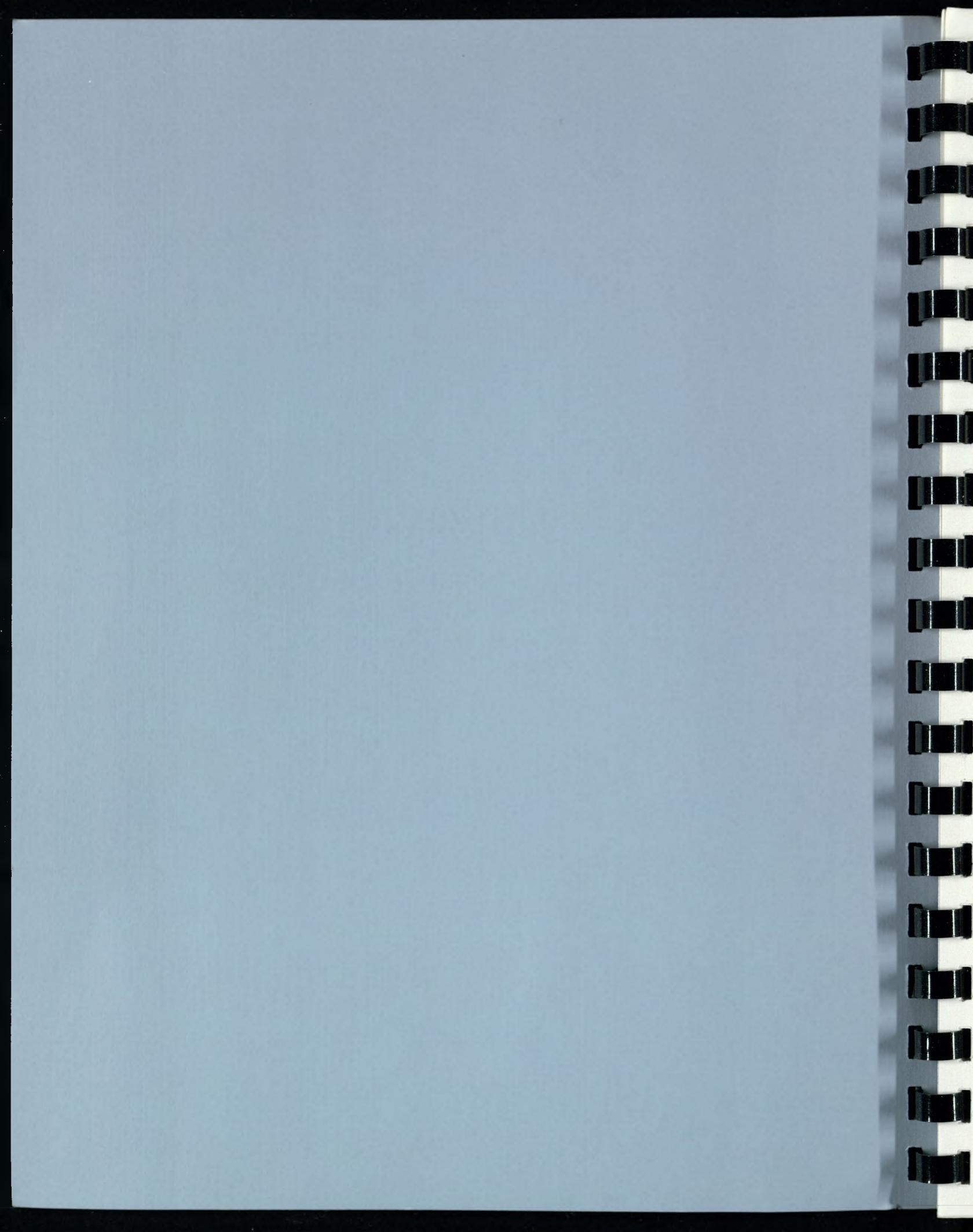


**Volume XI**  
**Pages 994-1099**  
**Transcript Of Proceedings**  
**Alaska Native Review Commission**  
**International Overview**  
**March 14, 1984**  
**Anchorage, Alaska**

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VOLUME XI  
PAGES 994 - 1099  
TRANSCRIPT OF PROCEEDINGS  
ALASKA NATIVE REVIEW COMMISSION  
INTERNATIONAL OVERVIEW  
MARCH 14, 1984  
ANCHORAGE, ALASKA

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Anchorage, March 13, 14, 15, 16, 1984  
International Overview: Week 3, Session 4

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- 15 Robert Peterson  
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- 18 Norway
- 19 Alf Isak Keskitalo  
Sami Institute, Kautokeino, Norway.
- 20 United States
- 21 To provide a continuing Alaskan and United States National presence  
22 through this international Overview, the Commission has also  
invited the following:
- 23 Don Mitchell  
24 Former Vice President and General Counsel, Alaska Federation  
of Natives (AFN) (Or substitute suggested by the AFN).
- 25



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- Dalee Sambo  
Assistant to the President, Inuit Circumpolar Conference,  
Alaska.
- Al Goozmer  
President, Native Village of Tyonek and Treasurer, United  
Tribes of Alaska (UTA). (Sheldon Katchatag, UTA Vice  
Chairman,  
will also participate).
- David Case  
Law Professor, Native Studies Program University of Alaska,  
Fairbanks (also Special Counsel to the ANRC).
- Alfred Starr  
An Athabaskan elder who was involved as an early proponent  
(decades before ANCSCA) of land settlement to preserve  
Native rights.
- Charlie Edwardson, Jr.  
Early land claims activist in Alaska and a key figure in  
the movement for congressional action on Native claims.
- Rosita Whorl  
Anthropologist and consultant to the Commission.
- Chuck Smythe  
Anthropologist and consultant to the Commission.



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(TAPE 38, SIDE A)

(MARCH 14, 1984)

1  
2 MR. BERGER: I think we'll  
3 begin now. I want to welcome all of you here today. My name  
4 is Tom Berger and I'm chairman of the Alaska Native Review  
5 Commission and we are engaged in three weeks of what we have  
6 called overview roundtable discussions. This has been an attempt  
7 over three weeks to look at the Alaska Native Claims Settlement  
8 Act of 1971 to analyze it and to consider, as well, the measures  
9 taken by native Americans in the Lower 48 regarding Native lands,  
10 ancestral lands, and self-rule, self-government. And this week,  
11 the third week, we're looking at what measures have been taken  
12 in other countries besides the United States... what measures  
13 have been taken in Canada, in Greenland, in Australia and Norway  
14 to... protect and preserve Native ancestral lands, and what  
15 measures have been taken to enable Native people, aboriginal  
16 people, to govern the things that matter most to them in their  
17 own lives. And those questions fall broadly, I suppose, under  
18 the heading of Native land and governments.

19  
20 After these overview roundtable discussions are over,  
21 the commission will be going to villages throughout Alaska to  
22 hear the views of Alaska Natives about the land claims settlement  
23 enacted by Congress for the Native people of this state back in  
24 1971. And then, next year, the commission will write a report  
25 that will assist Alaska Natives in determining what directions  
they want to take, where they want to go, and will indicate how  
far from their point of view and how well the settlement enacted  
by Congress in 1971 has worked out.

So I should, before going any farther, say that the  
overview roundtable discussions that have been taking place here  
for three weeks are sponsored not only by the commission, but  
by the Humanities Forum of Alaska, and I want to thank Chris Cook,  
who has served as chairman of the Humanities Forum of Alaska and  
the current chairman of the Humanities Forum, Ron Scollen, and as

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1 well, Gary Holthaus, the executive director. They have worked  
2 with us in bringing all of you together and we are grateful to  
3 the Humanities Forum.

4 All that we say here today is being recorded by sound  
5 and a transcript is being prepared that will be available. The  
6 transcripts from the first week are already available and we  
7 expect that they will continue to be produced on schedule, and  
8 the proceedings are, as well, being filmed in total.

9 I... I think I should just tell you, we have already  
10 put in two weeks here of discussions. I might just review the  
11 purport of those discussions for a few minutes because some of you  
12 only arrived this morning and it may be useful to you to know what  
13 we've been talking about here.

14 This commission was established to review the Alaska  
15 Native Claims Settlement Act of 1971, which is known as ANCSA.  
16 And if we refer to it as ANCSA, we'll all know what we're talking  
17 about. It's the first great land claims settlement in the modern  
18 era, and under that settlement, 962 and a half million dollars  
19 was paid to Alaska Natives and 44 million acres of land was to  
20 be conveyed to them. The 44 million acres constitutes approxi-  
21 mately ten percent of the land of the state of Alaska.

22 Now we had here two weeks ago Native leaders who  
23 negotiated that settlement. They said that it wasn't a matter of  
24 being granted 44 million acres, that the whole state belonged to  
25 the Native people and that it was a question of working out a  
fair accommodation of insuring that they held, by fee simple, as  
much real estate as they could obtain in the settlement, and 44  
million acres was obtained. The Native leaders who negotiated  
that settlement back in the late '60s and early '70s said it  
was a real estate transaction. Their object was to secure as much  
land for their people as they could and 44 million acres was  
obtained. The 962 and a half million dollars was essentially  
compensation for the loss of the remainder of the lands comprising  
the state of Alaska.

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1           The money and the land was turned over to Native corpora-  
2 tions. There are 200 villages in Alaska, Native villages... 200  
3 of them. Each village was made a village corporation and allowed  
4 to select lands in the vicinity of the village. Those lands are  
5 held in fee simple. There are, as well, 12 regional corporations  
6 that cover the 12 principal regions of Alaska and these regional  
7 corporations made land selections. The regional corporations, as  
8 well, hold all the subsurface resources on village lands as well  
9 as the regional corporations lands so that the land and the  
10 money was turned over to the corporations.

11           Now, the corporations have held that land for 12 years  
12 and the corporations have used the money very largely to invest  
13 in resource development in Alaska and it has been invested in  
14 projects such as hotels here in Anchorage and the corporate  
15 structures established under the act have given Alaska Natives  
16 economic influence and some measure of political influence as well.

17           Now, I should say that we have already begun the  
18 village meetings in this state and, at the two held in February,  
19 at Emmonak and Tununak... a good deal of dissatisfaction with the  
20 land claims settlement was expressed by people living in those  
21 villages. They felt that they had seen little or nothing in the  
22 way of benefits from the act. Indeed, they found that they were  
23 obliged to pay the regional corporation in the area a fee for  
24 subsurface resources such as coal, that in the past they had  
25 simply taken freely from what they considered to be their ancestral  
lands.

          Corporation presidents have testified here and they  
have expressed a certain measure of dissatisfaction with the  
statute. Byron Mallott, the president of Sealaska Corporation,  
the largest of the regional corporations, has pointed out that  
the corporations have to make a profit and, thus, they regard  
lands they hold as economic assets and yet the people in the  
state, the Native people, largely regard those lands as ancestral



1 lands that ought to be preserved forever for subsistence hunting  
2 and fishing and trapping. And Mr. Mallott pointed out the dilemma  
3 that that places the corporations in.

4 The corporations are shareholders corporations. That is,  
5 every Alaska Native received shares in the regional corporations  
6 and the village corporations. Only Native people can hold shares  
7 but in 1991 the shares can be transferred to non-Natives, so there  
8 is certainly, I think, among Alaska Natives a very real concern  
9 that in 1991, when the shares become transferable, their corpora-  
10 tions will be come subject to takeover bids by non-Native  
11 interests and that the corporations could be lost to Native control  
12 and the land lost with the corporations.

13 We have had at these hearings the president of the Alaska  
14 Federation of Natives, which is an organization that represents  
15 the corporations, Mr. Charles Johnson. He has said that the  
16 corporations, if they manage their assets astutely, can continue  
17 to offer adequate representation for all interests of Alaska  
18 Natives. We have had with us Mr. Sheldon Katchatag, vice-president  
19 of the United Tribes of Alaska. He urged on behalf of his  
20 organization that the time had come to restore tribal government  
21 and to turn all Native ancestral lands in Alaska over to the  
22 tribal governments... they are some of them traditional councils,  
23 they are some of them tribal governments established under United  
24 States federal legislation.

25 Well, that's a very rough and incomplete picture of what  
has been said here in the last two weeks. We had Native leaders  
and scholars from the Lower 48 here last week and they spoke of  
the developments in the Lower 48 in the last decade in which  
Congress and the supreme court of the United States have, in a  
number of ways, strengthened tribal government in the Lower 48.  
The congressional legislation relating to Indian education and  
Indian child welfare has given... has given larger powers to  
tribal governments in the Lower 48. Congress has recognized the

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1 principle of self-determination in those statutes. The supreme  
 2 court of the U.S. has confirmed the power of the tribal govern-  
 3 ments in the Lower 48 to decide who is and who is not a member  
 4 of a tribal government, to decide questions of uses of water,  
 5 building regulations, zoning on reservation land, has confirmed  
 6 the right of tribal governments to tax Native and non-Native  
 7 interests on tribal lands and Professor Ralph Johnson of the  
 8 University of Washington told us that there has been a very  
 9 significant measure of additional power possessed by tribal govern-  
 10 ments acknowledged in this last ten years.

11 The theory of tribal sovereignty I think that has  
 12 arisen in all of these countries is largely based on the judgments  
 13 of Chief Justice Marshall in the United States supreme court in  
 14 the 19th century, who said that Indian nations in the U.S. were  
 15 domestic dependent nations with limited sovereignty. That theory  
 16 has been, in many ways, the basis for the assertion of Native  
 17 claims to self-determination, not only in the United States but  
 18 in Canada and I think other countries as well.

19 Now, we have all of you here and, indeed, I am glad  
 20 that we are all here and let me just read the list of those  
 21 who are with us this morning.

22 From Australia we have Shorty O'Neill of the Federation  
 23 of Land Councils of Australia, Stanley Scrutton, chairman of  
 24 the Central Land Council, Alice Springs, Northern Territory,  
 25 Maureen Kelly of the Pilbarra Land Council, Marble Bar, Western  
 Australia.

From Canada we have... and I hope I'm right in saying  
 this... Randy Ames. Randy Ames, you've got Des Bryce Bennett's  
 name card but we won't let that fool us. Randy Ames is research  
 director of the Tungavik Federation of Nunavut. Desmond Bryce  
 Bennett is project manager of the Nunavut Constitutional Forum.  
 Gena Blonden is here... I saw her, I believe. She is here, I  
 think, and she is assistant to the minister of aboriginal rights,



1 the government of the Northwest Territories.

2 The Honorable Dennis Patterson is with us. He is the  
3 minister for aboriginal rights and constitutional development of  
4 the government of the Northwest Territories. The Honorable  
5 Peter Ittinuar is with us. He is a member of parliament from  
6 Canada and will be speaking on behalf of the Nunuvut forum. We  
7 have Mike Smith from the Yukon and Glenn Grady from the Yukon,  
8 who have both been active in the negotiations that have recently  
9 lead to an agreement between the government of Canada and the  
10 Council of Yukon Indians for a settlement of their land claims.

11 We have, as well, Letha MacLachlan, who is legal  
12 council to the Dene Nation, Sam Silverstone who is legal counsel  
13 to the Makivik Corporation, Rick Hardy who is legal counsel to  
14 the Metis Association of the Northwest Territories, Bill Erasmus  
15 who is on the joint land claims negotiating committee on behalf  
16 of the Dene Nation and the Metis Association of the Northwest  
17 Territories, and Dwight Noseworthy who is on the... executive  
18 secretary of the Aboriginal Rights Secretariat of the Northwest  
19 Territorial Government, and I think that that completes the  
20 references to all of the Canadians, except for Mark Gordon, who  
21 is about to take his seat, who is vice-president of the Inuit  
22 Circumpolar Conference for Canada and vice-president, as well,  
23 of Makivik Corporation.

24 We have, in addition, Robert Petersen from Greenland.  
25 Robert Petersen is the director of the Inuit Institute of  
26 Eskimology in Nuk, Greenland, formerly professor of linguistics  
27 at the Institute of Eskimology, the University of Copenhagen,  
28 Denmark. And we are pleased, as well, to have with us Alf  
29 Isak Keskitalo of the Sami Institute at Katakano in Norway.

30 We have, as well, David Case, seated to my right, who  
31 is professor at the University of Alaska, and author of the  
32 leading work on the rights of the Native people of Alaska and  
33 special counsel and legal advisor to this commission. And, as

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1 well, Rosita Worl and Chuck Smythe, both anthropologists here in  
2 Alaska who are working with the commission, will be participating  
3 in the roundtable.

4 And I think that the only other person that I need to  
5 mention and to thank him is Professor Douglas Sanders of the  
6 University of British Columbia, Vancouver, legal counsel to the  
7 World Council of Indigenous People, who lead off our discussions  
8 yesterday with a discussion paper that all of you have, I think,  
9 had an opportunity to see.

10 Before we go any farther, let me just tell you what I  
11 hope we can get out of these four days of... well, almost four  
12 days of discussions. We intend to carry on today and tomorrow  
13 and Friday, and I would like you to consider some of the things  
14 I'm about to mention now as well as, of course, those things that  
15 you came to discuss.

16 Let me just say that we have been reminded here at this  
17 roundtable by non-Native participants that in the United States,  
18 and I think this is so in Canada and in all of the countries from  
19 which we come, there is a large body of opinion that looks with  
20 disfavor on the idea that Native people should have their own  
21 governments, their own land free from taxation, and their own  
22 corporations. They are opposed to what they regard as the idea  
23 of a nation within a nation, a state within a state. They say  
24 that all should have equal rights and that these rights can be  
25 claimed only by individuals, not by Native tribal organizations,  
not by Native nations and not by Native people as a... in a  
collective sense, not as a class. They say that only as indi-  
viduals can Native people claim rights within the nations where  
they live. And some say that Native people can no more claim  
rights belonging to them and to no one else than the Irish in  
America or the Italians, the Ukranians or the Chinese in America,  
Australia, Norway, wherever. They say that none of these other  
people claim the right to self-government and they don't claim



1 their own land should be free from taxation. They don't insist  
2 they have corporations in which shares can only be held by Native  
3 people.

