag introduced a motion to take no action on the resolutions until reports from the Governor's Task Force on State, Federal and Tribal Relations, the 1985 Study and the Alaska Native Review Commission are released later this summer. The motion was soundly defeated 733-85 because it was decided that if it had passed, the Special Convention would have adjourned and all the effort and expense of attending the convention would have been wasted.

However, the concerns of Katchatag and others were dealt with by the passage of the first resolution on Wednesday. In addition to insuring that a majority of a corporation's shareholders must approve any options that result from the 1991 resolutions, Resolution 84-01 provides that "the approved resolutions of the AFN March Convention and any draft legislation be taken back to villages and other shareholders for review, consultation and direction before submitting same to Congress." The resolution also provides for dissenters' rights if the corporation wishes to grant them.

Caucuses among the regional delegations were held to explain the resolutions and the many proposed amendments to them. This allowed everyone to completely understand what they were voting on.

The remaining seven resolutions were not approved until Thursday, the final day of the Special Convention. An audio conference from Washington, D.C. with Senator Ted Stevens, Congressman Don Young and Senator Frank Murkowski helped to put the three days of work and debate into perspective. The eight 1991 resolutions will be drafted into proposed amendments to ANCSA. Senator Stevens cautioned that "a consensus is essential. You must reach agreement in such a way that you show an understanding of the process we face."

The process Stevens is referring to is that of gaining the final approval of the amendments by the U.S. Congress. As Don Young pointed out, "There are only 110 members on the House side that dealt with the Claims Act in 71. The rest of the 300 members are unaware. Other Congressmen say to me, 'You have all that oil money, why do you need to change the Act? It is necessary to re-educate Congress. It is very possible that Congress will change these amendments because of pressure from special interest groups.'"

With this advice in mind, the delegates moved ahead and approved, with much debate and many amendments, the remaining seven 1991 resolutions.

Briefly, the resolutions give native corporations the option to:

- Ban transfer of stock to non-Natives
- Prevent the sale of stock after 1991
- Issue stock to those Natives born after 1971
- Issue special stock to elders
- Extend ANILCA Land Bank protection to corporate land



KEEPING TABS AT THE AFN SPECIAL CONVENTION—AFN staffer Julie Kitka tallies up the delegate vote on a 1991 resolution as Chairman Charlie Johnson and Parliamentarian John Hope wait for the results.

- Transfer land to another entity composed only of Natives and their descendants such as a co-op, IRA or traditional council
- Tax exemption for all Native lands

According to AFN Chairman Charles Johnson, the eight resolutions were drafted into legislation during April, sent for review and comment to the 200 villages in early May and will be submitted to Congress by June 24th. Congressional hearings are planned to be held in Alaska this fall.

On the final day of the AFN Special Convention, Governor Bill

Sheffield addressed the delegates. He assured them of his "administration's commitment to helping you achieve your goals." He advised them that their work is changing ANCSA has just begun, "You will compete for attention with other national issues and tell the House and Senate how ANCSA can become a more useful tool for Alaska's Native people. As we all know, the really hard work started the day after the settlement act went through (Congress in 1971). That hard work has continued for 15 years, and it will go beyond 1991."

Understanding the AFN 1991 resolutions

The following 8 resolutions are concepts in resolution form that were adopted at the AFN Special 1991 Convention in late March. These "concepts" are proposed changes to the Alaska Native Land Claims Settlement Act (ANCSA). In order to legally make these changes the United States Congress must approve them. In order for Congress to look at these changes they must be in the form of draft legislation.

