

## 6. Alaska Native Government and Organizations

### 6.1 Tribe

A community constitutes a sovereign tribe if it can show that it is either recognized as a tribe by the federal government or that it satisfies the traditional common law definition of a tribe. The common law definition requires a body of Indians to be of same or similar race, united in a community under one leadership or government, and inhabiting a particular, although at times, ill-defined territory. Additionally, sovereignty flows from the self-governance of tribes before contact with the Europeans. Therefore, contemporary tribes may have to show that they are the modern-day successors to a historically sovereign entity. Established Indian tribes retain sovereign authority over both members and territory. Tribes in Alaska retain sovereign authority over their members, since the land issue was mitigated with passage of the Alaska Native Claims Settlement Act.

### 6.2 Federally Recognized Tribe

A legal term meaning the United States government recognizes a government-to-government relationship with a tribe and that a tribe exists politically in a “domestic dependent nation status.” A federally recognized tribe is one that was in existence, or evolved as a successor to a tribe, at the time of original contact with non-Indians.

### 6.3 Tribal Governments

The federal government recognizes two types of tribal government in Alaska – traditional councils and councils organized under the authority of the Indian Reorganization Act of 1934 (amended for Alaska in 1936). Traditional governments are those organized according to the customs and traditions of the Indian community, but without a federal or state government approved constitution. Traditional governments still exist in many areas of Alaska. Size and population of the tribe do not matter. It is the choice of the people how they choose to be recognized. For example, the Navajo Nation (population approximately 170,000) did not choose to be organized under the authority of the Indian Reorganization Act (IRA), but as a traditional government. The 1934 IRA originally permitted a tribe or several tribes residing on the same reservation to organize by adopting a constitution and bylaws. Because there were few reservations in Alaska, the IRA was amended in 1936 to permit Alaska Natives to organize on the basis of commonality (common bond of occupation, association, or residence). Alaska may be the only state in which there are regional tribes recognized by the federal government. Regional tribes are multiple tribes not restricted to a single village location: Central Council of the Tlingit and Haida Indian Tribes of Alaska (southeast) the Inupiat Community of the Arctic Slope, and the communities of St. Paul and St. George known as the Pribilof Islands Aleut Communities.

### 6.4 ANCSA Corporations

Under the terms of ANCSA, 13 regional corporations were created. One of these corporations, the 13<sup>th</sup>, was created to include Alaska Natives not living in Alaska at the time of the passage of ANCSA in 1971. Alaska Natives who were approved for enrollment in the corporations became shareholders, receiving 100 shares of stock in these for-profit corporations. Lands conveyed to

Alaska Natives as part of the settlement were conveyed to these regional and village state-chartered business corporations for them to administer. The corporations were intended to be profit corporations for the purposes of development and payment of dividends to their shareholders. Regional corporations own the subsurface rights to the lands selected for the village corporations under ANCSA, along with any surface and subsurface rights to the lands selected for the regional corporations. As always, there are exceptions and it is difficult to make a blanket statement about land status.

## **6.5 Village Corporations**

Approximately 200 for-profit village corporations were created under the authority of ANCSA. Amendments in 1976 authorized the village corporations within a region to merge with each other, or with their regional corporations, and some took advantage of this provision to consolidate operations. Village corporations own the surface title to their lands, but the subsurface rights are held by the regional corporation.

## **6.6 Regional Non-Profit Associations**

There are regional non-profit organizations in each of the 12 regions, corresponding to the boundaries established under ANCSA. Many of these non-profit corporations were the advocacy organizations that pursued the settlement of the Alaska Native land rights and later served as the ANCSA-designated incorporators of the newly-organized regional profit corporations. As the self-determination policies were implemented in Alaska, regional Alaska Native non-profit organizations became service delivery agencies for federal programs in Alaska. The governing bodies of these organizations are made up of tribal representatives from each tribe in the region who usually meet yearly in convention. Official functions are overseen by an Executive Board/Council/Committee.

## **6.7 State-Chartered Government**

### **Borough**

Boroughs are units of government formed for the purpose of providing services to people residing in a large geographic area or region. They resemble counties in other states. Currently, there are 16 boroughs in Alaska. The remaining area is considered a single unorganized borough.

First and second class boroughs must perform three area-wide powers: education, planning/platting/zoning, and tax assessment/collection.

### **Municipal Government**

There are two types of general law cities provided for by the Alaska Constitution: first class and second class. General law cities can do only what the law says they can do. A city has only those powers given to it by the state. These include general governmental powers (financial, administrative, and legal), powers to provide public facilities and services, and regulatory powers. These powers can allow a city to provide a wide range of community services and facilities. In practice, populations and fiscal constraints serve to limit the number of services provided by many cities.