4 Well, this reflects a widely held view that uniformity  
5 in language, customs, religion and culture is good and that  
6 diversity is bad, and that our institutions should be color blind  
7 and should not recognize any of these claims to land or to  
8 self-rule within the nation state.

9 Well, you might... as we go along over the next three  
10 days, let us know to what extent you have encountered this view.  
11 It is a view that has been expressed here in Alaska, and what  
12 arguments have been advanced on one side and then the other.  
13 We want, finally, to know... and most important of all, to know  
14 what arrangements you have made for the preservation of ancestral  
15 lands in your countries, for the preservation and protection of  
16 Native ancestral lands, are those lands held in trust by your  
17 national government for the benefit of Native people, are those  
18 lands held by Native corporations, if you have Native corporation  
19 or if you are setting them up under your current land claims  
20 proposals, are those Native corporations shareholder corporations  
21 in which people hold shares that can be transferred --

(LOUD COUNTINUOUS NOISE)

MR. BERGER: Well...

UNIDENTIFIED: Was it something  
you said?

MR. BERGER: Well, I hope not.

Or, are the corporations that you have or that you intend to set  
up membership corporations in which every person who is entitled  
to membership in the tribe participate? And what about political  
institutions? Are the political institutions that you have set  
up or that you propose to set up... are they public governments in  
which Natives and non-Natives have the right equally to full  
participation, or are you trying to set up, have you set up, Native

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1 governments in which voting rights and the right to participate  
2 are restricted to Native persons? To what extent have you followed  
3 the Alaska Native Claims Settlement Act of 1971? To what  
4 extent have you adopted or rejected the ANCSA model? And we want  
5 to hear from all of you about the important developments going on  
6 in all of these places and we will have, as we go along, the  
7 people from Alaska intervening with... with questions from time  
8 to time.

9 Well, just before we ask Shorty O'Neill to begin, Mike  
10 Albert, from Tununak, do you have a question, Mr. Albert? Mike  
11 Albert is the IRA president from Tununak, the head of the tribal  
12 government.

13 MR. ALBERT: Yes, Judge Berger.  
14 Before the actual meeting is going on, I would like to address  
15 my concern. The issues which I have in mind for quite some time,  
16 as you probably know that we have already given some of our  
17 points when the meeting was held in Tununak. But first of all,  
18 I'd like to thank Judge Berger for giving me this opportunity  
19 to say a few words in regard to the land settlement and the  
20 sovereignty of the Native people in Alaska.

21 As well all know that the Alaska Native Claims Settle-  
22 ment Act was done in 1971. It's been about 12, 13 years right  
23 now and so far up to now, the Native people in the area of  
24 Calista Corporation have not known, especially the elders, what  
25 the act is or what the language of the act is. And I think that  
the people should know the language of the act, especially under  
section 7(i) of the act, that I feel that that language should  
be changed. And... I feel that Native people should be trained  
and be informed what the act have done and what the act means.

Also, under the sovereignty, I feel, as a Native, that  
many people in Alaska have no accurate record when the Native  
people started living in Alaska, and talking about sovereignty...  
that people in the United States, like for instance the big cities



1 down in the United States, those people are not actually the  
2 people that have lived down there from their ancestors so far  
3 all the way down. And they do have the sovereign power but I  
4 feel that their power is even less than the Native sovereignty  
5 power in Alaska because the Native people in Alaska have lived  
6 in Alaska from the time we don't know when, and they have lived  
7 in their state from the time being on all the way down to this  
8 part of the year. So, therefore, the Native people in Alaska,  
9 I think, have a more sovereign power than all the rest of the  
10 people in the whole world because they have lived in their state  
11 and villages from the time when who knows when.

12 This may not be really understood, but I'm just trying  
13 to give you some example which, hopefully, some of you will be  
14 able to understand. And I don't like to take all the time for  
15 people that have to take the stand.

16 Thank you very much for this opportunity.

17 MR. BERGER: Thank you, Mr.  
18 Albert.

19 I should say that Steve Kakfwi, the president of the  
20 Dene Nation, has now joined us and we welcome him.

21 Well, I think now what we'll do is ask Shorty O'Neill  
22 and then Alf Isak Keskitalo and then Robert Petersen and then  
23 Mark Gordon to tell us about the movement towards land claims in  
24 the places they are most familiar with and we'll just carry on  
25 from there and see how we get along.

So, Shorty O'Neill, would you please take over?

MR. O'NEILL: Well, thanks for  
giving us this opportunity to explain our situation. But I think  
to get a good grasp of it, we have to go back in history a little  
bit so people understand the present situation.

Australia is a country, an island, one of the largest  
in the world. She's larger than the United States between  
Canada and Mexico. In that country are over 500 completely

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1 separate languages spoken by our people. Each language has as  
2 many as 14 dialects. But because of the history, our history,  
3 we... we feel that we're one people.

4 In the beginning, when our ancestors came out of the  
5 earth and traveled throughout the country from one end to the  
6 other, they had children, left those children in certain places  
7 giving them areas of land, a separate language and a law to  
8 follow. And because of that, we believe that we're one people,  
9 one nation, and have been since the beginning of time.

10 In 1770, a funny looking character from England sailed  
11 into the Pacific and was obviously lost because when he charted  
12 the South Pacific, he put the Tongan Islands 500 miles north of  
13 where they really are. And if you're in that part of the world  
14 and you're 500 miles out of your way, you're pretty well lost.  
15 But he turned up on our shores in '77... in 1770. He was starving  
16 and out of water and our people fed him and gave him water and  
17 he tried to steal aboriginal women, both him and his men, and we  
18 threw him out of the country. He traveled up the east coast of  
19 Australia, continually getting food and water from our people  
20 and again getting thrown out because he was taking more liberties  
21 than were allowed to him. And finally he came to a little  
22 deserted island on the north coast and raised a pretty-colored  
23 flag and fired off about six muskets and claimed all of Australia  
24 for the king of England. We're not quite sure how he done that  
25 or how that was acceptable at the time.

26 But before Cook left England, he was given some orders  
27 by the king. These were that, if he ran into Native people in  
28 this great southland, great land of the south, that he should  
29 negotiate with them England's right to set up a colony there. If  
30 he didn't find anybody, then he was to go ahead and claim the  
31 country for the king of England. It was quite obvious, both from  
32 our history, the oral history handed down from aboriginal people,  
33 and from his log books that he did meet up with aboriginal people,



1 but he never at any stage made any negotiations with us.

2 In 1788, another funny guy from England called Captain  
3 Phillip came with a number of boats. Over half of the people  
4 on that were the army, the British military and the rest were  
5 convicts, people that Britain didn't want. This guy was also  
6 given some orders from the king of England... was that he was to  
7 set up a penal settlement on the east coast of Australia and that  
8 he was to have good relations with the Natives and not interfere  
9 with their day to day lifestyle. And, like Captain Cook, this  
10 fellow wasn't too good at following orders neither, because he  
11 started a war with our people.

12 That was the first invasion of our country. The invasion  
13 started in a place called Botany Bay, around the Sydney region,  
14 and within 100 years slowly spread throughout the whole country.  
15 The war continued until about 1937 when the last massacres  
16 occurred in the north of Australia. But there was still some  
17 regions in Australia that the whites never got into and they  
18 were mainly the desert regions around the central west and  
19 the central south, and these they started to go in in the late  
20 1940s when an area of land in the south deserts the size of  
21 West Germany was taken over by the British government for a  
22 rocket range. Anybody familiar with Australia knows it as  
23 Woomera Rocket Range.

24 The people in that region were then rounded up, put  
25 into trucks and disbursed throughout the country. Many ended  
up as far north as Alice Springs, some in Victoria and New South  
Whales; even some were shifted into Western Australia. In the  
early '50s, there were a number of... the British and Australian  
governments tested a number of atomic bombs in these southern  
deserts where the people were moved out. These atomic blasts  
affected many of the people far to the north of there.

In the early 1960s, the central western deserts were  
cleaned out because the British were trying to test rockets over

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1 the top of their lands. All of these people were put into the  
2 concentration camps that are commonly referred today as aboriginal  
3 reserves.

4 So probably the last invasion of our rights, or the  
5 last invasion of these people, was about 1964 when they were moved  
6 out. Around this time, the majority of aboriginal people were  
7 either in the concentration camps set up throughout in each state  
8 in Australia, or were forced to work as slaves for the pastoral  
9 industry.

10 In 1963, a group of people in the north of Northern  
11 Territory walked off the station and set up their own out station  
12 on their traditional land, and because of that and many other  
13 strikes that aboriginal people had pulled off, we were finally...  
14 finally forced the Australian government in 1967 to hold a  
15 national referendum.

16 This referendum was on three major points, the first  
17 being that, should aboriginal people in Australia have the right  
18 to vote. We weren't allowed to vote in this particular referendum.

19 The second thing was whether or not we could be counted  
20 in the national Australian census. Before 1967, every five  
21 years every European in Australia was counted. Every 12 months,  
22 every horse, cow or sheep, domestic animal was counted in the  
23 country but aboriginal people never were. We were regarded at  
24 a lower level than that.

25 The third issue in the referendum was whether or not  
the federal government in Australia had the right to make laws  
on behalf of aboriginal people. Subsection 27 of section 51 of  
the Australian constitution at that time stated that the  
Australian government has the right to make laws in the good  
government on behalf of any people in Australia except aboriginals.  
The referendum was won by 89.5 percent of a white Australian  
vote. Subsequently, the subsection 27 was changed and the words  
except aboriginals were crossed out. For the first time, we were

1 allowed to vote and for the first time we could be counted amongst  
2 human beings in Australia.

3 In 1968 there was a court case that came before the  
4 high industrial court of Australia and the judge handed down the  
5 decision that aboriginal people who were forced to work must be  
6 paid for that labor. This court case meant that the use of  
7 aboriginal slave labor was outlawed finally... 14 years ago in  
8 our country.

9 In 1972 the aboriginal movement, which was slowly  
10 beginning to unite through the country, set up a tent embassy  
11 outside of Canberra, the capital territory of Australia, and  
12 played a very major role in the elections of 1972 getting a labor  
13 government into power. In fact, the three issues that changed  
14 the government in Australia, which was a pretty right wing govern-  
15 ment for about 30 years, was the South African apartheid situa-  
16 tion and Australia's trade with South African, the Viet Nam war  
17 and the aboriginal situation in Australia. After that time, the  
18 community started to really organize, to set up many different  
19 types of organizations.

20 As I stated before, aboriginal peoples believed that  
21 we were a sovereign people, we believe that we're a nation of  
22 people. And we also believe that if we're going to be sovereign  
23 then we have to act like a sovereign people. We have to start  
24 to take care of our own affairs. The organizations we first set  
25 up were to do with health. We wanted to try and overcome our  
26 major health problems that we had. There were educational  
27 organizations set up. We believe that, if we're a sovereign  
28 people, then we must have our own education system.

29 We were also quite upset with the fact that our children  
30 had to go through an alien education system that has no meaning  
31 for us, an education system that is very racist towards our  
32 people.

33 We set up legal organizations so that aboriginal people

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1 going through the European courts had some type of legal protec-  
2 tion. Other organizations like community co-ops, which gave some  
3 employment to aboriginal people, a cooperative housing societies  
4 that overcome the bad housing conditions that aboriginal people  
5 have... These organizations have made fairly great strides in the  
6 last 12 years. And to give you a picture of what it was like  
7 back in '72, I should give you the present statistics for  
8 aboriginal people in Australia.

9           The current aboriginal unemployment situation is 80  
10 percent of our people are unemployed. About 95 percent of the  
11 20 percent who are employed are employed by aboriginal run and  
12 controlled organizations. Very few people, or a very small  
13 minority, work in either a white community or government depart-  
14 ments in Australia. The health statistics for aboriginal people  
15 would make most Third World countries look sick, and we're not  
16 joking when we talk about that. Leprosy in Australia for  
17 aboriginal people is three times higher per head of population  
18 than any other country anywhere in the world, or any other  
19 minority group anywhere else in the world. The drugs to halt  
20 leprosy have been available since 1948 but it becomes very  
21 apparent that white Australia isn't making those drugs available  
22 to aboriginal people.

23           The infant death rate is ten times higher than the  
24 white Australians who live in our country. And we can keep on  
25 going with things like sugar diabetes, heart diseases... all of  
these things stem from a forced change of diet and a forced change  
of lifestyle.

          The education system is... was pretty racist towards  
aboriginal people. Before 1972 there wasn't one aboriginal person  
who had a university degree. The doors of the education sys...  
the universities then, or the higher education system, were only  
opened to us at the change of government in 1972. Today, I  
think we have five lawyers, about three anthropologists, and that's



1 about it, although we have quite a few people who are starting to  
2 go through that education system.

3 We could probably go on with those statistics for all  
4 day. The last one I want to mention is that... it's the latest  
5 figures on jailed populations for minorities... It's put aboriginal  
6 people way out in the forefront. We are the most jailed people  
7 anywhere in the world by a report in 1981. In fact, on some of  
8 the reserves in Queensland, the high violent crime rate is

9 After these types of organizations were set up, many  
10 people, many aboriginal people, looked towards the land movement.  
11 We decided that the only way we were going to overcome... or,  
12 the first step to overcoming all of these problems was to be able  
13 to get hold of land, and through many protests, many movements,  
14 in 1975 we were successful in setting up land councils in Northern  
15 Territory. The federal government passed legislation setting up  
16 these land councils. In 1976, the Northern Territory Land Right  
17 Bill was passed through federal parliament and immediately all  
18 of the former reserves in Northern Territory and all of the  
19 desert lands and the swamp lands were handed back to aboriginal  
20 people. The reasons these were handed back is because the main  
21 industry in the Northern Territory is cattle and we know these  
22 white fellows are pretty good people but they've never been able  
23 to work out a way to grow cattle without giving them water and  
24 so they couldn't grow them in the deserts. They also haven't  
25 been able to work out a way to get cattle to swim so they  
couldn't put them in the swampy lands or the swampy regions which  
are under water for about six months of the year. So these lands  
were quite easily handed back to the traditional owners.

But the other lands in Northern Territory, something  
like 75 percent of the state, is very rich pastoral industry  
and we've had major struggles to get any of that land back to the

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1 traditional owners.

2 Many people throughout Australia, particularly mining  
3 companies and right wing politicians, have proclaimed the Northern  
4 Territory Land Rights Act as being racist and geared towards  
5 aboriginal people. What they don't realize is that one-third of  
6 the state of Northern Territory is owned by absentee owners,  
7 people who don't even live in the country, who live here in  
8 America or in England or in other parts of Europe. And aboriginal--

(OVERLAP TAPE NUMBER 11)

8 MR. O'NEILL: The next step in  
9 the land movement was to set up the unincorporated land councils.  
10 The first one of these was in North Queensland, called the North  
11 Queensland Land Council. I was an executive on that organization  
12 for five years.

12 The second was in the Northwest Kimberly region,  
13 called the Kimberly Land Council, and then we moved into other  
14 parts of Australia and set up New South Wales, the Southeastern  
15 Land Council in Victoria, Tasmanian Aboriginal Center in Tasmania,  
16 Pittjatjanarra Land Council in South Australia, the Southern  
17 Land Council in South Australia, and the last one, we're happy  
18 to say, being set up has been the Pilbarra Land Council.

17 In 1980 or 1979 at Nookonbah in the Northwest of  
18 Australia in the Kimberlies, when the traditional owners tried  
19 to stop a drilling company from coming in a drilling for oil on  
20 one of their sacred sites, the concept of a national federation  
21 was first thought of, or first talked about, and it was finally  
22 set up in 1981.

22 In 1980 the Pittjatjanarra Land Rights Bill went through  
23 South Australian parliament and it was quite different to the  
24 Northern Territory bill, mainly because the traditional owners  
25 there were still very much on their own land --

(TAPE 38, SIDE B)

MR. O'NEILL: -- and they were



1 able to force the South Australian government into a negotiation  
2 and not a land claims situation, and when the bill went through,  
3 one-tenth of South Australia, all in the far northeast... north-  
4 west, which is mainly desert lands, were handed over to those  
5 people. As I said, it was quite different from Northern Territory.  
6 In Northern Territory, if you want to claim land, then the tradi-  
7 tional owners must go to court and show their association with  
8 land. And for most of the traditional owners to do this, it's a  
9 very traumatic situation because they have to release information  
10 that is very sacred and very secret to them. Under our culture,  
11 we're not supposed to disclose that information. But to be  
12 able to get their land back, they have to go through this  
13 situation of going against the culture to be able to get their  
14 lands. The Pittjatjanarra people saw that and said they didn't  
15 want to have to go through the same situation. So they went  
16 into a negotiation situation.

17 The other problem we have with land in both of those  
18 states is that, while we have mineral rights, the governments can,  
19 in the national interest, take the land back. And what we find  
20 is that uranium mining, American military bases and British  
21 military bases are all supposedly in the national interest and  
22 the government can step in and take that land back any time it  
23 wants to.

24 The next step in the legal side of the land rights  
25 movement was in New South Wales two years ago when the New South  
26 Wales Land Right Act was passed through New South Wales government.  
27 In New South Wales, again it's a completely different situation to  
28 the Northern Territory and South Australia, mainly because in the  
29 former two states, the land that was available for claim was  
30 unalienated crown land and in New South Wales, because it's a  
31 much richer country and there's far much less desert in that  
32 state, there was very little land that aboriginal people could  
33 claim.

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1           One of the things that the New South Wales government has  
 2 done is put aside a percentage of the land tax for 15 years and  
 3 this money is to run the land council to be able to... so it can  
 4 operate underneath the act, and then what's left over from that  
 5 can be put aside to buy land which will eventually be turned into  
 6 aboriginal title.