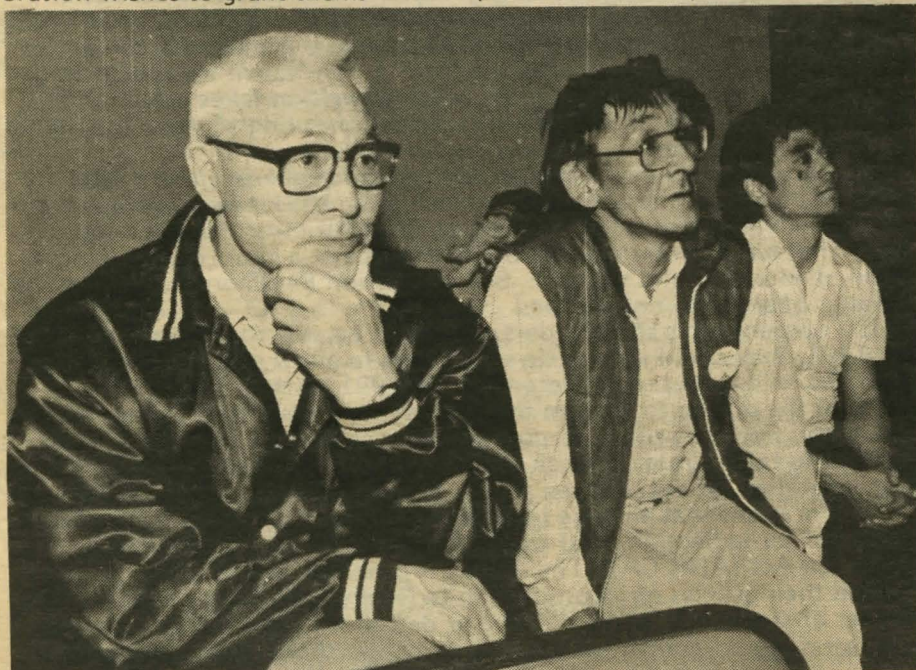
In the case of these eight 1991 resolutions, the draft legislation will read something like "Amend Section 1602(g) by adding after the word 'chapter' and before the semicolon the following. . . ." In other words, the proposed legislation will rewrite certain parts of the Alaska Native Claims Settlement Act. By way of information, the section numbers used in the draft legislation do not always match the section numbers of ANCSA because Congress uses the U.S. Code rather than ANCSA in its numbering system.

The draft legislation based on the concepts in these 8 resolutions was written by AFN during April and was sent to all the villages and regional corporations at the beginning of May.

Every shareholder has a right to make their comments on this draft legislation. Contact your village or regional corporation for a copy of the 1991 legislation. If you wish to make a comment, your remarks are due back to AFN by June 12th. AFN then has until June 24th to review the comments. It is on this day when AFN must give the completed legislation to Congress. It takes five weeks for the legislation to be printed.

The present plan calls for Congressional hearings to be held in Alaska in August. However, AFN President Janie Leask has said that they are trying to delay the hearings until September or October.

It is hoped that the eight 1991 resolutions and their explanations printed here will help you to understand the proposed changes to ANCSA. You can send your written comments on these resolutions or the draft legislation directly to: Alaska Federation of Natives, 411 West 4th Avenue, Suite 301, Anchorage, Alaska 99501.



THE THINKERS—Fred Katchatag of Unalakleet; Phillip Ahkinga of Little Diomedea; and Jerry Ivanoff of Unalakleet thoughtfully listen to an explanation of a 1991 resolution. During the AFN Convention, the regions frequently split up into groups to discuss the resolutions.

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Remember that AFN is providing options through the draft legislation. When the legislation becomes law, the shareholders will have the final say on what options their corporations will follow.

ALASKA FEDERATION OF NATIVES, INC. 1991 RESOLUTION 84-01

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 other Natives; and

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

WHEREAS, existing law gives shareholders the right, in certain cases, to object to major corporate decisions and insist that the corporation buy their stock at the "appraised value"; and

WHEREAS, exercise of the dissenters' right of appraisal could, in certain cases, prevent the majority of the shareholders from determining how to structure their corporation; and

WHEREAS, the right of appraisal may be regarded by some corporations and shareholders as an individual right that should be preserved without unnecessarily preventing self-determination by the majority of shareholders; and

WHEREAS, some corporations may feel that inclusion of the value of the lands in the appraisal value would be inconsistent with traditional Native views on land ownership and would make the appraisal process excessively complicated;

NOW THEREFORE BE IT RESOLVED that the Alaska Federation of Natives in convention assembled endorses the concept that whenever a corporation is given an option with regard to a concept, that option shall be exercised by a vote of the corporation's shareholders.

BE IT FURTHER RESOLVED that the minimum shareholder vote required to exercise an option shall not be less than a majority of 51% of the voting stock. Each corporation shall decide whether to allow dissenters' rights if a corporation exercises an option. Each corporation shall also decide, if it chooses to permit the exercise of dissenters' rights, whether the valuation of the stock will or will not include as an element of the valuation of the corporation's land, surface, subsurface, and timber properties of that corporation, where such assets are committed to traditional or cultural uses or where such assets are of only speculative or unknown value at the time of appraisal.