There are provisions for first class and second class cities. A community must have a minimum population of 400 in order to incorporate as a first class city. The mayor of a first class city is elected by the voters and is not a member of the council. The mayor of a first class city may vote only in cases of a tie or a veto action of the council. If a first class city is located in the unorganized borough, it must also provide education, planning, and zoning services for its residents.

Second class cities are the most common form of municipal government found in Alaska. Communities with less than 400 residents can petition the state to incorporate as a second class city in order to provide services and facilities to their residents. Larger communities such as Bethel and Kotzebue have chosen to incorporate as second-class cities.

## **6.8 Statewide Organizations**

### **Alaska Federation of Natives**

In October 1966, representatives of 17 Alaska Native organizations gathered for a three-day conference primarily to address Alaska Native aboriginal land claims. During this historic conference, Alaska Natives formed the first statewide organization to present a unified position on Native land use and occupancy in Alaska. The delegates, who also addressed many other issues important to them on a local, regional, and statewide bases, chose to name the new organization the Alaska Federation of Natives (AFN). Between 1966 and 1971, the AFN worked to attain passage of ANCSA. As Alaska Natives began the process of implementing ANCSA, the AFN offered technical assistance and managed a number of statewide human service programs. As the regional associations grew, the human service programs were transferred to these associations. Today a primary function of AFN continues to be the representation of Alaska Native concerns before the U.S. Congress, the Alaska State Legislature, and federal and state agencies. The AFN is an advocate for Alaska Natives on issues ranging from the implementation of ANCSA to subsistence protection; from tribal rights to the delivery of health and social services; from education to preserving cultural practices.

### **Alaska Inter-Tribal Council**

The Alaska Inter-Tribal Council (AITC) is a statewide, tribally-governed, nonprofit organization that advocates on behalf of tribal governments throughout the state. The AITC promotes indigenous self-determination by providing technical assistance to tribal governments, facilitating inter-governmental and inter-agency communication and collaboration, offering public education regarding Alaska Native cultures and tribal governments, and advocating on behalf of tribal initiatives and self-governance.

### **Rural Alaska Community Action Program**

The Rural Alaska Community Action Program (RurAL CAP) provides services in rural Alaska to communities which are predominantly Alaska Native. One of about a thousand national “community action” agencies, it is a private, non-profit corporation whose goal is to promote maximum participation by village residents in overcoming all forms of poverty. The RurAL CAP operates such program as Alcohol Prevention, Housing, Energy Conservation, Child Development, Head Start, Homeward Bound, and AmeriCorps programs.

**Alaska Native Health Board**

The Alaska Native Health Board (ANHB), established in 1968, is recognized as the statewide voice on Alaska Native health issues. The purpose of ANHB is to promote the physical, mental, social, and cultural well-being of Alaska Native people. The Board is a 22-member entity, consisting of one elected or selected representative to the Board of Directors or health committees of the each of the regional health organizations. Quarterly meetings serve as a forum for discussion of health issues affecting Alaska Natives. Issues are identified and strategies developed, providing a unified voice on health matters affecting Alaska Natives, statewide.

**First Alaskans Institute**

First Alaskans Institute is a statewide, non-profit foundation. Its mission is to help develop the capacities of Alaska Native people and communities to meet educational, economic and social challenges, while fostering positive relationships among all segments of our society. First Alaskans is a catalyst, convener and supporter of work done throughout the Native community.

**6.9 Regional for-profit and corresponding non-profit organizations**

<b>Regional ANCSA for-profit corporations</b>	<b>Regional Non-profit organizations</b>
Sealaska Corporation	Central Council of the Tlingit and Haida Indian Tribes of Alaska
Chugach Alaska Corporation	Chugachmiut, Incorporated
Ahtna, Incorporated	Copper River Native Association
Cook Inlet Region, Inc.	Cook Inlet Tribal Council
Koniag, Incorporated	Kodiak Area Native Association
The Aleut Corporation	Aleutian Pribilof Islands Association
Bristol Bay Native Corporation	Bristol Bay Native Association
Calista Corporation	Association of Village Council Presidents
Bering Straits Native Corporation	Kawarek, Incorporated
NANA Regional Corporation, Inc.	Maniilaq Association
Doyon, Limited	Tanana Chiefs Conference, Fairbanks Native Association, CATG
Arctic Slope Regional Corporation	Inupiat Community of the Arctic Slope, Arctic Slope Native Association