7           The Victorian government, which is presently a labor  
 8 government, a so-called left wing government, also came up with  
 9 a proposed land rights bill and it was to go before parliament  
 10 early last year. The Victorian aboriginal people were quite up-  
 11 set with that bill and were able to stop it going before parlia-  
 12 ment and force the Victorian government into doing a much more  
 13 community involved land rights bill. And presently they're going  
 14 through a process of sitting back at the community level, going  
 15 around the community and talking about this bill.

16           The next state to do anything was, again, the Western  
 17 Australia goverment, who set up the Seaman Inquiry. There is  
 18 probably a whole lot of that but history will be able to talk  
 19 about that later on.

20           The South Australian government, which was also... at the  
 21 last elections turned to a labor government, are now talking about  
 22 the Maralinngu case. Anybody who knows about atomic tests will  
 23 know that there were seven atomic tests at a place called  
 24 Maralinngu in South Australia, and because of the pressure the  
 25 aboriginal people have been able to place on the governments in  
 Australia in the past seven years about these atomic tests which  
 happened way back in the '50s, the South Australian government is  
 now talking about getting together a Maralinngu land rights  
 case or land rights bill which they hope to pass through state  
 parliament. The present form of the Maralinngu land rights bill  
 is about half as good as the Pittjatjanarra Land Rights Bill in  
 the same state. But even with those two bills, there's only about  
 one-third of the state that will be covered and the other two-thirds

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1 and the other language groups in South Australia are still going  
2 to end up with nothing and the South Australian government made a  
3 statement last week that once the Maralinngu land rights bill is  
4 through state parliament, then that's the finish for that state.

5 About 12 months ago, the federal government started to  
6 talk about a national land rights bill and entered into talks with  
7 the National Federation of Land Councils and the National Aboriginal  
8 Conference. And the minister for aboriginal affairs wanted to have  
9 a bill ready to put before parliament in August of this year.  
10 When we first started the talks back in July of last year, we  
11 told him that we demanded that the federal government finance  
12 the... not only the land councils but also the NAC to start to  
13 talk and consult back at the community level so that the communities  
14 can have some input to this proposed national land rights bill.  
15 The minister told us that we could do that if we could pay for it  
16 but they weren't going to put any money up for it and that we had  
17 until the 20th of February of this year to do the consultation  
18 work. Anybody who knows the region of Australia will see that  
19 without money or without facilities, it's next to impossible to  
20 get to all the aboriginal communities in Australia because the  
21 distance between communities, the terrain of the country and the  
22 non-availability of public transport throughout most of the  
23 country.

24 In the February meeting, the federation were able to  
25 get the other delegates at that meeting to disagree with the  
minister's timetable and the last thing that we laid on the table  
to the minister for aboriginal affairs was that we don't want a  
schedule any more, we don't want to be rushed into this thing,  
that there must be proper community consultation. And as yet,  
and I left Australia last Sunday, we still haven't had an answer  
back from the minister on this. He still hasn't decided to answer  
us on it.

There are a number of important things about the national

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1 land rights bill. When we first opened up negotiations with the  
2 government, we were told point blank that there was no way that  
3 the Australian government was going to look at sovereignty. They  
4 would not entertain sovereignty at any cost. We decided to  
5 continue with the talks, mainly because the majority of aboriginal  
6 people in Australia have no land at all. They're either sitting  
7 on reserves owned by the state government, put aside for our  
8 management and run by state government managers, or squatting in  
9 other places where we can be kicked off at any time. And the  
10 reason that we decided to continue with the land rights bill was  
11 to get some land back for aboriginal people who have no land at  
12 all, and land is the basis of the communities.

13 The other particular piece of legislation which should  
14 be before Australian parliament at the present time is the  
15 protection of sacred sites and sacred objects. One of the main  
16 problems we've had in the last 30 years is the multinational  
17 mining corporations moving into our traditional lands and desecrat-  
18 ing our sacred places. And anybody who listens to the news will  
19 see or have heard of many of the great protest movements, many  
20 of the great struggles we've had in the last five years that  
21 have hit the international media services.

22 We hope that this legislation will get through parlia-  
23 ment and test out how the feelings are towards the national land  
24 rights bill. But one of the things that the... both the federation  
25 and NAC are strongly supporting is that this land rights bill  
doesn't close the gate to sovereignty and we should, you know,  
talk about sovereignty a bit.

We, as a people, are born with sovereign rights in our  
own country. It is quite silly or amusing, even, for European  
descendents who were born in Australia to claim sovereignty in  
our country. The only sovereign rights that white Australians  
have are over Europe. It has nothing to do with our country.  
We are the only sovereign people. We're born with that right.

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1 The only problem is, that we're one percent in our... one percent  
2 of the population and we have to force white Australia into  
3 realizing that situation. We're becoming more and more successful  
4 with that nearly every month, with international work and also  
5 national work within our own country. It's not that we want to  
6 kick these 15 million illegal immigrants out of our country, and  
7 in reality that's exactly what they are. But the way we look at  
8 is that, if we went and rented a house from somebody else, then  
9 we would have to pay that rent. These people are living in our  
10 house, because Australia is our house. If they want to live there,  
11 then they must pay the rent. But also, if you live in somebody  
12 else's house, not only do you pay the rent but you also must abide  
13 by the rules that they have in that house. We, as a people, have  
14 many laws for our own country and if people want to live in our  
15 house, then they must abide by our laws and respect those laws.  
16 Otherwise, they must be evicted. And people must come to realize  
17 that, not only within Australia but also on a worldwide basis.

18 If we look to the east of Australia, we see many  
19 countries in the Pacific who are now governed and run by the  
20 indigenous people from those countries. You can see Vanuatu  
21 the Solomons, proper New Guinea, Fiji, Western Samoa, Kiribati,  
22 Tonga. If we look to the west, we see that majority of Africa  
23 is also run by the indigenous people of that country, and doing  
24 quite a good job of governing themselves, of governing the  
25 lives of their people, and we're quite sick and tired of living  
another system, which is alienable to us, which has no respect  
for our people, no respect for our laws and much less respect  
for our country. Australia today is probably one of the most  
desecrated countries in the world. In the last 200 years, one-  
third of our country has turned into desert which was rich  
forest land 200 years ago. And what we're saying is that if  
people want to live in our house then they must respect it. If  
I was living in your house and I started to dig your... you know,

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1 got an axe and started to cut your lounge chair up and started to  
2 dig up the floorboards because I thought I could make some money  
3 out of it, you'd be quite unhappy with that, you know. You'd  
4 get a bit wild about it. We realize that. But when people start  
5 digging up our country, our homes, then we get wild about that,  
6 too.

7 We look towards the future of our children and how can  
8 there be a future for our children when our country is being  
9 turned into a desert where nobody can live. And I kind of some-  
10 times get a bit upset with white people. I kind of try to think  
11 how they hate their children so much because what seems to moti-  
12 vate, particularly the corporations but also most Europeans, is  
13 money for the present, how much riches, how much stuff they can  
14 get together. But they don't look towards the future of their  
15 children and how their children are going to live. And I think  
16 if... And if we're going to be a responsible people and if we're  
17 going to have responsible tenants in our house, then, together,  
18 we have to look towards the future and how our children are going  
19 to survive in our own country. Therefore, we demand that the  
20 illegal immigrants in our country pay the rent but also respect  
21 the rules of our house.

22 In the last... Yesterday and this morning I've heard  
23 much talk about equal rights, and I can assure you that our  
24 movement has... We don't want equal rights with whites. That's  
25 the most boring life anybody could be forced to live. I've been  
forced to live beside the European society all my life and I've  
never seen any other... anything as boring as European society,  
people who are forced to go to work at 8:00 o'clock in the morn-  
ing, finish up at 5:00 o'clock. You've probably got to travel  
a couple of hours to get to work and it's all to make somebody  
else rich, who can have... you know, have a good life. And, man,  
I don't want that for my kids. We don't want that for ourselves.  
It's a boring life. We're not talking about equal rights. We're



1 talking about the rights of indigenous people in their own  
2 country. We are the sovereign people. We are the owners. So  
3 we want the sovereign rights of our nation.

4 I've also heard the talk of detection of cultural  
5 heritage and that people must legislate to protect our cultural  
6 heritage. How is that possible? How can a European government  
7 pass laws to protect our heritage? That's nearly as silly a  
8 concept as equal rights. Nobody can protect our cultural heritage  
9 but ourselves and we must be allowed in our own country and our  
10 own lands to be able to follow our cultural heritage and do with  
11 it what we please, not what some government tells us we must do.

12 I think I'll leave it there.

13 MR. BERGER: Well, thank you  
14 very much, Mr. O'Neill. Could I just ask you a couple of ques-  
15 tions before we pass on to Alf Isak Keskitalo?

16 In the Northern Territory, you say that since the mid  
17 '70s, land has been turned back to the aboriginal people. Can  
18 you tell us how it is held? Is it held in trust by the federal  
19 government or do the land councils hold it in fee simple, or...

20 MR. O'NEILL: I'll let Stan  
21 answer that because he's the chairman of land councils who deal  
22 in that type of work all the time.

23 MR. BERGER: Stanley Scrutton.

24 MR. SCRUTTON: The land that  
25 was given back to aboriginal people in Northern Territory. There  
might be six or seven groups of people who own that land. Out  
of that six or seven groups, the tribe, themselves, picks out six  
or seven elderly people and they form a land trust and they're  
the one who holds it for their people and the children of the  
future. They're not the bosses and don't tell the people what  
to do. They just hold it for future generations and they're not  
allowed to sell it.

MR. BERGER: Thank you. Do you

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1 know if the system in... Mr. O'Neill said that in South Australia,  
2 under an earlier... under earlier legislation, the northwest  
3 corner was given back to the people. How was that... By what  
4 arrangement is that held, Mr. O'Neill?

5 MR. O'NEILL: It was actually  
6 later than the Northern Territory bill. The Northern Territory  
7 bill went in in '76. The Pittjatjanarra land council bill  
8 went... The Pittjatjanarra bill went through in 1980. It's,  
9 again, a bit different from the Northern Territory situation.  
10 Every Pittjatjanarra person or every traditional owner who are  
11 Pittjatjanarra people... even as children are born, immediately  
12 when they're born they're sovereign people of that land, and they  
13 decided that they should set up an incorporated body separate from  
14 the land council so it wouldn't interfere with the land council's  
15 political stand, and every traditional owner is a member of that  
16 organization and that organization holds the land title.

17 MR. BERGER: Yes, David Case?

18 MR. CASE: Mr. Scrutton, what's  
19 the relationship in the Northern Territories between the land  
20 trusts that you've described and the land council?

21 (PAUSE) There are those two institutions, is that  
22 correct, the land trust and the land council?

23 MR. SCRUTTON: Well, the land  
24 council keeps the lines of the people who are on the land trust  
25 and the land council doesn't tell the traditional owners what to  
do or the land council doesn't pick out the people that they want  
to put on as land trustees. The people themselves, the tradi-  
tional owners, put them on.

MR. BERGER: Shorty O'Neill?

MR. O'NEILL: In Australia  
after 1967 in all states except Queensland and Tasmania, the  
government set up land trusts, and I think that was the point of  
your question. Of course, Queensland has never gotten rid of



1 aboriginal affairs although the other states handed it over to the  
2 federal government, and Tasmania still won't admit it has any  
3 aboriginal people although it accepts two million dollars every  
4 year for their welfare but then will tell you they don't have any.  
5 But in Western Australia, South Australia, Victoria and New South  
6 Wales, aboriginal people were appointed by the government to set  
7 up a land trust and work very closely with the government and  
8 they held in lease the former reserves, and any aboriginal person  
9 who lived on those reserves had to get permission from the land  
10 trust to do with whatever they could. And there was a lot of  
11 bad feelings there.

12 The land trust in the Northern Territory is quite  
13 separate from that. It's a whole different deal and very much  
14 comes... works with the land council. So it's aboriginal people  
15 working with aboriginal people rather than aboriginal people being  
16 forced to work for white Australian governments.

17 MR. BERGER: Thank you, Mr.  
18 O'Neill and Mr. Scrutton. Chuck Smythe, did you have a question?

19 MR. SMYTHE: I have a question  
20 for Mr. Scrutton. Under the Northern Territory land rights bill,  
21 the procedure, if industry is interested in some land in the  
22 subsurface estates set up by that bill, was for them to approach  
23 the government and then the government to approach the land council,  
24 I believe. Has industry ever expressed an interest in the land,  
25 in any parts of the land, and what was the outcome of that process?

MR. O'NEILL: Well, industry  
expresses an interest in it about every second minute. There  
are a number of controversial situations in the Northern Territory  
where the mining, particularly the mining, industry has had  
things to do. One, I suppose would be known internationally,  
was the Ranger uranium mine, where the northern land council  
ended up signing an agreement so that this mine could go ahead.

It's something we really don't want to get into here

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1 because while the northern land council is a land council, it's  
2 not a member of the federation, so we don't want to sort of get  
3 into an argument overseas with home policies. But the companies  
4 come to the land council in their negotiations between the company  
5 and the land councils and there have been a number of successfully  
6 negotiated settlements where mining can happen, where the  
7 traditional owners in that region are quite happy with the agree-  
8 ment that's been made with the company, and where the company acts  
9 as a responsible person towards the aboriginal people, who acts  
10 responsibly and recognizes the right of a traditional owner in  
11 that region. But there are many other companies, or many places  
12 not only in the Northern Territory but also in South Australia  
13 and particularly the Pittjatjanarra people where companies try  
14 and bulldoze over the top of people and don't... don't act in a  
15 responsible manner at all. In those cases, we've been able to  
16 stop those mining companies from coming in and we're in a position,  
17 in fact, in some of the places in Northern Territory and South  
18 Australia where we can start to make the mining companies act  
19 like responsible people and respect other peoples' ownership of  
20 things.

21 But many other parts, like Comalco, one of the companies  
22 that has had a very good agreement with the Pittjatjanarra  
23 people in South Australia, is completely bulldozing over the top  
24 of people in North Queensland. It's... and in the Kimberly region  
25 because they're also tied up with the diamond industry there.  
What we're finding is that where that law is in place, then these  
guys have got to sit down and talk to us and they've got to act  
in a responsible manner. In places where we don't have that,  
they just move in and rip off.

And, I think that we've probably overcome most of the  
problems in those regions. In fact, I think it was two years ago,  
one of the mining companies which wanted to mine on pit land  
and had a fairly good case that it would have had to take before a



1 high Australian court because of land rights bills, and the finnies  
2 didn't even bother going to court because they knew they had no  
3 chance of winning it. They came in with their standover tactics  
4 and tried to standover people and the pit mob refused to negotiate  
5 with them, and then they tried to take them to court and it was  
6 dropped at the low court level because they had no chance of  
7 taking it any higher.

8 So in those instances, we're now bringing the mining  
9 companies to act as responsible people and... Anybody who can  
10 make a mining company act responsible, I think, is worth shaking  
11 his hand.

12 MR. BERGER: Doug Sanders and  
13 then Mark Gordon. (INDISCERNIBLE) question so it goes on the  
14 record.

15 MR. SANDERS: One of the things  
16 that struck me as complex about the Northern Territory land  
17 claims settlement was the fact that two land councils were  
18 created for a large area and a considerable number of linguistic  
19 groups. I understand that since that time, the model of the  
20 two has ended in that there are more than two land councils now  
21 in the Northern Territory. I wonder if you could comment on how  
22 many there are and whether you think that actually it should have  
23 been structured on a more local basis than originally, or that  
24 it may wind up being on a more local basis than it is now?

25 MR. O'NEILL: In fact, there  
was only one split with... only one other new land council  
created, and that was in the northern region, in the northern  
land council's region. It's an area of islands which are called  
the Tiwi people who are, culturally, a lot different from the  
mainland people, and they decided, because they were much more  
of a cultural group, that they would break away and form their  
own land council. I think it was around the time of the Ranger  
agreement.





1 But besides all of that, when the Europeans first came  
2 to our country, the first invasion in 1788, we estimate that  
3 there were over three million aboriginal people in our whole  
4 country. I know that a few white academics will disagree with  
5 that, but they can't agree over the number and I've never seen  
6 white academics agree over anything at any given time. But we  
7 estimate that it was over three million. In 1925, there were  
8 27,000 aboriginal people left in Australia. So we don't only  
9 want compensation for the problems with out land, we want it for  
10 the atrocities and massacres, the... destruction to the aboriginal  
11 society and their people.

12 MR. BERGER: Peter Ittinuar,  
13 you had a question?

14 MR. ITTINUAR: Thank you. I'm  
15 not quite sure how to put this. It may be sensitive. You men-  
16 tioned sovereignty, you mentioned rent by Europeans in your house.  
17 I wonder if you could not, because the notion of sovereignty has  
18 met with a great deal of opposition in the Western world, I wonder  
19 ... couldn't you temper your notion of sovereignty with political  
20 aspirations that are... if not more realistic, at least more  
21 attainable?

22 MR. O'NEILL: Well, I don't  
23 believe that we have to push anything down. You know, we are  
24 a sovereign people. That's it. There is no going back on that  
25 and you can only be born sovereign people. You know, you can't  
gain so you... I can't... If I walk into a bank here in Alaska  
with a gun and start to take the money out, I'll be in jail  
tomorrow and yet that's exactly what's happened to our country.  
The Europeans came with a gun and stole it, you know. And they  
cannot steal sovereignty. Nobody can steal sovereignty. You're  
born with it. It's a birth right. And the only sovereignty they  
have is over Europe, you know. Not even here in America is there  
European sovereignty. It's in Europe. It can't be given, it can't

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1 be taken by treaty or anything else. You're born with sovereignty  
2 over the lands where your ancestors come from.

3 And we can't back down from that movement. There's no  
4 way we can do that and still be a responsible people. And if  
5 people... You know, if they want to live, as I said before... If  
6 they want to live with us, then they have to act also responsibly  
7 towards the owners of that place. You know, if you go to the...  
8 We're stopping in the Westward Hilton. If I start going and  
9 kicking up a big mess in there, I'm going to get kicked out. And,  
10 you know, I come here to Alaska but there's certain laws in this  
11 country. We're here as visitors. We respect those laws. If  
12 anybody comes to our country, then they must sit down and respect  
13 our laws also. That's common courtesy. That's acting as a re-  
14 sponsible human being.