BE IT FURTHER RESOLVED that the approved resolutions of the AFN March Convention and any draft legislation be taken back to villages and other shareholders for review, consultation, and direction before submitting same to Congress.

IT IS FURTHER RESOLVED that AFN shall on an ongoing basis provide for involvement and direction from villages.

IT IS FURTHER RESOLVED that the AFN shall submit the proposed legislation adopted by the Congress to the villages and regions for approval prior to final approval by the President.

EXPLANATION OF RESOLUTION 84-01

voting minimum, dissenters' rights, village input

Resolution 84-01 relates to all the rest of the resolutions. This resolution in the "Now therefore be it resolved" section states that when a corporation is given an option that is covered in any of the eight 1991 resolutions, "that option shall be exercised by the vote of the shareholders." For example, the decision to include new Natives in Resolution 84-04 must be decided by a vote of the shareholders. In other words, the decision could not be made by a corporation's board of directors. It must be made by the shareholders.

In addition, Resolution 84-01 states that a majority of at least 51% of the voting stock voted, then an option could pass if a majority of the 51% of its shareholders voted yes. Shareholders could also vote to require more than 51% of its shareholders to vote. Under Alaska corporate law a 2/3 majority of shareholders is required to vote on major decisions. This resolution would take the place of Alaska corporate law.

The "dissenters' rights" clause allows each corporation to decide whether to allow dissenters' rights if this option is selected. "Dissenters' rights" refer to a legal requirement under Alaska's corporate laws. In certain situations, such as a merger or a major transfer of assets, a shareholder can demand that the corporation buy his stock if he opposes the corporation's action. This resolution, if enacted into law, would leave the issue of "dissenters' rights" up to a vote of the shareholders.

The shareholders may vote to authorize the corporation to purchase the stock of dissenters. If they do, the value of the stock can be figured out by including or not including the value of the surface, subsurface and timber properties if these resources are committed to traditional or cultural



MAKING HISTORY--Delegates from the Bering Straits region discuss the future. Pictured in the front row are Gordon Iya, Vernon Waghiyi Sr., and Johnson Eningwuk.

ural uses. If these same resources are of unknown value or if only a speculative value could be placed on them, they could also be excluded. Presently, a corporation would have to value all of its assets in order to determine the value of stock of a dissenting shareholder. In some cases it is almost impossible to appraise the value of tundra or forested land use for subsistence especially when subsistence has no dollar value.

The final part of this resolution deals with the approval process of the 8 resolutions and draft legislation. The 8 resolutions approved at the March Convention and any draft legislation must be taken back to the villages and shareholders for review, consultation and direction before they are given to Congress. This could be handled in a number of ways - through village 1991 committees, special 1991 shareholder meetings, shareholder surveys, regional delegate meetings or traditional government involvement. Your village leaders attended the AFN Special 1991 Convention in March. They should be able to answer your questions on these resolutions.

In an effort to receive direction from the villages, AFN will continue working with the Village Steering Committee composed of one village delegate from each region. When Congress passes the final 1991 legislation, AFN will send it back to the villages for their final approval.

1991 RESOLUTION 84-02

WHEREAS, the existing provisions of ANCSA require that Native corporations issue new stock in 1991 without the absolute prohibition on alienation 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 their future with respect to the settlement.

NOW THEREFORE BE IT RESOLVED, by the Alaska Federation of Natives in convention assembled that the convention endorses the concept that ANCSA should be amended to eliminate the provision for allowing stock alienation after 1991, but that each corporation by a vote of the shareholders has the option to permit alienation of stock under the current ANCSA provision.

BE IT FURTHER RESOLVED, that this option may be exercised once prior to December 18, 1991 and thereafter as prescribed by each corporation's by-laws.

EXPLANATION OF RESOLUTION 84-02

eliminates the 1991 date

Given the way ANCSA presently reads, shareholders cannot sell, pledge, lose or give away their corporation stock for a period of 20 years. Those 20 years will end in 1991. At that time, a shareholder can sell his stock in his corporation to anyone from a non-Native individual to a large oil company. In other words, stock alienation takes place in 1991. Stock alienation literally means the transfer or selling of stock to another person or institution.