15 You know, this concept of being able to go to somebody  
16 else's country and take it over belongs in the 15th century. I  
17 though Europe had grown up beyond that. This is, you know, four  
18 centuries later and they're still talking about we can go to  
19 somebody else's country and take it over. You know, that's not  
20 really an adult attitude towards a responsible future for other  
21 people. I think Europe has to grow up out of the 15th century.

22 MR. BERGER: Well, you were  
23 right, Peter. This is a sensitive question.

24 Steve Kakfwi wanted to say something. Did you, Steve?

25 MR. KAKFWI: Yes. I think it  
would be... The question I have is pretty along what Peter is  
asking. It comes out of the first ministers conference that  
occurred last week in Ottawa. In Canada, with ourselves as the  
aboriginal people of Canada meeting with the provinces and the  
federal government, my understanding, walking away from that  
conference, was that the federal government offered to the  
aboriginal people self-government or self-governing institutions,  
basically suggesting, "Yes, we agree you should have some



1 authority, some responsibility and we're willing to give it to  
2 you." So you have, perhaps, a compromise where they do not say,  
3 "Yes, we recognize you have sovereignty," that, "Yes, you have  
4 the right to govern yourself as a nation. What we're willing to  
5 do is give you a measure of authority that we have and let you  
6 exercise it as you wish upon yourselves rather than let us exercise  
7 it on you."

8 And it seems to me what the... you're saying, Shorty,  
9 was that the parliamentary legislation does not... The land  
10 rights bill you were talking about in Australia, in your mind,  
11 does not extinguish that particular right, that as far as you're  
12 concerned, that can never be extinguished, and that perhaps the  
13 government might... the Australian government might want to  
14 continue saying as far as they're concerned you don't have rights  
15 and for yourselves to say, well, you do, and it doesn't matter  
16 what type of legislative arrangements you make between yourselves.

17 I don't have any particular notion about it, but my  
18 tendency, I know, is to believe that if you agree to anything  
19 less than that right, that you agree to a delegation or someone  
20 to say, "Well, we don't think you have that right but we're will-  
21 ing to let you exercise some responsibilities and control it."  
22 It's a question for the collective, I think. It's a question for  
23 all the people to address.

24 MR. BERGER: Could we treat  
25 that as an observation by Steve Kakfwi and perhaps just hear  
one more observation or question from Dennis Patterson and then  
move on to our next speaker?

MR. PATTERSON: Yes. Thank you,  
Mr. Chairman. I'll try to be brief.

I was intrigued by Mr. O'Neill's suggestion that govern-  
ments have no place protecting cultural... cultural values which...  
and language, aboriginal languages, would be included in that, I  
would think.

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1 MR. BERGER: European govern-  
2 ments, he said.

3 MR. PATTERSON: European gover-  
4 ments?

5 MR. BERGER: Have no place  
6 protecting aboriginal culture and language, I think that was the  
7 point.

8 MR. PATTERSON: I understand that  
9 point and I agree that governments cannot do what parents must do  
10 to pass on language and traditions and religion and other cultural  
11 values.

12 But I'd like to know, first of all, what success have  
13 indigenous peoples in Australia had in preserving their languages  
14 and their... well, particularly their languages? Are the indigen-  
15 ous languages... the hundreds of indigenous languages, in good  
16 health? And would you not consider that legislation protecting  
17 or recognizing indigenous languages as official languages and  
18 providing as a constitutional right funds to provide bilingual  
19 education might not aid in that process if parents can't do the  
20 job themselves, despite their best efforts?

21 MR. O'NEILL: I'm glad you said  
22 the word recognizing. You cannot protect something. Legisla-  
23 tion cannot protect it. It can recognize it but it cannot  
24 protect it, and I think that's what we're all about. The language  
25 question in Australia, probably nearly one-half of the languages  
are still fluently spoken today, and in aboriginal-run and  
controlled schools, and there are more and more of those coming  
up every day, starting up, the local language is the first language  
and in some cases, English is the seventh or eighth language,  
because, see, we believe that we have a right to learn our own  
languages first before we're forced to live this language with  
this society that we're forced to live beside.

On the east coast and particularly in the south, the



1 languages aren't healthy and, in fact, some were nearly wiped out  
2 up until about ten years ago. And because of a referendum, because  
3 of a court case that I referred to before, things have become a  
4 little easier in Australia.

5 Before 1967, every state in Australia, including Tasmania  
6 who supposedly doesn't have aboriginals, had a protection law for  
7 aboriginal people. The South African apartheid laws were based,  
8 modeled, on the Queensland aboriginal act, probably one of the  
9 worst of these protection laws. But before '67, we couldn't travel  
10 without having permits. We couldn't get married unless we had the  
11 permission of the manager who ran the reserve that we lived on.  
12 You know, there were curfew bells and quite a heck of a lot of  
13 things around and it was... If children spoke languages, then they  
14 were belted by the whites, actually flogged by the whites who  
15 were running the reserves.

16 And on the east coast and down in the south of Australia,  
17 around Adelaide, and a little bit over in Western Australia also,  
18 and in Tasmania, some of these languages were nearly lost. But in  
19 the last ten years, since the floggings and the protection laws  
20 were gotten rid of from most states except Queensland... Queensland  
21 still holds an aboriginal protection law until right now... it has  
22 become much easier to pass the language on.

23 MR. BERGER: Well, I wonder if  
24 I could, as chairman, exercise what feeble authority I have and  
25 move the discussion on. We're return to Australia and we'll  
hear from Shorty O'Neill and Stanley Scrutton, and of course,  
we'll look forward to hearing from Maureen Kelly later on. But  
I think it might be useful if we moved to another country now  
and asked Alf Isak Keskitalo, from Norway, to tell us about the  
history and current condition and claims of the Sami people of  
Scandanavia.

MR. KESKITALO: Mr. Chairman,  
first of all I have to thank you for the opportunity to come here

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1 and speak on the Sami situation.

2 Secondly, I have to take some deep breaths after the  
3 engaged and... engaging speech of Shorty O'Neill. He touched  
4 upon the question of bringing up the European people... European  
5 colonialists. And that is why I sigh, because all the time,  
6 the Sami people has been living in contact with internal European  
7 colonialists. It has, in a sense, always been exactly this per-  
8 spective we have had to have on the question to try to convene  
9 or show to the European nations how important it is for us to  
10 be able to go on living as a people, as an indigenous group in  
11 Europe.

12 Since 1975, when the Sami organizations got involved in  
13 the cooperation within the World Council of Indigenous Peoples,  
14 we have been seeing how similar the questions relating to land  
15 rights questions, to cultural rights, are around the world,  
16 how similar our problems are to the problems of indigenous peoples  
17 in the colonial areas.

18 (TAPE 39, SIDE A)

19 MR. KESKITALO: We... By joining  
20 the work in the World Council of Indigenous Peoples, we got, so  
21 to say, an extended and a strengthened perspective on our own  
22 situation. In Europe, this similarity which we feel... we're  
23 trying to work on in theory and practice within our own organiza-  
24 tional work. But we also try to, in a sense, mediate in this  
25 work, that there is probably one sort of difference in our  
situation and that's exactly the fact that we're living in  
Europe, and the fact that we have been exposed to European  
colonialists in an internal sense for all historic time, and  
that means at least 2,000 years.

There might be map. I don't know whether it is  
distributed here.

MR. BERGER: There is a map  
of Scandanavia that it would be useful to have to follow what Alf

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1 Isak is going to say. I think there are some copies over there.  
2 Don is just going to get them. And we might think, Don, about  
3 getting a map of Canada for this afternoon and a map... The map  
4 of Australia that we have might be distributed, as well, this  
afternoon. But are those maps of Scandanavia?

5 MR. GAMBELL: We've got three  
6 copies of them.

7 MR. BERGER: Well...

8 MR. KESKITALO: Okay, I think  
9 I can go on. Well, this is a map of the northern part of Europe.  
10 You'll see a broken line drawn on the map. North of this broken  
11 line is the present Sami habitat. That is the land that is now  
12 in traditional use for reindeer breeding, hunting, fishing and  
13 which we regard as the land base for our people today. You'll  
14 also see a marked area up in the north close to the Arctic Coast  
15 in the inland. That comprises five administrative units in  
16 Norway and Finland where there is presently a majority of the  
17 Sami population. You can see that it is a sort of demographic  
18 refuge for the Sami population today. For several historical and  
19 contingent reasons, that refuge is how it is.

20 In all the rest of the area, the Sami population is  
21 a minority... some places a very small minority. For instance, in  
22 the south, consisting of family units doing reindeer breeding in  
23 the traditional area.

24 One of the essential features of the situation of the  
25 Sami people is that we live in four countries and it... despite this  
fact, we feel as one people. The Sami population today consists  
of maximally 40,000 people in Norway, 17 and a half thousand in  
Sweden, 5,000 in Finland and 2,000 persons in the Soviet Union.  
We regard ourself as one people, despite living in several different  
national states. We regard our land area as being our traditional  
ancestral land. We call it the Saame, and the Saame, in fact,  
is an area which crosses those national borders in the north.

1           There is several ways in which we could try to go closer  
2 into the problems that relate to our people. First of all, I have  
3 to mention that there has been a considerable debate in the broad  
4 public in Scandanavia. As for the reality of the aboriginality  
5 of the Sami people, the fact that we have been living together  
6 in four big nations, constantly encroaching upon our traditional  
7 area, and in a way you could say stealing our historical base  
8 or stealing our history by not making it explicit in their educa-  
9 tional system, for instance. There has, during the decades, been  
growing up a notion in the Nordic countries that nobody really  
knew for sure who came first to the area.

10           So an elementary and the first part of the struggle  
11 for aboriginal Sami rights has been to convince ourselves by  
12 access to the knowledge that still is prevailing in our people  
13 and which had been, to some extent, being preserved by researchers  
14 and scientists in the Nordic countries and abroad, to the  
15 factual... or to the fact that we really were the first people  
16 in the north. So we... In... We were... We had to concentrate  
17 on this fact so we were able to convince ourselves that we had  
18 the right to speak of aboriginal rights in any case.

19           There is nowadays a very broad concensus about the fact  
20 that the Sami people descend from the paleolithic, or Stone Age,  
21 dwellers of the Arctic region of Northern Europe. This is clearly  
22 confirmed by experts like, for instance, Professor Ernef Vorren  
23 at the University of Tromiso, Professor Emeritus Ruong at the  
24 University of Upsala, Professor of Archeology Paul Simonsen at  
25 the University of Tromiso and the professor of human genetics at  
the University of Umea in Sweden which says, in fact, that the  
Sami population contains or possesses the genetical pool which  
confirms that it is the original population in Northern Europe  
and, in fact, has become like it is today by staying in that area  
since all time humans have been staying in Northern Scandanavia,  
since the last glacier melted away around 18,000 years ago.

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1           There's been considerable evidence that our ancestors  
 2 have been hunters and fishers, utilizing the present Sami land  
 3 for a period approaching 10,000 years in Northern Europe. The  
 4 fact that there has never been an organized Sami national state  
 5 on the larger scale and there haven't been organized any super-  
 6 imposed structure of organizing the Sami people until recent  
 7 decades, has made it possible for the national states of the  
 8 Nordic area to occupy, to encroach upon, Sami lands, divide it  
 9 between themselves and deprive us of the possibility to... to  
 10 what we always had done in the land, to use it as we wanted to  
 11 use it, or to protect it from external encroachment.

12           It's possible... I can envisage that what I'm saying now  
 13 sounds a little strange in the global aboriginal perspective.  
 14 But this is how, in fact, we have to speak on the European  
 15 scene in order to convince, for instance, the politicians of the  
 16 majority peoples that we have a historical right, that we have  
 17 an historical aim also for what we want to do. And probably I  
 18 have to go on, speak a little in this manner. There is, of course,  
 19 a very complex historical development in the region of the north.

20           The Norwegian kings, the Viking kings, started to  
 21 fortify the coast of the north which was not then, of course,  
 22 Norway. The king, Haakan Haakonson, succeeded in fortifying  
 23 an island in the 13th century which is now called Vardo and a  
 24 century after that, the Swedish kings allowed Karelian bands...  
 25 or, let's say, Karelian... looters to go northwards from the  
 Bothnia area to tax the Sami people. And there was an interest  
 conflict between Denmark, Norway, Sweden, which then comprised  
 Finland, and the Russian empire, which had started growing at  
 that point from the 14th century to gain access to the northern  
 part of Europe, with it's rich fur trade. With the possibilities  
 of transportation along the ice-free Arctic Coast to the wide  
 sea, the Sami area got involved in a sort of... in a sort of  
 struggle between minor and bigger European powers.



1           It happened for a period of at least 300 years, from  
2 the 1300s to the beginning of the 1600s, that several groups of  
3 Samis had to pay tax three times a year, once to every different  
4 country that claimed tax. And the tax consisted mostly in the  
5 products that were very valuable for continental Europe at that  
6 time, like, for instance, furs from the hunting and trapping  
7 activity of the Sami people.

8           There are a lot of historical dates and years that should  
9 be mentioned but in this connection I think it will carry too far  
10 to go into detail at this point in time at least. I would only  
11 like to mention that throughout the whole Sami area, the land  
12 use was regulated by customary Sami law. The land was divided  
13 into what were called Siidas, which were used by related groups,  
14 each having their own council regulating the land use which also  
15 had a sort of court function and a function to regulate the land  
16 use in relation to neighboring Siidas. There are reports of how  
17 such regulations did happen and an example can be cited. For  
18 instance, if a trapper or a hunter from a neighboring Siida  
19 came into a Siida area and hunted and trapped there, he was  
20 fined by the Siida council, not to a very severe extent but merely  
21 in the sense that he had to give half of his catch to the Siida  
22 in which area he had been hunting without permission.

23           In the Kami Sami area, north of the Bothnia, there is  
24 even evidence that the Siida councils, which functioned as  
25 courts, also were permitted by the Swedish kings to judge or pass  
judgment in matters where trappers, Swedish or Finnish trappers,  
get caught into the Sami area. They could fine them or expell  
them if they hunted illegally inside the area.

Well, this hunting, trapping and fishing economy started  
to develop in different directions from the 1500s onwards. We  
started getting the tendency towards domestication of reindeer  
breeding, domestication of reindeer, which is now consistent  
throughout the area I've been trying to show on the map here



1 and which consists in... For instance, the regular or annual  
2 cycle use of land, moving in a migratory pattern from inland to  
3 coast, and in some areas across state borders, there had been also  
4 a differentiation into some agriculture in the inland area  
5 combined with inland water fishing and, in the north at the  
6 coast, ocean fishing. And in earlier days whaling and sealing,  
7 hunting of seal, have been considerable economic factors.

8 Of course, this situation of a more or less free use  
9 of the Sami land by the Sami population couldn't prevail in Europe.  
10 One can imagine that when we get as far up in history as the  
11 1700s. In 1751 there was made a border treaty between Norway  
12 and Sweden which defined a strict national border between the  
13 two countries in all its length.

14 So, in a way, it is interesting to note that neither in  
15 Europe has all European area been under a definite national state  
16 control for more than a little more than 200 years, in fact. The  
17 colonial process went on in an internal sense in Europe and  
18 precisely in the Northern Europe. And, of course, one can say  
19 that the same type of process has been taking place in the Siberian  
20 areas of the same continent as I come from. So the colonial  
21 process is, in a sense, more universal or more worldwide than  
22 one may think of at the first moment.

23 Well, the border treaty of 1751 did contain a sort of  
24 appendix relating to Sami rights in that the countries Sweden  
25 and Norway, between themselves, bilaterally obliged to recognize  
Sami rights and the rights of the Sami population to travel across  
the border and to bear the rights of fishing and hunting as before  
the treaty was effected.

I shall try to be very short on the historical develop-  
ment preliminary for this time. I'll just note an interesting  
fact, that the same year the border treaty was made, 1751, the  
northern province in Norway, where I come from, was made sort of  
a deportation area for criminals from the south. In a sense, we

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1 have somewhat the same development there you had in Australia.  
2 And this sort of deportation took place until 1842.

3 In the last part of the 1700s, 1775, there came a  
4 resolution by the king permitting the king to sell land in the  
5 north in the Sami area to private owners and we get, in a way,  
6 the start of the legalization away of Sami rights by the passing  
7 of successive laws undermining the notion of an aboriginal right,  
8 an aboriginal title. In 1902, there was passed a law in Norway  
9 which prohibited the sale of land or entitling of land of... to  
10 persons who did not or were not able to speak Norweigen. And  
11 that means that, in formal legal terms, land could not be entitled  
12 to Samis if they did not speak Norweigen. At that time, probably  
13 most Samis did only very poorly speak that language.

14 And... If I don't remember wrongly, the last land sale  
15 law relating to the northern province was passed in 1965 concern-  
16 ing the so-called unmatriculated government land in the north  
17 which we regard as the Sami land and which is also expressly stated  
18 in the Sami political program that was adopted at the joint  
19 Sami conference in 1980.

20 MR. BERGER: Was that a  
21 conference of Sami from all four countries?

22 MR. KESKITALO: Yes. I'll try  
23 to expand a little more on that later. But since 1980, the  
24 government has, in fact, in Norway gone even one step further by  
25 determining that the so-called unmatriculated land in the north  
should be matriculated to the government. So the result is now  
that all the previously unmatriculated land is divided up into  
convenient areas, have got a number on them and... entered into  
the land book as government property number one, two, three, four  
and so on.

This is, very shortly, some of the aspects of the  
question of land rights. But it isn't complete without trying to  
finally give a short picture of the organization development of



1 the Sami people in recent decades and of the development of the  
2 legal claims.

3 The first organizational attempt in a modern sense was  
4 done in 1907 in the southern areas of the Sami. And successive  
5 developments took place in both Norway, Sweden and Finland,  
6 resulting in 1950 treaty, a first joint conference with partici-  
7 pation from Samis in all the three countries concerned. And since  
8 1953, there has, every third year, been a joint Sami conference.  
9 And between the conferences, there is a permanent council working  
10 which is called the Sami Rassi and has its secretariat in  
11 Oheijohka in Finland. The conference is formed by delegates from  
12 the Sami organizations in each country and has, in 1971, in  
13 Sweden adopted a comprehensive cultural policy program and in  
14 1980 Sami political program that is considered as being the effec-  
15 tive statement of the joint Sami policy and, in a sense, binding  
16 for the activity of the Sami organizations.

17 I could just try very shortly to quote from this program,  
18 from the statement in Section 2, the aims of Sami policy which  
19 says after a preamble, first, "That Sami people receive legal  
20 protection as an indigenous people in each Nordic country. Two,  
21 that we receive legal protection for our traditional lands and  
22 natural resources in each Nordic country. Three, that the  
23 traditional livelihoods of Sami people be protected and laws be  
24 accordingly amended in each Nordic country. Four, that Sami  
25 language be recognized by law as an official language. Five,  
that Sami society and representative bodies be officially recog-  
nized. Six, that Sami language and culture be preserved and  
developed as a living language and living culture. Seven, that  
according to our own common traditions, we are able to maintain  
peaceful relations with our neighbors and support efforts in behalf  
of world peace." Also, this political program contains several  
more detailed perspectives, but before I conclude, I'd like to say  
that there has been a special development the last years in

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1 connection with a special event that might be internationally known  
2 and that is the development of the Alta River hydroelectric  
3 project plant. It's a fact that the hydroelectric project plan  
4 was enforced against the will of the local authorities and  
5 especially against the express statement of the Sami organiza-  
6 tions.

6 In 1979 and 1981, there were severe demonstrations  
7 in the project area and there were hunger strikes by Sami youth  
8 in Oslo. This resulted in the fact that the government of  
9 Norway had to start realizing plants... or promises that it had  
10 given 20 years before in a special committee report in 1962-63.  
11 And there was erected two special committees, one for the clari-  
12 fication of Sami status and land rights, the Sami Rights Com-  
13 mission also known as the Smith Commission. The other was a  
14 committee to clarify the further development within questions of  
15 language and culture. The former government of Norway, which was  
16 a labor government, expressly promised that it would recommend  
17 a constitutional amendment in Norwegian constitution to get  
18 recognized the status of the Sami people as an ethnic indigenous  
19 group in Norway and to promote the erection of a Sami census and  
20 an elected body which could be raised on the... fact of such a  
21 registration of the Sami population.

18 And we're, in these weeks, awaiting the first report of  
19 the Smith Commission concerning the constitutional and status  
20 questions and the reports on land rights questions will follow  
21 in the closest years in the future.

21 In Finland, there was already in 1972 elected Sami  
22 parliament. That is, there was a probational election in 1972  
23 based on the census that the Nordic Sami council, itself, had  
24 arranged. Later, in 1973, there was passed a presidential bill  
25 in Finland recognizing and structuring the registration of the  
Sami population in Finland and the elections of the Sami delega-  
tion at Solvishlekov in Finland, or the Sami parliament as it's



1 called by ourselves.

2 Yes, at the present time I think that I should not go  
3 into more details but only state that there is a definite per-  
4 spective in the joint Sami organizational body... that land rights  
5 should be recognized, that there should be granted a status to the  
6 Sami people as a people in the Nordic countries and within each  
7 particular state, and that the Sami people should be allowed to  
8 erect representative bodies, democratically elected among the  
9 Sami people, to represent the interests of the people towards the  
10 authorities and internally in the people as such.

11 Finally, I want to express on behalf of Oslof Nils Sara,  
12 who is principal of the Sami Institute and one of the two vice-  
13 presidents of the World Council of Indigenous People, the  
14 importance that is attached to the process of clarifying indigenous  
15 rights in this event, at this hearing and in the former work that  
16 has been done by you, Mr. Berger, in Canada. And there is a  
17 definite wish from the Sami people that we'll be able to learn  
18 from this process in a way that can apply to our own situation,  
19 and that we... feel a wish that the efforts of the aboriginal  
20 peoples around the world can be seen in a unified perspective in  
21 some sense, that the world community and the large powers of the  
22 earth could be able to see that also this is a very important  
23 part of the struggle for human rights throughout the world.

24 Thank you.

25 MR. BERGER: Thank you, Mr.  
Keskitalo. We do appreciate that discussion of the history  
Sami land claims and the movement for self-government. I think  
some around the table would like to ask some questions but I  
would like to ask a couple first of all.

You said that the lands that the Sami use for hunting  
and fishing and reindeer herding are held by the government of  
Norway, government of Sweden, government of Finland and so forth,  
and I... or, did I misunderstand that?

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1           Let us take the lands where you have reindeer herding  
2 going on. Who owns the land? That is, under Norweigen law, who  
3 is the land owner?

4                           MR. KESKITALO: Well, the present  
5 state of land ownership is, of course, then the result of the  
6 development. Originally, there was... before... let's say the  
7 taxation period, before the state tried to... started to tax in  
8 the north, there was, of course, no formulated pretention on behalf  
9 of the government that they owned the land. So it was, from any  
10 angle or point of view, aboriginal land.

11                           MR. BERGER: And land use was  
12 governed by the Siidas?

13                           MR. KESKITALO: The land use  
14 was governed by the Siidas, yes. But when the kings of the  
15 country started to tax the Siidas, that also involved a pretention  
16 that this, in some sense, was crown land and that it was held  
17 by the Samis as some sort of... some sort of servants of the crown.  
18 And, of course, when the... when the Nordic states were transferred  
19 from, let's say, despotic kingdoms, more into direction...  
20 development in democratic direction... When we, for instance, see  
21 that Norway got its own free constitution in 1814... then the  
22 title that more or less earlier had been seen as crown land,  
23 more and more got turned into the concept of government land  
24 owned by the government or by the government for the people, in  
25 a sense. And this is also, then, reflected in a... the laws of  
land sale, more or less, 1775 to 1965 and so on. What originally  
developed as a sort of despotic monarchic way of doing things  
has developed into the legalization of a procedure that seems  
outwardly to be democratic because it's government land, government  
for... by the people, but in any way or any case, it's government  
by the people seen as a function of the majority dominant people  
with no special status to the Sami group as such except that  
there is... there is... The reindeer breeding is regulated through



1 the reindeer breeding acts, so reindeer breeding, itself, is  
2 allowed on different types of land from in the south... land . . .  
3 that has become privately owned, mostly by Norweigen land owners,  
4 Norweigen peasants and so on, to gradually north where different  
5 forms of government land, community land, to up in the north,  
6 the northernmost province, where almost all land is what was  
7 up to a few years ago defined as the unmatriculated government  
8 land but which is now matriculated government land.

9 But the existence of reindeer breeding on this land of  
10 different classification does not, in itself, to my view at least,  
11 give any protection for the execution of future reindeer breeding  
12 in the area and it relates only to the activity of reindeer breed-  
13 ing and not to any form of exclusive activity aiming at consoli-  
14 dating and furthering the types of land use in hunting and  
15 fishing and so on that have been traditional to the Sami, which  
16 are almost totally abolished by law. There is no exclusive right,  
17 at least not in Norway, for Sami hunting and fishing. There's  
18 no way in which the Sami population can be said to have a prefer-  
19 ential right to hunting and fishing at large in the traditional  
20 area. And that is a consequence of the way the legal process has  
21 happened from despotical kings' way of writing bills towards the  
22 democratic government's way of writing bills. It's the same thing  
23 that happened.

24 MR. BERGER: Do the Sami have  
25 a preferential right to... to fish and game in any of the  
Scandanavian countries?

MR. KESKITALO: Yes, I think  
I can state that in Swedish reindeer breeding acts, or acts in  
function now, there is a certain preference for reindeer breeders  
or reindeer breeding Samis to execute and control hunting and  
fishing within their reinderr breeding districts. I wouldn't be  
able to say now to what extent this is an exclusive right but that  
it is there is for certain. It can be checked in reference



1 literature.

2 MR. BERGER: In the political  
3 program adopted by the Sami, you say that they are asking for  
4 their own institutions of self-government. I think I understood  
5 it that way. Are they asking for any preference regarding taking  
6 fish and game? Is that a matter that is of importance to them?

(TAPE 39, SIDE B)

7 MR. KESKITALO: I would say that  
8 the possibility to fish and hunt is of big importance to many  
9 Sami communities. But there has been a process of resource  
10 extermination of the wildlife and the life in the river due to  
11 external exploitation so that in some areas the traditional  
12 habits of fishing and hunting have been deteriorating. We see,  
13 however, that there is a very great potential for restoring and  
14 even modernizing the potential which lies in hunting, fishing and  
15 trapping as a part of the natural economy and we could even say  
16 as a part of the modern economy of the Sami area. So... I would  
17 say it is a general wish that the possibility to protect and to  
18 cultivate the potential for hunting and fishing is a definite  
19 part of Sami policy. And our institute has even done some studies  
20 to which extent this is a part of the common notion of the Sami  
21 local population.

22 MR. BERGER: David Case, you  
23 have a question?

24 MR. CASE: Mr. Keskitalo, Mr.  
25 O'Neill referred to the importance, as I understood it, and the  
reality of the support of the majority population when it came to  
the adoption of the 1967 referendum on the Australian constitution.  
I wonder if you could comment on the degree to which you perceive  
the support among the majority populations of these three countries,  
Sweden and Finland and Norway, as distinguished from government  
support for those desires? To what extent do you perceive the  
populations, the majority populations, supporting Sami interests



1 and perspectives?

2 MR. KESKITALO: There are probably  
3 two things to be said about this. The first thing is that the  
4 support in the majority population seems to be conjunctural. It  
5 seems to follow waves of media interest and the frequency of  
6 more or less dramatic events. When dramatic things are happening,  
7 the population as a general public seems to... a large portion, to  
8 be sympathetic to Sami claims.

9 But the other thing that is to be said about this is  
10 that that concerns the general public in those areas which are  
11 not immediately in contact with the Sami population. In the  
12 northern provinces, there is, of course, a strong political  
13 polarization of opinion in the majority population as to what  
14 are to be recognized as Sami rights and what are legitimate  
15 claims on behalf of the Sami population. But I would say that the  
16 last two or three years has shown a definite glide or progress in  
17 the opinion of the general public, even in the north, also in  
18 the newspapers of the big political parties. So that... there is  
19 a process going on in benefit of Sami claims, I would think is  
20 not possible to doubt... and that it gets out of a sort of  
21 conjunctural state into a more stable, solid opinion in the  
22 population.

23 MR. BERGER: Mark Gordon, you  
24 had a question?

25 MR. GORDON: Yes, my question  
relates to the movement of the Sami people between the different  
nation states. The first part is, you said that some people would  
move from one nation state to the other within a year with their  
natural movements back and forth. Do those people have what  
we would consider like dual citizenship, or are they declared a  
Norwegian because they were born in Norway, or how does this work?  
That's my first question.

MR. KESKITALO: Those who move

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1 regularly between nation states are not a very considerable part  
2 of the Sami population. But there are reindeer breeders who  
3 move annually back and forth across the border of Norway and  
4 Sweden. And this is possible due to a convention between Norway  
5 and Sweden that is effective up to 2002, I think. All Samis  
6 are citizens in a particular country, either in Norway, Sweden,  
7 Finland or even the Soviet Union, but there is no restriction  
8 on moving across the borders. But that's a restriction that is  
9 not imposed on any citizen in the Nordic countries. That means  
10 that the area of Norway, Sweden, Finland, Denmark is a passport  
11 union and a labor market union so the absence of restrictions is  
12 a contingent fact relating to the whole Nordic population and  
13 not only to the Sami population as such.

14 MR. GORDON: My other question  
15 related to the Soviet Union. The Inuit have a fairly similar  
16 problem. We're living in three Western countries and then  
17 there's also a portion of the population which is in the Soviet  
18 Union. I'm just interested in how much contact is allowed and  
19 how much movement is allowed between, let's say, the Sami from  
20 Finland and the ones in the Soviet Union?

21 MR. KESKITALO: Well, there has  
22 been contact between the Samis in Finland in the Soviet Union.  
23 It has even had some sort of official... official... There has  
24 been delegations from the Finish Sami organizations to the  
25 Kola Peninsula and there has been guest relationship back. How-  
ever, it has been almost impossible to get permanent cooperation  
across the border to the Soviet Union. The Nordic Sami council  
has invited the Samis in the Soviet Union to participate in the  
Nordic Sami conference but so far there has been no delegation  
from the Samis in the Soviet Union. There have been linguists  
and scientists from Russian universities attending these con-  
ferences as observers, but so far, no official or unofficial  
Sami delegation from the Soviet Union.



1 MR. BERGER: Shorty O'Neill?

2 MR. O'NEILL: Alf, we recognize  
3 the struggle to stop dams and mines and many other things happening  
4 on our land as an intricate part of sovereignty and land rights  
5 because once you get your land back and somebody's built a dam  
6 on it, it's not much good to you if it's all under water. So it  
7 is a very important part of the struggle for the recognition of  
8 sovereignty and land rights. And I was just wondering if you  
9 could fill us in a bit on the struggles that were going in the  
10 north of stopping those dams that were coming up and I believe  
11 there were a couple of mines that were going to open up up there.  
12 If you could fill us in on some of that?

13 MR. KESKITALO: Yeah. Did I  
14 understand you right, you wanted me to tell more about?

15 MR. O'NEILL: Yeah, the  
16 struggle movements on the stopping the dams being built in the  
17 north. There were a lot of hydroelectric schemes, both in the  
18 north of Norway and Sweden where the Sami people had taken a  
19 fairly major role in stopping those dams going ahead. If you'd  
20 just bring us up currently on what's happening there?

21 MR. KESKITALO: Well, roughly  
22 what has happened in this concrete case, in the Alta case, that  
23 twice, in 1979 and in 1981, there were hunger strikes carried  
24 through by Samis in the capitol of Norway in order to get the  
25 government to realize that there was a very accute question of  
Sami land rights involved and that the consequences of the river  
dam would be considerable on the reindeer breeding in the area.  
There were also demonstrations in the actual road building and  
dam area by both Samis and Norwegian environmentalists. In both  
cases, the government had to put in a police force of considerable  
amount, up to 600 policemen, in order to carry away the... those  
who were demonstrating and just sitting down on the road and...  
linking themselves to the... to stones and ground. There was



1 also an occupation of the prime minister's office by Sami women.  
2 The... first Norweigen prime minister who was a woman happened  
3 to be newly elected into office at that time, so one of her first  
4 jobs was to try to negotiate with Sami women who were sitting down  
5 in her own office.

6 It's no doubt that the accute and sudden action that  
7 was taken in the hunger strikes and in the peaceful demonstrations  
8 at the Alta River bank accelerated the obligation of the govern-  
9 ment to comply to Sami claims and to their own... to their own  
10 stated promises. And it's just a very sad fact that in such  
11 developments it seems that something of dramatic character has  
12 to enter the scene before the government seems to be willing to  
13 comply to what it has stated itself, in fact. And... Well, our  
14 hope is that we, as a people in the three Nordic countries, will  
15 be able to live there peacefully and our hope is also that the  
16 Nordic governments will be able to evaluate what sort of protec-  
17 tion we really need in order to live peacefully and to be be  
18 peaceful. Because that's what we really want.

15 MR. BERGER: Bill Erasmus?

16 MR. ERASMUS: I'd like to...

17 You mentioned some... You made mention of the political aspira-  
18 tions of the Sami. Could you elaborate a little bit more on  
19 that? You mentioned that you want recognition of Sami land  
20 rights, land title, and that you have some type of representation  
21 within the democratic system but I was not clear on what you  
22 meant by that. Could you elaborate a little bit on your political  
23 aspirations?

22 MR. KESKITALO: I'll try that.

23 First of all, of course, the Sami people, as individuals,  
24 are able to participate in the ordinary democratic process in  
25 the Nordic countries. But in such event, one is mostly bound by  
the political party's programs and we'll have to work considerable  
hard to be able to get Sami matters as to essential questions in





1 if you're advocating... a system whereby you can work within the  
2 specific states that you live in, or if the Sami are saying that,  
3 because of their collective nature, their historic background, et  
4 cetera, that you have specific sovereign rights that you would  
like recognized.

5 MR. KESKITALO: Of course, the  
6 fundamental opinion is that we have certain sovereign rights, if  
7 you like to call them like that, that we cannot lose. But we  
8 want, as it is formulated in the political program, we want that  
9 these sovereign rights... cannot be modified or really formulated  
10 before it happens through a democratic process. Nobody can, by  
11 itself, or more or less contingent, voluntary organization, be  
12 said to represent the people in this precise sense as an elected  
body would be able to say it does and do. And that, at least,  
is the point of view of the Sami political program and of the  
major Sami organizations, especially in Norway.

13 MR. BERGER: Rosita Worl?

14 MS. WORL: Yes. You made some  
15 reference to customary law and that your customary law... I guess  
16 in the early period. I don't know if it survived and that's the  
17 question, is that your customary law regulated land use. In spite  
of the matriculation of your land, has that customary law prevailed?

18 MR. KESKITALO: I can take two  
19 examples that might elucidate your question. In connection with  
20 the 1751 border treaty, the countries, Sweden and Denmark,  
21 Norway, recognized the further existence of the Sami local court  
22 to execute customary law and probably even state law in this area  
23 to some extent. There were regular annual courts in the Siidas,  
24 up in the court area in the north. I'm not able presently to say  
25 how far that system was carried up in history, but it's quite  
clear that even when we get the transition to the ordinary court  
system, that some part of Sami customary law has been transferred  
into the decisions of local courts. And I'll mention one example.





1 MR. KATCHATAG: Thank you,  
2 Mr. Berger. I appreciate the opportunity given to speak on behalf  
3 of the United Tribes of Alaska.