Resolution 84-01 eliminates or removes stock alienation in 1991. By keeping the present restrictions on stock after 1991, the corporation will remain in Native ownership. However, this restriction does not apply to stock that has been transferred by inheritance or a court decree of separation, divorce or child support. See Resolution 84-05 on prohibiting the transfer of stock to non-Natives.

If a corporation's shareholders wanted to be able to sell their stock after 1991, they could vote to do so. A vote to allow stock alienation could be held once before December 18, 1991. After 1991, a corporation has the option to vote on the issue of stock alienation whenever it wants to. For example, a corporation may change its articles of incorporation to take a vote on stock alienation every 25 years. In this way every generation would be given a chance to make their own decision.

Corporations that alienate their stock can use other stock restrictions provided for in Section 1401 of the Alaska National Interests Lands Conservation Act (ANILCA). The ANILCA provision allows corporations to amend their articles of incorporation to legally deny voting rights to any holder of stock who is not a Native or descendent of a Native. Another provision would grant the corporation or the shareholder's immediate family the first right to purchase a shareholders stock prior to the sale or transfer of such stock.

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1991 RESOLUTION
84-03

WHEREAS, many ANCSA corporations may choose to extend stock inalienability after 1991 or to otherwise restrict stock; and
WHEREAS, some corporations may wish to provide for shareholders who do not wish to own restricted stock by purchasing their shares before 1991 or during any subsequent period of stock inalienability.

NOW THEREFORE BE IT RESOLVED, that the Alaska Federation of Natives in convention assembled endorses the concept that ANCSA should be amended to allow corporations to purchase their own shares before 1991 and during any subsequent period of stock inalienability.

EXPLANATION OF RESOLUTION 84-03

permits corporation to purchase own stock

This resolution is related to Resolution 84-02. Resolution 84-03 only affects a corporation that decides to keep its stock restricted.

If the shareholders of a corporation vote to alienate (or unrestrict) its stock, the corporation can buy the stock. If the shareholders vote to keep restricted stock, the shareholders who voted against the restricted status would have a chance to have their shares bought by the corporation. (These shareholders are called dissenters.)

This option may lessen the chance of a dissenter taking a corporation to court because of the shareholders' action of voting to keep the restricted stock. Resolution 84-03 would allow the corporation to buy non-Native stock. Another advantage would be that Elders could sell some of their stock and receive financial benefits that might not otherwise be available.

Who would vote the shares purchased by the corporation? The purchased stock would be dissolved. Therefore, there would not be any way to vote the stock. As a result, the value of the rest of the shares in the corporation would increase in value.

1991 RESOLUTION
84-04

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

WHEREAS, Congress in passing ANCSA picked an arbitrary single date of 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 or omitted in the original enrollment from the settlement; and

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

WHEREAS, corporations may desire to issue special forms of stock to Native Elders; 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 concept that ANCSA should be amended to give each corporation the option of offering additional stock to Natives, leaving the price, if any, up to the corporation and eliminating any liability for issuing stock at low or no cost.

EXPLANATION OF RESOLUTION 84-04

gives stock to New Natives and Elders

Resolution 84-04 was developed to give corporations two options in issuing new or special stock. With approval of the shareholders, a corporation could issue special stock to Elders as well as to Natives who were born after December 18, 1971. This resolution would permit shareholders to allow individual Natives to automatically receive shares in a corporation when they are born. The stock might be voting stock that could be voted by a guardian or stay as non-voting stock until the individual turns a certain age.

Each corporation will have to decide whether it wants to offer such stock and, if so, at what price. For example, one corporation might give free shares of stock to every Native born after 1971. Another corporation, worried about reducing the value of the present stock, could vote to charge fair market value to new Natives. The shareholders would have to decide whether to allow dissenters' rights under this option.

This resolution would also allow corporations to offer stock to Natives who were alive in 1971 but did not receive corporate stock for one reason or another.

There is another provision that permits a corporation to issue special stock to Native Elders. In this way additional benefits could be given. For example, preferred stock issued to Elders could give them guaranteed dividends.

In order to protect corporations from any legal liability, the present 7 (i) revenue formula where corporations share 70% of revenues from timber resources and subsurface estate would not be affected if a corporation issues new stock. The formula would remain the same regardless of changes in the total number of shareholders.

1991 RESOLUTION
84-05

WHEREAS, ANCSA currently permits dilution of Native ownership of ANCSA corporations through inheritance of shares by non-Natives; and

WHEREAS, this provision may be inconsistent with the decisions of some corporations on future transfer of stock to non-Natives.