4 And the first thing I would like to do is to welcome all  
5 the distinguish guests who have appeared from various international  
6 positions throughout the world. This welcome is semi-official  
7 on behalf of the United Tribes of Alaska, our executive, our  
8 board and our membership of 70 plus villages throughout Alaska.  
9 I would also like to extend this welcome to you on behalf of  
10 my fellow Natives of Alaska. And I would also like to emphasize  
11 the fact that Anchorage is not Alaska.

12 The Alaska Native Claims Settlement Act was truly a  
13 landmark piece of legislation. For one thing, it recognizes the  
14 fact that we in Alaska have a valid and existing right to land  
15 which they have attempted to settle through the claims settlement  
16 act. In going over all the documents which relate to land, tribes,  
17 and the relationship, I have come to the conclusion that the  
18 Alaska Native Claims Settlement Act violates the sovereign right  
19 of tribal governments to stop the giving or taking away of lands,  
20 interest in lands, water rights, surface rights, you name it,  
21 without the consent of the tribe. And that is written in these  
22 constitutions, of which I have an example of the Native village  
23 of Unalakleet, of which I am a member.

24 Article IV, Section One, delineates the powers held  
25 by our village government as being, "The village shall have the  
following powers, to do all things for the common good which it  
has done or has had the right to do in the past, to deal with  
the federal and territorial governments on matters which interest  
the village, to stop any giving or taking away of village lands  
or other property without its consent."

Now, it's my contention that the Alaska Native Claims  
Settlement Act, therefore, as it applies to my village, is not  
valid in all parts because it was not taken to the village, to the



1 IRA government in my village, for its consent. And therefore,  
 2 as part of my welcome, I would like to tell you that we will be  
 3 in the process of exercising our sovereign rights as a tribal  
 4 government in declaring that the Alaska Native Claims Settlement  
 5 Act, in all parts relating to our village and our interest in the  
 6 lands surrounding our village, will be null and void as far as  
 our village is concerned.

7 And I had asked Mr. Berger to give me this opportunity  
 8 to speak because I will be going back to the village tomorrow to  
 9 begin the process of the declaration of the Alaska Native Claims  
 10 Settlement Act, as it applies to Unalakleet, to be null and void.  
 11 And, hopefully, this will put us on the way to resolving these  
 12 questions which have plagued our people and our governments in  
 13 dealing with not only the federal, but also the state government.

14 I would also like to express my appreciation, not only  
 15 to this commission for bringing these matters to light and study-  
 16 ing them and their impact, not only on the Native people of Alaska,  
 17 but also on indigenous peoples throughout the world. I have  
 18 heard that the Alaska Native Claims Settlement Act is being ex-  
 19 ported as a model settlement to be used as an example in the  
 20 settlement of land claims of indigenous peoples throughout the  
 21 world, and our actions will prove that the Alaska Native Claims  
 22 Settlement Act is a model, sure, but it's a model of what not to  
 23 do. And that will be the general thrust of, not only my actions,  
 24 but actions of our village council. I speak semi-officially in  
 25 that regard because I am a council member and I will be informing  
 the rest of our council that this, in fact, should be the course  
 that we will be pursuing in our efforts, not only to become  
 self-determining, self-governing, but also self-sufficient.

Thank you.

MR. BERGER: Thank you, Mr.

Katchatag.

Just before we move on, David Case had one or two

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1 questions for Alf Isak Keskitalo.

2 MR. CASE: Just as a point of  
3 reflection of when we broke last time, we just touched I think,  
4 Mr. Keskitalo, on the migratory birds, the hunting of migratory  
5 birds in... I'm not sure they're migratory, but in any event,  
6 birds in your area and I guess should perhaps say, for the record,  
7 that that is a problem that has long plagued Alaska Natives as  
8 well, and, I suspect, Canadian Inuit and Indians, which stems...  
9 a problem that stems, at least in the United States and Canada,  
10 from a treaty arrangement between the two nation states regulating  
11 the migration of those birds and the fact that the treaties provide,  
12 prohibit or severely restrict the hunting of birds in particularly  
13 the spring season, as I understand it, when the tradition is to  
14 hunt those species.

15 And, as in Norway, the approach in Alaska has, at least  
16 until recently, been to ignore provisions of the treaty by the  
17 officials supposedly to enforce those treaties. But there's been  
18 some movement, also, to renegotiate the treaties and adopt other  
19 legislation in the United States to, in some measure, free up  
20 those restrictions.

21 My question to you really goes back to something that  
22 Bill Erasmus was asking about. I guess the way I would frame it  
23 is, to what extent are Sami concerns about sovereignty associated  
24 with the exercise of jurisdictional control, the actual direct  
25 political control over the territories or people? Is that some-  
thing that you foresee as a goal or does it mean something else?

MR. KESKITALO: According to  
the question of jurisdiction, the Sami political program states  
on the question of civil rights that Sami civil rights are in  
full power in those areas in which Sami people comprise a  
majority. Such areas are to be established by an official list.

Secondly, also in those areas in which Sami people have  
come to be a minority or are in the minority, Sami civil rights



1 are to be preserved according to traditional principles. And  
2 there is... a list of what are to be considered main aspects of  
3 civil rights concerning, for instance, education, language and  
4 so forth.

5 As you can see on the map that has been copied, it's a  
6 fact that in the largest portion of the traditional habitat, the  
7 Sami population is in the majority and in some areas, a very  
8 small... Excuse me, a minority, and in some areas a very small  
9 minority, even. It would probably be not feasible or even of  
10 no interest in trying to establish a sort of jurisdictional...  
11 order in that area that collides with the local government of  
12 the Norwegian population in itself.

13 What, however, is important is to gain protection of  
14 traditional land use, for instance of areas belonging to tradi-  
15 tional reindeer breeding. There have been suggestions, for  
16 instance, that reindeer breeders should have a veto in relation to  
17 industrial expansion and so forth. In the majority populations,  
18 such suggestions have aroused very strong opposition but...  
19 inevitably, Sami policy has to be directed at some sort of gaining  
20 ... gaining a very strong type of protection for traditional land,  
21 even in the areas where the Sami population is in a small minority,  
22 informal protection against expropriation and even some form of  
23 veto right which could probably be assigned to the establishment  
24 of an elected Sami body to execute.

25 These are perspectives only, for the moment. As the  
political program expresses it, the situation is quite different  
in the majority areas where there, to some extent, already is  
established political, local political, control. But the problem  
is the way that local government can be executed within each  
community is strongly restricted by general laws on local govern-  
ment. And so far there is, for instance, no way in which a local  
community board or council is able to regulate the large... or,  
at large regulate against, for instance, encroachments upon the



1 land. What could be foreseen is development in inter-direction  
2 that, in the majority areas, the local form of government could be  
3 ascribed additional power, both in relation to regulate land use,  
4 to accept revenues for land use, and also to establish a sort  
5 of network to a common elected body. And this is one of the most...  
6 of the complicated problems we have to think through and solve.

7 That is notably, how is Sami parliament to be connected  
8 to the already existing political steering process in the countries?  
9 How does it affect provincial government, local community govern-  
10 ment, also in relation to what proportion of the Sami population  
11 constitutes within each community or borough? These are very  
12 complicated problems and on this point of development one can  
13 only foresee them and try to prepare to be able to solve them to  
14 some extent. But it's a definite aim of the Sami political program  
15 that political control is to be executed in some areas.

16 MR. BERGER: Dalee Sambo and  
17 then Charlie Edwardson.

18 MS. SAMBO: I think that David  
19 asked the question that I wanted to ask but only in a different  
20 manner. I was... And, a point of clarification for my own pur-  
21 poses. Do the Sami people... and I think Bill Erasmus was trying  
22 to elicit this earlier... Do they, in terms of self-government,  
23 do they want to work within the existing framework of the governing  
24 bodies that now exist, or do they want to assert more sovereign  
25 self-government control of their own as, more or less like a  
26 nation state versus one within the framework of already existing  
27 governments? And you somewhat answered that for me. Can you  
28 add to that, or...

29 MR. KESKITALO: Are you asking  
30 me?

31 MS. SAMBO: Yes.

32 MR. KESKITALO: One must remember  
33 that there is a very long history behind this all. There's several

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1 hundred years of linking to the political system in the Nordic  
2 countries. The Sami communities, also the majority communities,  
3 have been working within the system of local government for a very  
4 long time and there has not been much debate within those local  
5 political structures as to what should happen in relation to  
6 political reforms.

7 But I can, for instance, say that my home community has  
8 made a very comprehensive general plan. It's a general plan that  
9 is... it is obliged to make. This community where I come from is  
10 the largest Sami community, both in area and in population, and  
11 it express... The general plan expressly states that the aim of  
12 the Guoudageaionu community is to preserve the community as a  
13 secure base for the Sami population and preserve the land as a  
14 secure base for the traditional Sami economical system, and that  
15 any industrial development should be... should be... adjusted to  
16 those aims.

17 Some of the other communities also have statements in  
18 such direction. It is a sort of distance between this local  
19 political process and the organizational Sami process. They are  
20 not identical. And as I said, there is going to be a considerable  
21 amount of debate on how the accustomed local government in the  
22 Sami areas is to be adjusted to the election, for instance, of  
23 a Sami parliament.

24 It's clear what is the aim of the Sami organizations.  
25 It's also clear that local communities within themselves have the  
development of their local character as Sami communities and  
those two developments of the organizational aspect in the wider  
sense, leading, hopefully, to the election of a Sami parliament  
and the process that's taking place within the local communities,  
somehow can be merged in the future. They are not merged yet but  
the directional development point that they are coming closer to  
each other.

(TAPE 40, SIDE A)

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1 foreign invader called Norway and, in 1931, the world court  
2 gave award to... to Denmark, not because Denmark had conquered  
3 the Kalaallit, but the Kalaallit had chosen to be favorable to  
4 the kingdom of Denmark. And so the definition that they had  
5 developed for extinguishing sovereignty, that the act of discovery  
6 by Norway, in the space where they had lost in defeat, they could  
7 not lay a claim to sovereignty. So if they cannot lay a claim  
8 to sovereignty that the Samis possess, what have you done... in  
9 the utility of this case against Norway where a local group like  
10 the Kalaallit had maintained their territory? And so, in... in  
11 the North Americas, the displacement of the indigenous population  
12 has been done with a penal attitude. The... The development of  
13 property law or lack of it in...

14 See, America, Canada, Australia, New Zealand are a  
15 victim of a greater circumstance which occurred and there were  
16 penal colonies. So the social idea, the human development of  
17 the community, of dealing with Native people, comes in a colonial,  
18 in a penal form. So this development that occurred in America...  
19 Then a miracle happened that the Anglo... American Anglo-Saxon  
20 people got tired of that and created a rebellion because it was  
21 inhuman to receive this kind of treatment.

22 So some Indians sided with the... with their local  
23 guest and Kamit was the development of Treaty of Paris. And the  
24 historical context was the Indians were on both sides of the war,  
25 that the local community had a split.

So, in North America, we have, on the American side,  
a constitutional forum. On the British side, we have colonial  
charters. So... Canada is on its verge of its own discovery for  
the simple fact that they have been thinking since 1867 that a  
colonial charter is a constitution. When England, itself, has  
no constitution... So the Canadian context in thinking that they  
have a constitution with a colonial charter is a little bit farce  
for us to think that the Canadians have a constitution when they



1 are in a process of getting one.

2 And so, where America was in... in 17... early... at  
3 the time of the revolution, is where Canada is today with its  
4 constitution. It is... They are a year old into a constitutional  
5 administration. And if the people of Canada should choose to  
6 elect what the basis of discrimination and what rights are going  
7 to be, then we can successfully take a look at our treatment.  
8 The American treatment has not been favorable, it's just that...  
9 that the TV media has gotten up, that the technology is as such  
10 where inequalities can be measured by larger, greater population  
11 because of decentralized press, not probably because that there  
12 is a constitution. And it is in the same liking that Norway  
13 cannot go up to the Sami land and say, "Who are these..."

14 So there is a rule of prescription where the colonial  
15 powers have lost, in this case where the Kalaallit, the local  
16 population was not displaced but the world... Instead of the  
17 world court awarding the jurisdiction to the Kalaallit, they  
18 awarded to the Denmark, who was the guest... who was the host.  
19 And this lesson, I guess, can be paralleled by the sale of Long  
20 Island, Manhattan. And that sovereignty that the Samis have and  
21 the sovereignty that the Inupiat have and the Inuvialuit have  
22 is real. It has not been displaced. We are not displaced from  
23 our land. We have them.

24 And what has happened in the case of Alaska is, we  
25 decide the American justice administration of justice... decided  
to change things. They decided to change the rules and in so  
coming here, that we have a hodge-podge, hodge-podge of adminis-  
tration but what is equally persistent is they will settle with  
you as soon as you go to death. And they will give you an offer.

I went through all of the Alaska Native land claim. The  
question is, because you have not been displaced, what is the  
legal position of Norway because they cannot officially displace  
you. You are still in existence, you have a language, you have a



1 home, and how do they expect to displace you without your permission?

2 MR. BERGER: Well, Alf Isak,  
3 there's a lot wrapped up in that question. Do you want to address  
4 anything that Charlie Edwardsen has said or... since Greenland  
5 is sitting next to you, maybe we should, after you have spoken,  
6 see if Robert Petersen wants to speak to that matter.

7 MR. KESKITALO: Well, the fact  
8 is that the Sami population can be displaced, not by being moved  
9 away but by being overrun in a sense.

10 UNIDENTIFIED: Being what?

11 MR. KESKITALO: Overrun.

12 MR. BERGER: Overrun.

13 MR. KESKITALO: Yes... for... by  
14 demographic developments in the sense that if, for instance, there  
15 are huge industrial developments, for instance in the core area,  
16 it's easy to imagine how mass immigration from outside could  
17 extinguish the cultural character of the core area. And, of  
18 course, that's already happened somewhere. For instance, in the  
19 easternmost community of the northern province, south around it,  
20 there is a huge iron mine and steel processing plant which has  
21 lead to that... the fact that in a period of perhaps 50 years,  
22 what was originally a Sami majority area is now an area where the  
23 Samis constitute only ten percent of the population. That is  
24 why we feel it's very important to have the ability to think  
25 forward in terms of... as it's said here, such areas are to be  
established by an official list. And that can be interpreted into  
several directions, of course.

26 Before I turn the microphone to Robert, I would like to  
27 say that the Sami land is not an island and that makes it par-  
28 ticularly vulnerable.

29 MR. BERGER: Before we move on to  
30 Robert Petersen, might I just see if we can... maybe make the  
31 foolhardy attempt to put in capsule form this whole issue of

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1 sovereignty and then I'll call on Robert Petersen. And after that,  
 2 I should say that I consulted with some of the Canadian represen-  
 3 tatives about the order in which we should call on them and we  
 4 agreed, more or less, that we should start with Mark Gordon, to  
 5 talk about the James Bay and Northern Quebec settlement and then  
 6 Dwight Noseworthy, representing the territorial government and  
 7 its chief negotiator with COPE, you could talk about the  
 8 Mackenzie Delta settlement with the Inuvaluit and then CYI,  
 9 the Council of Yukon Indians, Mike Smith and Glenn Grady, maybe  
 10 you would tell us about the settlement recently concluded with  
 11 the Yukon Indians and the government of Canada.

12 Then we'll move on to Dennis Patterson and Peter Ittinuar  
 13 who can tell us about the proposals for new jurisdictions in the  
 14 Canadian north, Nunuvut and Denende, one Inuit, the other Dene.  
 15 And then we will hear from Randy Ames about the Inuite Tapirisat  
 16 land claim, and then from Steve Kakfwi, Bill Erasmus and Rick  
 17 Hardy about the claims of the Dene and the Metis. And Rick  
 18 might also add something about the whole question of status and  
 19 non-status Indians in the Northwest Territories. Rosita Worl,  
 20 who works with our commission, feels that there may be some  
 21 analogy in that to the growing division in Alaska between Native  
 22 persons who hold shares in the corporation and those born since  
 23 1971 who do not.

24 So I think we'll proceed in that way. Might I just,  
 25 before calling on Robert Petersen to speak for... about Greenland,  
 and I don't want to detain us longer, but... Charlie Edwardsen  
 has been saying and others have said from the beginning of this  
 overview, how can they say that they achieved sovereignty over  
 an aboriginal population. Doug Sanders said yesterday there was  
 no adequate theory for European sovereignty over new lands  
 inhabited by aboriginal populations anywhere in the world. And  
 it was said last week that Chief Justice John Marshall simply  
 looked at it in that way and said, "Well, the government of the

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1 United States has taken over and we're not going to interfere.

2 Now, let me just leave you with this question and we  
3 may return to it at the end of the afternoon. Suppose the  
4 government of the U.S.A. and the government of the Soviet Union,  
5 just to take the two most powerful governments in the world, were  
6 to discover in some planet that they might reach in ten years, a  
7 population of people with their own language, their own religion,  
8 their own way of life. By what theory of international law,  
9 assuming that we extended it to the planets and the stars, by  
10 what theory would either of those governments or both of them  
11 acting jointly be entitled to convert them to Christianity or  
12 to communism or to the free enterprise system or to some  
13 collectivist arrangement? By what theory of international law  
14 would they be entitled to assume that that land came under the  
15 sovereignty of a European power and by what theory would they  
16 be entitled to subjugate those people and take their land.

17 Now, we really can't get into that now or we'll be here  
18 for the next three days on it. But think about that and, if  
19 you'll allow me to do so, we could, perhaps, return to it later.

20 I think now we should ask Robert Petersen to tell us  
21 about the home rule movement and about the state of land claims  
22 in Greenland. Mr. Petersen?

23 MR. PETERSEN: Thank you, Mr.  
24 Chairman.

25 I suppose I have to mention some historical precondi-  
tions for Greenland home rule. Greenland was Danish colony for  
many years and this situation began with Norse Vikings from  
Iceland, who settled in southernmost part of Greenland 1,000 years  
ago, agreed with the Norwegian king that they would pay tax for  
him and a couple of hundred years later the... Norway and Denmark  
got the same king and for some reason when Norway was divided  
from Denmark in 1814, the Atlantic Islands, Iceland, Faeroe  
Islands and Greenland remained within the Danish reign.