NOW THEREFORE BE IT RESOLVED, that the Alaska Federation of Natives in convention assembled endorses the concept that ANCSA should be amended to prohibit transfer of stock by any means to non-Natives who are not descendants of Natives, during any period in which a corporations stock is subject to inalienability restrictions.

EXPLANATION OF RESOLUTION 84-05

prevents stock transfer to non-Natives

Resolution 84-05 would allow a corporation to stop the transfer of stock to non-Natives as long as the stock is restricted. Presently, shareholders cannot sell or transfer their stock, however, stock can be trans-

ferred to non-Natives through inheritance and court decrees of separation, divorce or child support. If ANCSA is not amended, stock can be taken by a court of law to pay debts of any kind after 1991.

This resolution would authorize the corporation to prohibit the transfer of stock by any means when the stock is restricted. Stock could not be transferred to a non-Native by inheritance, gift, divorce, child support or court order for payments. However, if an individual was a descendent of a Native, they could inherit stock or receive it as part of a divorce settlement. For example, if Joe Alapaa is 3/16 Native and did not receive stock under ANCSA, he would still be able to inherit stock.

Resolution 84-05 also makes sure that stock transferred through inheritance from a non-Native who now owns stock would only go to a Native or a descendent of a Native.

1991 RESOLUTION
84-06

WHEREAS, descendants of Native shareholders in many cases may have less than one-fourth Native blood and therefore not be a "Native" as defined in ANCSA; and

WHEREAS, those individuals may still be regarded as Natives by many ANCSA corporations and should be able to vote any shares they have acquired; and

WHEREAS, ANCSA presently allows corporations to restrict voting rights only to Natives as defined in ANCSA.

NOW THEREFORE BE IT RESOLVED, that the Alaska Federation of Natives in convention assembled endorses the concept that ANCSA should be amended to give each corporation the option of granting voting rights to shareholders who are descendants of Natives.

EXPLANATION OF RESOLUTION 84-06

grants voting rights to Native descendants

This resolution is related to Resolution 84-05. Resolution 84-05 allows corporations to transfer stock to descendants of Natives but does not give them voting rights. Resolution 84-06 would authorize a corporation to transfer stock that has voting rights to Native descendants.

Voting stock would give Native descendants the right to participate in corporate affairs by allowing them to vote on who was elected to the board of directors and on changes to the bylaws and articles of incorporation. This concept would encourage the participation of Native descendants who received stock through inheritance or as part of a divorce settlement.

1991 RESOLUTION
84-07

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 established 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.

WHEREAS, ANCSA presently allows Alaska Native corporation lands to be subject to taxation by the State of Alaska, an organized borough, and future municipal governments after December 18, 1991; and

WHEREAS, the direct relationship of Alaska Natives to their land is the subsistence uses by the distinct and unique people from time immemorial and will continue to exist.

NOW THEREFORE BE IT RESOLVED, that the Alaska Federation of Natives in convention assembled endorses the concept that all land held by ANCSA corporations will automatically be granted Land Bank protections. Land can be transferred to a Native organization through a shareholder vote without dissenters' rights to stock repurchase by the corporation and with ANILCA Land Bank protections.

BE IT FURTHER RESOLVED that the Alaska Federation of Natives in its convention assembled endorses the concept that all lands held by ANCSA corporations, groups, or Native individuals, and all income earned or dividends distributed from income earned on such lands shall be deemed non-taxable from State, Federal, and local taxes in perpetuity which is fundamental to our heritage and the continuation of Alaska Native culture and to the economic and social well-being of Alaska Native people.

EXPLANATION OF RESOLUTION 84-07

landbank, taxes

This resolution supports the concept that all ANCSA land be automatically given the following types of land protection: (1) The land can not be lost to trespassers through adverse possession (also known as squatters rights). (2) The land can not be taxed by the state or federal government (3) The land can not be sold to pay off bad debts.

In addition, the resolution states that corporations would be allowed to transfer their land to another Native organization (discussed in Resolution 84-08) without losing the land protection. As is the case with the other options, "dissenters' rights" would be decided by a vote of the shareholders.

The last part of the resolution deals with taxation. Basically, the "Be it further resolved" expresses the strong feelings that Native shareholders have about their land. This concept supports the idea that all Native land would be tax exempt forever. In addition, the income earned on these lands would be non-taxable.

1991 RESOLUTIONS
84-08

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

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

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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 concept that ANCSA should be amended to authorize the transfer of corporate assets to another entity, without stock, that can make distributions (excluding land) to individual members. All existing shareholders would be given a lifetime, non-transferable membership. No dissenters' rights to stock repurchase by the corporation would be permitted on the conversion.

BE IT FURTHER RESOLVED that no provision of ANCSA or its amendments shall be construed as diminishing or in any way affecting the scope of any governmental powers of Alaska Native tribal governments or any other rights of Alaska Natives as Native Americans in their relationship with the Federal Government.

BE IT FINALLY RESOLVED that AFN submits Resolution 35 to villages for their consideration and review.

EXPLANATION OF RESOLUTION 84-08

transfer of land to another entity/tribal government powers

This resolution would allow Native corporations to transfer part or all of their assets such as land and buildings to another entity which has members but no stock. The new entity would eventually be made up only of Natives and their descendants. To reduce the risk of a successful legal challenge, non-Native shareholders would be given lifetime, non-transferable membership in the new entity. Each membership would expire when the member dies, and only Natives would become members in the future. This new entity could be an IRA or traditional council, non-profit corporation, co-op, land trust organization, conservation trusteeship or some other organization.

Cash distributions could be made to the membership. However, land could not be distributed. Subdivided land would have to be kept in restricted status and not transferred in fee simple title. By not giving away land, the future generations will be guaranteed to have land for their own use.

ALASKA FEDERATION OF NATIVES, INC.

Resolution 35
(Refers to Resolution 84-08)

WHEREAS, the Alaska Native Claims Settlement Act and all of its amendments were conceived as Federal Indian legislation for the purposes of settling claims against the government in a manner in which to meet the unique social, cultural and economic needs of Alaska Natives; and

WHEREAS, the interests of Alaska Natives as a whole transcend the individual rights conferred by ANCSA; and

WHEREAS, the land, while vested in the village, urban and regional corporations by ANCSA must be protected for Native values and maintained in Native ownership for the long term; and whereas, we have an obligation to our forefathers to protect the future of our children as Native people and thus our children cannot and should not be excluded from participating in ANCSA on the same basis as original enrollees; and

WHEREAS, those provisions of ANCSA which violate the spirit of Native survival as an ethnically, culturally identifiable people should be removed from ANCSA or any of its amendments; and

WHEREAS, the inherent governmental powers and immunities of Alaska Native communities have existed since time immemorial and continue to exist today in the form of governments organized either under or outside the Indian Reorganization Act of 1934 as amended, 25 U.S.C. 461 et seq.; and

WHEREAS, the 1971 Alaska Native Claims Settlement Act (ANCSA) left undisturbed the existing governmental structures and powers of Alaska Native tribes, usually referred to as "villages"; and

WHEREAS, Congress has expressed a firm policy of protecting and strengthening Native self-determination through the preservation and strengthening of tribal governmental institutions under the 1975 Indian Self-Determination and Educational Assistance Act; the 1934 Indian Reorganization Act, as amended, and elsewhere; and

WHEREAS, the objectives of this self-determination policy are fully consistent with the objectives of ANCSA to resolve claims based on aboriginal title without affecting the inherent right of self-government of Alaska Native villages; and

WHEREAS, ANCSA currently deprives the Native corporate and individual beneficiaries of the full benefit of the settlement by allowing for the taxation of income earned and of the dividends distributed from corporate investments and the development of such lands; and

WHEREAS, provisions in ANCSA and ANILCA fail to provide sufficient protections for the continuation of Native subsistence hunting and fishing in rural Alaska and

WHEREAS, Alaska Natives should have the option to determine whether or not village lands including townsite lands should be reconveyed to tribes rather than state-chartered municipalities; and

WHEREAS, the State of Alaska has construed its constitution so as to preclude the State from dealing with Alaska tribes on a government-to-government basis.

NOW THEREFORE BE IT RESOLVED by the Alaska Federation of Natives in Convention assembled, that the Convention endorse the concept that ANCSA should be amended to provide that as a threshold matter ANCSA and any amendments thereto are and shall continue to be Indian legislation.

BE IT FURTHER RESOLVED that Alaska Natives, acting through their village corporations, traditional tribal councils or their Indian Reorganization Act Council's shall have the option to adopt any of the following provisions.