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1 This situation, as colony, it continued until 1953 when  
2 Denmark got a new constitution and... in which Greenland was  
3 recognized as a formal part; an integral part, of Denmark.

4 As mentioned by Alf Isak, it was the great difference  
5 between Sami land and Greenland that Greenland... situated beyond  
6 an ocean from Denmark, was separated and this separation was  
7 always recognized. When Denmark recolonized Greenland in 1720s,  
8 it was partly with the hope that Denmark could participate in  
9 European whaling in East Greenland and especially Davis Strait  
10 but it was not successful and this connection, Denmark began to  
11 buy blubber from Greenlandic hunting and in this way also was  
12 interested in keeping the traditional way of living in Greenland  
13 for many years.

14 In 1920s, the Greenlandic waters became warmer and  
15 whale and seals disappeared partly from South and West Greenland.  
16 Shoals of codfish came and make it possible to small scale fishing  
17 from small vessels in West Greenland. And it was in this way  
18 rather easy transfer from sealing to fishing because the house-  
19 hold organization could be kept intact, in fact, until the  
20 industrialization of Greenland began after 1950.

21 Even if Greenland is called Greenland to tempt Icelandic  
22 farmers, it couldn't tempt other European farmers to itself and  
23 in this way the soil of Greenland was regarded as useless and  
24 there was very little temptation to take land in Greenland. In  
25 this way, Greenlandic economy was based of subsistence hunting and  
fishing, in fact, until this century.

In the beginning of this century, sheep farming was  
also started in the southern part of Greenland but it was also  
regarded as a supplement for household economy --

MR. BERGER: It was regarded  
as what?

MR. PETERSEN: A supplement for  
household economy.



1 MR. BERGER: Oh, right.

2 MR. PETERSEN: In West Green-  
3 land. In this way it had, also, new... great effects on the  
4 Greenlandic way of living. And when this was introduced, there  
5 were... (PAUSE) It was not real expert, but a regulation that  
6 decided that the sheep farmers should not be private owners of  
7 their land but should have right to use it. I think it was for  
8 99 years. In this way, the Greenlandic land was never owned by  
9 individuals and I think that it is one of the... things that make  
10 the Greenlandic development different from other developments  
11 in Europe and especially North America and Australia.

12 In this connection, the --

13 MR. BERGER: Excuse me. I'm  
14 awfully sorry. What was it that distinguished Greenland from  
15 North America and Australia?

16 MR. PETERSEN: It was that there  
17 has been no private ownership on land.

18 MR. BERGER: Oh, I see. Even  
19 by non... even by the Danes who --

20 MR. PETERSEN: No --

21 MR. BERGER: -- came to Green-  
22 land, they didn't --

23 MR. PETERSEN: -- no --

24 MR. BERGER: -- have any private  
25 ownership of land?

MR. PETERSEN: -- No.

MR. BERGER: I see.

MR. PETERSEN: Land and sub-  
surface was regarded as crown land and became regarded as owned  
by the state. There was a commission on mineral resources in  
Greenland in the 1950s and it had a report in 1960 and stated  
that both land and mineral resources in Greenland were owned by  
the state... of course, the Danish state. And this was, in fact,



1 regarded as a true doctrine until about 1970. In this period,  
 2 Greenland, matching movements both in Alaska and Canada and  
 3 Norway, and began to question that if state sovereignty auto-  
 4 matically could be interpreted as land ownership. In fact, we  
 5 didn't... It was at the Institute of Eskimology, University of  
 6 Copenhagen, we put this question and, in fact, it came in...  
 7 grew period.

8 In the end of the '60s, the (INDISCERNIBLE) of contro-  
 9 versial questions was getting better in the world, I think, and  
 10 ideas that they could be regarded as (INDISCERNIBLE) were  
 11 discussed seriously and this question became also one of the  
 12 ideas that were developed in Greenland.

13 In the same period, there had been European economic  
 14 community that began to negotiate about including some European  
 15 states. Among them was Denmark. In 1972, there was a referendum  
 16 both in Denmark and Greenland and Faeroe Islands. Faeroe Islands  
 17 had, at least at this time, a home rule government and had in  
 18 this way formal possibility to vote separately from Denmark while  
 19 Greenland was formally integral part of Denmark and in this way  
 20 had to vote together with Denmark. In Greenland, 70 percent of  
 21 given votes were against joining the European economic community  
 22 but it disappeared in the Danish yes and this way Greenland  
 23 became member of European economic community against its want.

24 Most of the important factors in this connection, I  
 25 think... that Greenland had still... still today consciousness  
 of wish to keep the animal stocks so intact as possible and as  
 European economic community has a new policy towards fishing and  
 hunting Greenlandic, and I think also together with Greenland,  
 also Norway, that also had said, "No thanks," for European  
 economic community at this time. Faeroe Islands, they were  
 against membership in a community where had no... which had no  
 fishing policy. And even today, the fishing policy is a very  
 difficult question within EEC.



1 I think this membership of EEC has been one of the  
2 important factors when three young politicians, namely Jonathan  
3 Mosfelt, Lassimar Johansen and Moses Olson, began to cooperate  
4 about their politics. This developed to, in some years, to  
5 establishment of CMO party that is governing party in Greenland  
6 today.

6 And the same year, Jonathan Mosfelt proposed that  
7 consideration towards home rule Greenland should be begun. The  
8 following year, there was established a home rule committee  
9 consisting of five Greenlandic politicians with no Danish member.  
10 They came with their report in 1975 and in connection with the  
11 Faeroe Island home rule, they proposed that some responsibilities  
12 in legislating and administration should be transferred from  
13 Danish parliament and ministries to Greenland. And in this  
14 connection, also the budget should be transferred to Greenland.

15 In the beginning, the idea was that the Greenlandic  
16 government should be financed from Greenland resources but in  
17 the following body home rule commission that had both Greenlandic  
18 and Danish politicians as members and had a Danish chairman.  
19 We proposed that Greenland home rule should be financed partly  
20 by taxation Greenland, partly by subsidies in Greenland from  
21 Denmark. And... It proposed that... question of foreign affairs  
22 health service, order, police and the question of sovereignty  
23 and inspection of coastal seas should be in Danish hands, of  
24 course, also questions of defense, while economy... economic  
25 development, game management, culture and education, social  
matters and housing and like questions should be transferred to  
home rule government.

Home rule was introduced in 1979 and much of these  
decisions and thoughts were introduced today. In connection with  
economic resource question, the renewable resources are under  
responsibility of home rule government while nonrenewable resources  
are the unshared responsibility. There is a body consisting of



1 Danish and Greenlandic politicians that decide questions of  
2 mining, mineral resources, (INDISCERNIBLE) and in this connection,  
3 they also... Some kind of concensus of sharing possible revenue  
4 from mining and it says that the first part of income should be  
5 to cover Greenlandic expenses and what may be the rest should  
6 be shared by Denmark and Greenland according to an agreement.  
7 This agreement is not formulated today.

8 Under the negotiations of the home rule commissions,  
9 one of the Greenlandic members, Lassimar Johansen, struggled very  
10 much to get Greenlandic land claim recognized, ownership of the  
11 Greenlandic community of Green... land in Greenland. But for  
12 some reason, some of the Greenlandic members, those who later  
13 on became members of a district, wouldn't support him in this  
14 question and as there was a strong opposition of some of the  
15 Danish politicians, they couldn't agree about land ownership,  
16 Greenlandic land ownership in Greenland. And, at last, when the  
17 negotiations were being destroyed, they got an agreement that  
18 says that Greenlandic people have fundamental rights in Greenland  
19 and today has nobody tried to define what this means.

20 I think that there are different... thoughts about it  
21 both in Greenland and Denmark. But in some way, Greenlandic  
22 people have fundamental rights and don't know how they can do  
23 this agreement. And I can... Finally, I mention that after  
24 introduction of home rule, we realized that Greenland Inuit which  
25 we used to regard as a minority towards Denmark are people with  
own minorities and majorities, and it is a very interesting  
consideration.

After introduction of home rule, it was possible on  
formal basis to have a new referendum in connection with member-  
ship of EEC and... EEC, and it was taken last year with a majority  
who wanted to leave European economic community. After this,  
there has been different and rather difficult negotiations  
because... especially because Germany wanted fishing rights in



1 Greenland and they were very against losing this right, while  
2 there was a rather calm attitude towards this question among the  
3 other members of EEC. And after long negotiations, it was agreed  
4 that Greenland could leave EEC from January 1985 and within the  
5 agreement there were... sharing of total catch of fish of 83,000  
6 tons and of this, should 59,000 tons be caught by Greenlandic  
7 fishermen while the rest should be allowed to be caught by...  
8 others... among other things and Germans. But for this right,  
9 EEC should pay some compensation and in this way Greenlandic  
10 economy should have roughly the same level... Greenlandic budget  
11 have roughly the same level as earlier. Greenland had received  
12 EEC economic foundation for developing regions and it was about  
13 six percent of Greenlandic yearly budget, about two billion  
14 Danish count.

15 This --

16 UNIDENTIFIED: Excuse me, what  
17 percentage was that?

18 MR. PETERSEN: Six percent.

19 And... This support from EEC was especially useful for infra-  
20 structural plants in Greenland, ports, airports, ways and like  
21 thing and they were not now in this way but in connection with  
22 withdrawal from EEC... There were... sold some quotas that, in  
23 this way, were... in this way could... replace the lost amount  
24 and Greenlandic development... planning could so continue almost  
25 in the same speed as earlier.

It was in this connection that there came problems in  
home rule government. We have three parties, as was mentioned,  
... this governing party and it could govern with... in  
coalition with the... the least party in the Greenland home  
rule government Inuit (INDISCERNIBLE), who in this was  
against allowing EEC quotas in Greenlandic waters and together  
with (INDISCERNIBLE) had passed a no confidence vote last  
Friday. But before this (INDISCERNIBLE) voted together with

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1 (INDISCERNIBLE) and passed the agreement with EEC that Greenland  
2 could leave EEC from 1985 and get new states, overseas land and  
3 territory states, towards EEC and it means that Greenland can ex-  
4 port fish and other products to EEC without duties. In many ways,  
5 this agreement seems to be rather favorable for Greenlandic, also  
6 because Greenland could regulate the part of EEC in Greenlandic  
7 fishing if the biologists should regard it as dangerous for fish  
8 stocks in Greenland. To date, the biologists mean that it is  
9 agreeable order.

(TAPE 40, SIDE B)

10 In connection with parties, I think I ought to mention  
11 that Greenlandic parties developed within the last ten years were  
12 established quite independent from Danish party system and this  
13 way, Greenlandic party politics is outside the Danish party poli-  
14 tics except that (INDISCERNIBLE) became member of international  
15 socialist association and the Danish social democrats and German  
16 social democrats and maybe also specialist social democrats are  
17 member of this association. Beyond this, there is no formal con-  
18 nection between Greenlandic and Danish parties, and it means also  
19 that Greenland is very little affected of change of cabinets in  
20 Denmark.

21 There has been a social democratic cabinet for many years  
22 in Denmark and it was replaced by a conservative coalition almost  
23 two years ago, and it has not changed the relationship to the  
24 Greenlandic political life. But the... In connection with home  
25 rule, the parliament arrangement was not introduced in connection  
with the home rule act in Greenland. This is prepared and I think  
that it was passed now so that it should be possible to have an  
election within the four years election term.

I think I lack one thing... that there were... formed  
mineral resources in Greenland and among them, cryolite was  
exploited by a Danish company from about 1850. Now it is emptied  
and it was... extracted economy seen from Greenland. Today there

1 is lead and zinc mine in Umanak municipality and it is also an  
2 extrative mine that has very little connection with the local  
3 community. But in connection with this and in connection with  
4 oil exploration in East Greenland, the mineral body that has both  
5 Danish and Greenlandic members, it had... it has allowed explora-  
6 tions but only at slow speed so they... There is uranium deposit  
7 in the southern part of Greenland and there has been discussed  
8 very much if it should be exploited. But I think these plans are  
9 dropped now, kaput.

8 MR. BERGER: Well, thank you  
9 very much, Mr. Petersen. I have a couple of questions. You said  
10 that under home rule, the home rule government of Greenland has  
11 power to deal with education and health. I didn't make a list of  
12 things, but could you tell me what powers, in fact, the home rule  
13 government is exercising in the broadest sense? You mentioned  
14 police and I didn't understand whether the police were under the  
15 jurisdiction of the home rule government or Denmark. I think you  
16 said defense was still under Denmark.

15 MR. PETERSEN: Yes, defense is  
16 within Danish government responsibility and beyond this, there is  
17 also... foreign affairs also under Danish responsibility. Today  
18 is health service still under Danish responsibility and also  
19 different sovereignty question and this connection, also inspec-  
20 tion of fishing area is also under Danish responsibility.  
21 Under home rule responsibility there are economic and occupation  
22 and economic development questions and responsibility of manage-  
23 ment of renewable resources. In fact, it has been a very long  
24 time in Greenlandic responsibility from about 1920. Social  
25 matters, they are under home rule responsibility and housing  
26 questions also. Culture and education interests, they are also  
27 under home rule responsibility and it means that home rule may  
28 have legislation about these things and finance them, make budgets  
29 and hire, engage people, and there is a sharing of this

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1 responsibility of planning of education, of central authorities,  
2 while the public education is under responsibility of the 18  
3 municipalities in Greenland. And also, teacher training and  
4 educational planning, like things, are on central authorities.

5 MR. BERGER: I just have one  
6 other question and then there are others. You said that non-  
7 renewable resources in Greenland are under the jurisdiction of Den-  
8 mark and Greenland jointly. That is, I take it they have to  
9 agree. The home rule government would have a veto over the  
10 development of this uranium mine and so on. Have I understood  
11 that correctly?

12 MR. PETERSEN: Yes.

13 MR. BERGER: What is the feel-  
14 ing... Well, I take it that, though Greenlandic Eskimos are the  
15 majority in Greenland and occupy, no doubt, most of the positions  
16 in the government, elected positions in the government, persons  
17 of Danish descent and immigrants from Denmark, or anywhere else,  
18 for that matter I suppose, have the right to vote in elections.

19 MR. PETERSEN: Yes.

20 MR. BERGER: Is there any  
21 movement by Greenland to secure complete jurisdiction over  
22 decisions about nonrenewable resource development, or are they  
23 happy with the joint control of nonrenewable resources?

24 MR. PETERSEN: At least, I  
25 think that (INDISCERNIBLE) that it might have full control of  
nonrenewable resources and it is also declared goal of (INDISCERNIBLE)  
that Greenland should have full control of nonrenewable resources  
while (INDISCERNIBLE) that, in fact, consists of different people  
who couldn't follow Seamut in its formulations, have a much more  
weak attitude towards this question. In fact, (INDISCERNIBLE)  
has weak attitude towards many things because it is much more  
broadly... It has more broad...

MR. BERGER: Membership?



1 MR. PETERSEN: Yes, a very  
2 different people there. And until now, I think that there has  
3 been no fundamental disagreement in the joint part and there has  
4 been used the veto right from both sides until now. But I think  
5 that one day the question of Greenlandic full control of non-

6 MR. BERGER: I've got a list of  
7 people here who want to ask questions. Could I just ask one  
8 more before we go on?

9 In the places in Greenland where people are engaged in  
10 renewable resource activity, hunting and fishing, to take a  
11 place... I've forgotten the name of it but the place near Thule.  
12 Qanaq? Qanaq... which we are told that where people live by... in  
13 a traditional way. How is their land held? In other words, they  
14 go... They have houses, they must have a village, they go hunting,  
15 they go fishing. By what right is it written down anywhere or  
16 not written down anywhere, but by what right do they do those  
17 things? How do they... How is that right acknowledged? I hope  
18 I'm making myself clear.

19 MR. PETERSEN: Yes, I have no  
20 clear answer either. But the housing ground is regarded as in  
21 some way transferred to the owner of the house and there has been  
22 also in traditional way of life some kind of transfer of rights  
23 for exploitation of, for instance, trout rivers, when there were  
24 only little stock, trout stock, and it was a kind of distribution  
25 of exploitation that might be realized because the people learned  
how to exploit it and how to... exploit it without destroying the  
possibilities of the place. But most of the area was used  
collectively, hunting area... on the sea and hunting areas on  
the land. Caribou hunting, they are also collectively used areas  
but there were in some way also... tendencies that settlement  
people has a strong right to the vicinity of... to hunt in the  
vicinity of settlements than others and when others... other people

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1 want to hunt from this... in this area, they had to visit the  
2 settlement and go hunting together with local people from there.  
3 These things are still used today but not codified in the regula-  
4 tions.

5 And in connection with mining, we may say that the  
6 duties and rights of mining companies are described very clearly  
7 and defined, so it was possible to see what they may and mustn't  
8 while the Greenlandic rights are mentioned in one sentence, that  
9 the mining companies should respect the traditional Greenlandic  
10 rights. And there are no defifinitions and there are no descrip-  
11 tion of what kind of rights they are. Of course, in this situa-  
12 tion, the mining company would be much stronger than the local  
13 people and it has been rather strong proponent.

14 MR. BERGER: Public lands in  
15 Greenland are held by the home rule government, that much is  
16 clear.

17 David Case and then Rosita Worl and Dennis Patterson.

18 MR. CASE: I had a question  
19 about the police powers of Denmark. You said that the police is  
20 in the control of the Danish government. And, could you elaborate  
21 on what is meant by police? Does that include the court system,  
22 or does it just extend to control of the police officers, them-  
23 selves?

24 MR. PETERSEN: The police is  
25 under the Danish minister of justice and... but most policemen  
in Greenland are of Inuit origin and maybe ten percent of  
Danish origin. And in this way, they have a lot of understanding  
of Greenlandic conditions. They make, of course, daily...  
inspection of... that things go calmly in the Greenlandic towns  
but they are also explorers in connection criminal cases and  
also actors, at least help the actor in the criminal courts.  
The Greenlandic court system is based on... noneducated local  
judges with... with original Greenland judge who is educated in law.