1. No provision of ANCSA should be construed as enlarging, diminishing or in any way affecting the scope of any governmental powers of Alaska Native tribal governments.

2. All inherent governmental powers, and all provisions of the 1934 Indian

Reorganization Act, as amended, which as of the date of passage of ANCSA, applied to Alaska Native tribes (including groups of Indians, Eskimos or Aleuts); shall continue in full force and effect thereafter notwithstanding Section 704(a) of the Act of October 21, 1976 (which repealed Secretarial Authority to proclaim new reservations).

3. No provision of ANCSA shall be construed as abridging in any way the governmental powers of Alaska Native tribes either over their members or over any areas of "Indian Country" (as defined in 18 U.S.C. 1151) within their respective jurisdictions.

4. No provision of ANCSA or any other law shall be construed as in any way impairing the authority of the Secretary of the Interior, at the request of a Native tribe, community or individual, pursuant to Section 5 of the Indian Reorganization Act of 1934, 25 U.S.C. 465, as amended, to acquire any interest in lands in Alaska in the name of the United States in trust for the benefit of the Native tribe, community or individual for which the land is acquired.

5. In addition to any other provision for the protection of Native lands, Alaska Native tribes shall have the option of retaining land in complete tribal governmental ownership and control, to be held in trust for the benefit of tribal members, subject to such protections as the tribe deems appropriate, including tax exemption and freedom from execution for payment of debts.

6. All land conveyed to a village or urban corporation, group or Native individual pursuant to the Alaska Native Claims Settlement Act shall be exempt from all forms of state or local taxation, from condemnation by state or local authorities, from any claims of adverse possession or other claims based upon the passage of time, and from any form of judgement execution.

7. All income earned, or dividends distributed from the income earned, either from the development of lands conveyed to a village or urban corporation, group or Native individual pursuant to ANCSA, or from the investment of funds paid under ANCSA, shall be exempt from all forms of state or local taxation and all forms of judgement execution.

8. All dividends distributed by an ANCSA corporation to a Native shareholder, and all other forms of ANCSA or benefits received by a Native under ANCSA, shall be disregarded in determining the eligibility of that shareholder or the shareholder's household for assistance under the Food Stamp Program, the Social Security Act, or any other state, federal or federally-assisted program.

9. Alaska Native tribes shall retain complete jurisdiction to regulate hunting and fishing by all persons within those areas traditionally used by tribal members for subsistence hunting and fishing. The State of Alaska shall only have a jurisdiction over rural Native subsistence hunting and fishing in so far as necessary to conserve species of fish and wildlife.

10. The Secretary of Interior shall be directed to undertake a comprehensive audit to determine the extent to which funds distributed from the Alaska Native Fund were expended by ANCSA corporations in the form of costs of litigation relating to the implementation of ANCSA and start-up costs, including the costs of organizing ANCSA corporations and implementing the provisions of ANCSA. Congress shall thereafter appropriate funds, together with interest, sufficient to reimburse such corporations for such costs.

11. Lands subject to reconveyance under ANCSA 14(c)(3) shall be available for reconveyance to Alaska Native tribal entities. Townsite trustee lands shall also be reconveyed to the appropriate Alaska Native tribal entity.

12. Notwithstanding any provision of the State of Alaska's constitution or laws, the State of Alaska may negotiate and enter into intergovernmental compacts with Alaskan tribes for any lawful purpose, and may enact legislation specially directed to Alaskan tribes and their members.

This resolution is a combination of resolutions submitted by the Alaska Native Brotherhood and the United Tribes of Alaska.

EXPLANATION OF RESOLUTION 35

refers to Resolution 84-08

Unlike the eight 1991 resolutions, this resolution will NOT be drafted into legislation for Congress. The reason behind Resolution 35 is to make sure that no part of ANCSA is ever interpreted in such a way as to weaken the powers of tribal government. As stated in resolution 84-08, resolution 35 is to be given to the villages for "their consideration and review."



HERE'S A LITTLE TUNE MY MOTHER TAUGHT ME—On a serious "note", BSNC 1st Vice President Henry Ivanoff really is addressing the delegates at the AFN Special 1991 Convention.

1991 resolutions 1991 resolutions 1991 resolutions 1991 resolutions 1991 resolutions 1991