1 MR. BERGER: Rosita Worl?

2 MS. WORL: I have two questions.  
3 The literature that's generally been available to us here in the  
4 United States has always talked about Greenland as being economically  
5 dependent on Denmark and cited that as one of the reasons that  
6 independence or home rule was never sought. How much of that...  
7 How much has that changed and is there a point that you expect to  
8 be economically self-sufficient or independent of Denmark?

9 MR. PETERSEN: Thank you. Today  
10 I think that is still about 50 percent of Greenland budget was  
11 covered by Danish sources and it was the policy that financing  
12 from Greenland's resources should be increased in the recent  
13 years but there has been very bad winters that were very severe  
14 to us, both fishermen and... sheep farmers. And in this way,  
15 the dependency of Greenland, in economical dependency of Greenland,  
16 was still... a very strong factor. In fact, the Greenland home  
17 rule is interesting because it gives political sovereignty  
18 without economic sovereignty. There has been no... no tensions,  
19 serious tensions, between Danish and Greenlandic governments and  
20 I think it is partly because both of them had learned to live  
21 with this kind of situation where... Greenlandic politicians  
22 maybe know which kinds of things they could forward without  
23 creating tension while I think that, from the Danish side, it  
24 was important that Greenland was outside the Danish party  
25 politics and Denmark, in fact, also would like to be a big  
brother.

MS. WORL: The second question  
leads into that. You mentioned that as your climate warmed, the  
industry or the economics shifted from sealing to small scale  
fishing. Did the Greenlandic people enter that small scale  
fishing? And then you also said something about an allocation  
of resources. Is there an allocation between Greenlandic fisher-  
men and others?



1 MR. PETERSEN: It was about  
 2 1920, there came the last schools of cod in Greenlandic fjords  
 3 and visited them until sometime in 1950s. In the beginning, it  
 4 was just enough to have a little boat and jigging up the fish  
 5 and in the course of no time you may fill up the boat. It was,  
 6 like in the earlier hunting, possible to the father of a family to  
 7 get out like the kayaker did in the earlier times. And when he  
 8 came, the family could help each other to prepare the fish and  
 9 sell it. And in this way, the pattern of... family pattern,  
 10 household pattern, was in large scale unchanged under this fishing.

11 First, later in the 1950s, when Greenland got...  
 12 Greenlandic fishermen got cutters and trawlers and like things  
 13 and had to have a crew and this way also had to... began to  
 14 consider the question of (INDISCERNIBLE). The economic pattern  
 15 in Greenland, also economic pattern of households, began to  
 16 change and in the same period, the fish factories were built in  
 17 the towns and also contributed to change the family life because  
 18 both father and mother could get jobs, eight hour jobs outside  
 19 the home. And, of course, it was also necessary in this period  
 20 because expenses of families was greatly increasing. But about  
 21 1950, the economic pattern in Greenland changed radically and  
 22 from household economy, the family economic consideration had to  
 23 play a much greater role than earlier.

24 Was that an answer?

25 MS. WORL: Is there... I mean,  
 you said something about a percent. Is there a percent of  
 catch assigned to Greenlandic people?

MR. BERGER: You mentioned  
 59,000 tons for Greenlandic fishermen out of a total of 83,000  
 tons. Is that --

MR. PETERSEN: (INDISCERNIBLE)  
 yes. Yes, in the last... Within the last ten years, the Green-  
 landic total catch of fish was about 60,000 tons a year.



1 MS. WORL: But that's not  
2 assigned? I mean, is it... I mean, is there... Are you allowed  
3 a specific amount, or --

4 MR. PETERSEN: Yes, from a  
5 mix of the 1960s, the Greenlandic political bodies participated  
6 in international negotiations, especially North Atlantic nego-  
7 tiations about the allowed catch, and this continued from 19...  
8 But the decisions was taken by the European economic community  
9 from 1972 and from now, Greenland should... should negotiate on  
10 those conditions and participate in taking decisions about these  
11 things. Until next year, Greenlandic waters are regarded as  
12 waters of the European economic community.

13 MR. BERGER: Dennis Shepar...  
14 Dennis Patterson, sorry.

15 MR. PATTERSON: Yes, thank  
16 you, Mr. Chairman.

17 I believe that the action last Friday, the non-  
18 confidence motion, has resulted in some instability in Greenland  
19 because that has never happened before. And do I understand  
20 that the constitution is not clear on what happens next, and  
21 that has to be worked out over the next while? My question is,  
22 does Greenland have the ability... the Greenland home rule govern-  
23 ment, do you have the ability to amend your own constitution? Or,  
24 how can this problem be resolved? Will it require action by the  
25 Danish government?

MR. PETERSEN: Yes, Greenlandic  
home rule is not, in fact, based on a real constitution but on  
parliamentary act from 1979. And according to this... legisla-  
tion in Greenlandic matters, internal Greenlandic matters, were  
transferred to Greenlandic parliament and in this way it is  
also possible through Greenlandic parliament to change some  
part of home rule act, especially in question... parliamentary  
question, election within four years electoral period.

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1           There was not even possibility of this in home rule  
2 act and there were, in fact, no possibility of withdrawal... the  
3 governing party, according to home rule act. The problem is,  
4 in connection with... with the... this no confidence vote where  
5 the governing party became minority, has 12 members of 26. It  
6 has very little possibility for continuous governing party and  
7 I suppose that this situation will end in election. But because  
8 there was passed an amendment to the home rule act, so it  
9 should be possible to have elections when the governing party  
10 was... when governing party fell.

11           I know very little about it because I have left  
12 Greenland when this interesting occasion happened.

13                           MR. BERGER: Doug Sanders, did  
14 you want to...

15                           MR. SANDERS: I have two ques-  
16 tions, as well.

17           The first is on taxation. I wondered what systems of  
18 taxation were in effect in Greenland. For example, does the  
19 Danish income tax apply in Greenland or do you have your own?  
20 Who collects it? Who gets it? What other forms of taxation are  
21 in place?

22                           MR. PETERSEN: Greenland has  
23 its own taxation system. It is also income taxes, and according  
24 to Danish tax administration, they are also possibility to  
25 withdraw it from income direct from wage earners while the others  
has possibility to pay it one year delayed as in connection with  
independent people, fishermen and like. Those are... The tax  
in Greenland is proportional... The tax in Greenland is a  
proportional tax while it, in Denmark, is... what do you call  
it...

                          MR. CASE: Flat rate?

                          MR. PETERSEN: Yes. It's a  
system where the percentage is increasing with income.

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1 MR. SANDERS: A graduated tax?

2 MR. PETERSEN: Yes.

3 MR. SANDERS: So, are there any  
4 taxes that Denmark levies in Greenland and collects? Or, maybe  
5 I should say Copenhagen levies in Greenland and collects?

6 MR. PETERSEN: Yes, but there  
7 has been a different negotiation in connection with it. Earlier  
8 it was if a Dane has lived in Greenland less than two years, he  
9 should pay his tax in Denmark. Now, there is... This time is  
10 reduced to six months and a person who had been Greenland more  
11 than six months should pay his tax in Greenland for this period.

12 MR. SANDERS: Did the reverse  
13 work for Greenlanders who were in Denmark?

14 MR. PETERSEN: Yes. Yes, it is,  
15 in connection with income tax, it is the same both ways, yes.  
16 While... If a person in Greenland has a house or like... a  
17 fortune in Denmark, it should also be taxed in Greenland today.

18 MR. BERGER: I think that Mark --

19 MR. SANDERS: My second  
20 question --

21 MR. BERGER: Oh, I see.

22 MR. SANDERS: I know my first  
23 question became three questions, but my second question is, does  
24 Greenland, does the home rule government have some degree of  
25 foreign policy and, if so, what elements are there?

MR. PETERSEN: In fact, not.  
Even though Greenlandic political bodies had possibility in some  
negotiation as North Atlantic Fisheries Council, like things,  
but beyond this it has no right or don't interfere in Danish  
foreign policy. A month ago or so, when Mr. Chernenko, the  
leader of the Soviet Union, some... one of the Greenlandic  
reporters had made a joke. According to it, Mosfelt sent  
congratulations to Mr. Chernenko and it was read in the radio

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1 press and after this, Jonathan Mosfelt was very angry and sent  
2 (INDISCERNIBLE) both in Greenlandic press and to the Danish  
3 foreign minister.

4 MR. BERGER: Mosfelt, for the  
5 record, is the premier of Greenland.

6 Dalee Sambo and Rick Hardy. And then I think we'll  
7 move on to our next presentation.

8 MS. SAMBO: Mr. Petersen, you  
9 made some mention of offshore areas or who the jurisdiction or  
10 control of offshore area or coastal areas, is there a breakdown  
11 of the control of jurisdiction, like a three mile limit, a 12  
12 mile limit, a 100 mile limit? And in the case of oil development,  
13 you mentioned the Joint Resource Development Council. I'm  
14 wondering that, if the... if the jurisdiction or the control is  
15 left to the EEC, who on the Joint Resource Development Council  
16 has the strongest vote in terms of veto over any development  
17 project?

18 MR. PETERSEN: In this question  
19 there are not solved... several not solved questions. Also,  
20 because Denmark was member of European energy union, according  
21 to its own statement, the union has ownership of mineral resources  
22 within area but for some reason, we have never felt us affected  
23 by European energy union.

24 And in connection with the... fishing question, the  
25 ... there are something, I'm not quite sure... but I think that  
26 the European economic community countries has agreement of  
27 12 miles sovereignty area and 200 miles economic area, and  
28 in this area, the inspection was made by the states, themselves.  
29 And even though North Sea was called for EEC sea, it was  
30 divided in German, Danish, Dutch and English interests besides  
31 the Norwegian and the Swedish, and there has been up bringing  
32 of fishermen within the area, especially after the so-called  
33 cod war between England and Iceland. The England adopted some of

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1 the Icelandic ideas and had strengthened its inspection of its  
2 own area, so there are... a lot of complicated questions in  
3 connection with the waters.

4 Also in connection with oil exploration in North Sea,  
5 this border is respected very much between the different states.  
6 They are... Only in their own sector they have to make exploration  
7 and exploitation of oil.

8 Was it an answer?

9 MS. SAMBO: Who, on the Joint  
10 Resources Council, has the most power? Is it... Are the seats  
11 on that council evenly distributed or... between Greenland and  
12 Denmark, is there any one side that has more power than the other  
13 in terms of veto power?

14 MR. PETERSEN: Yes, I think  
15 in principle the EEC would have a strong position, but EEC has  
16 a great difficulty agreeing about anything in this question.

17 MR. BERGER: Rick Hardy?

18 MR. HARDY: Thank you, Mr.  
19 Chairman.

20 Mr. Petersen, I'm making a couple of assumptions here  
21 that I'm then going to base my question on. I've heard you talk  
22 about the Greenlanders and I am assuming that there are both  
23 Greenlanders that are aboriginal to Greenland and those that have  
24 immigrated from elsewhere. The second assumption is, when you  
25 were discussing the fishing quota matter, you talked about a  
certain quota being allocated to the Greenlanders and I assume  
that's all the people in Greenland. If those are correct, I'm  
wondering, within your home rule set up are there any rights  
that are only for the Greenlanders that are aboriginal to that  
country? For example, do the aboriginal people of Greenland  
have a preference in harvesting wildlife resources?

MR. PETERSEN: Thank you for  
this question. In fact, when we speak about Greenlanders in



1 Greenland, we mean the aboriginal population, while we speak about  
2 the Danes in Greenland... and normally don't mention them as  
3 Greenlanders.

4 In connection with different rights, in fact, there  
5 are no rights that are reserved for indigenous population alone.  
6 Hunting rights, fishing rights, they are... given both part of  
7 the population. I think that it is a problem made by some of  
8 the Greenlandic and Danish tradition in... tradition that was...  
9 expressed in Danish no discrimination act, and it should be kind  
10 of a... that should help the minorities but it is very often  
11 used against them. In this little book, it is not thoughts  
12 by Chairman Mao but statistical information about Greenland, there  
13 are no distinctions between Greenland Inuit and the Danes. There  
14 are only persons born in Greenland and persons born outside  
15 Greenland. And according to this, there are a little more than  
16 40,000 persons born in Greenland and a little under 10,000 persons  
17 born outside Greenland. It corresponds roughly to Danes and  
18 Greenlanders, but we don't know the exact number.

19 In other aspects, they are, in fact, there are little  
20 distinction between them, but there are differences in culture,  
21 in education, and maybe also occupation, that sometimes makes  
22 it very hard to Greenland Inuit to acquire the same status as the  
23 Danes in Greenland.

24 MR. BERGER: No preferences for  
25 the aboriginal population.

Did you have another question?

MR. HARDY: Yes, just a follow-  
up to that. I honestly didn't know what the answer to that was  
going to be, and the next question is in the context of the  
experience that we're having in the Northwest Territories right  
now with the development of self-government. One of the problems  
right now is that Native people... I'll leave the eastern  
territory to those people over there... but on the western half



1 there's a certain school of thought that says the Native people  
2 are in the majority there and, therefore, we can be in a control  
3 position, but I think our answer to that is that we expect  
4 somewhere down the road that there is going to be more and more  
5 immigration from Southern Canada and we will eventually become a  
6 minority there and, therefore, we need some special provisions  
7 for our people. And I'm wondering, is that a concern for you  
8 in Greenland?

(TAPE 41, SIDE A)

8 MR. PETERSEN: Yes. I suppose  
9 if Lassimar Johansen succeeded in having passed a land ownership  
10 act, it would be... it would preference for original population  
11 of Greenland. I think that, in the Greenlandic policy, we  
12 sometimes forget the future situation. If the question of  
13 exploitation of our (INDISCERNIBLE) in East Greenland should be  
14 continued and result in exploitation, I suppose that the possibility  
15 you mention were to go and open eyes of our politicians because  
16 they are population above 400 persons, isolated population, and  
17 if there came about 1,500 miners and oil people from our side and  
18 have the same rights in connection with elections, I suppose  
19 that the original culture and original tradition would be  
20 disturbed very, very strongly and maybe disapper.

18 MR. BERGER: Don Mitchell, you  
19 had a question?

19 MR. MITCHELL: I actually had  
20 two questions, one of which actually turned out to be the last  
21 one so I've spared everyone one question.

22 One of the things that I was struck by when I was  
23 listening to your presentation and trying to apply it to Alaska  
24 was the issue of political sovereignty versus economic sovereignty  
25 and at least based upon what I thought I heard you say, at the  
moment essentially you have a geographic area in which indigenous  
people are in the political majority and exercise certain political

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1 rights, at the same time that the budget of the institution you  
2 established to express those political rights, your home rule  
3 government, is really dependent, at least for half of its wealth,  
4 on the largesse of the folks that came over there to have their  
5 way with you some time ago to begin with. You mentioned... What  
6 I was struck by was, you mentioned that your politicians seemed  
7 to know how far they can go and, therefore, there has not been a  
8 conflict between the Danish government and your home rule govern-  
9 ment. And I guess my question, after saying all of that, is,  
10 is that really sovereignty if, in fact, you know what those other  
11 people want you to do and you act in that fashion because you're  
12 obviously dependent upon them to run your schools and your hos-  
13 pitals and everything else... Are you really exercising authentic  
14 self-government?

15 MR. PETERSEN: I think that it  
16 is possible to live this condition for some time, but... but  
17 I think it is inevitable that there may come interest conflicts  
18 and in this situation, the Greenlandic politician will be very  
19 weak towards the Danish ones. In fact, we have experienced some  
20 interest conflicts also in connection with the home rule commission  
21 work, this just question of our land ownership that resulted in  
22 nondefined formulation that helped in this way, that the nego-  
23 tiation could continue. And I suppose that there were nothing  
24 affected beyond this.

25 I think that question of mineral exploitation in  
Greenland, it was done this way, that the possibilities are  
examined, but at least the... mineral administration, it tried  
to drive the questions rather slow to many things are examined  
before license are given. But the sense of the... the negotia-  
tion about things is, to me, is to get Greenland independent of  
Danish financial support, and maybe also turn the stream of  
financial support the other way.

MR. MITCHELL: I have thought of

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1 one additional question, and that is sort of continuing that  
2 thought through a bit. As I understand what you said earlier,  
3 at the moment there is sort of a dual agreement with respect to  
4 development decisions between the home rule government and the  
Danish government, is that right?

5 MR. PETERSEN: Yes.

6 MR. MITCHELL: Okay. What is  
7 the relationship of smaller units of your government to those  
8 decisions? In other words, if the home rule government and the  
9 Danish government agreed to develop a nonrenewable resource in  
10 the area of a local community, how does that local community, if  
11 they don't like that decision or if they like that decision but  
want it to be done and implemented in a particular way, how do they  
fit into that decision-making process, if at all?

12 MR. PETERSEN: We have not  
13 very experiences in this connection. In connection with mining  
14 in nearby Umanak, West Greenland, the... at least the municipality  
15 was interested in having a mine in this area, while the closest  
16 settlements were reluctant to accept it but had not a clear idea  
17 about it. In connection with the offshore drillings in... in  
18 the '70s, at least Helmut and most of the provincial council was  
19 against it, but they were begun. After some drillings, they  
20 were stopped because the layers were too young to give some...  
21 hope of finding something. And it was... I think that it was a  
22 good example, but it was from before home rule situation.

23 Now, however, in East Greenland the plans of oil  
24 exploration and in this connection is the local committee to  
25 clearly against this... this... It is not clearly against this  
exploration while it demands very clearly that it should... they  
should avoid using the Scoresby Sund Fjord, itself, as a supply  
harbor and use fjords on the north side of adjacent land for  
this purpose. There are no decision about this but there is  
minority in the community, itself, that was against the exploration

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1 at all. But I suppose that even though if there was majority  
2 against it, the exploration would be done. It is my impression.

3 There is not quite clear energy policy in Greenland  
4 and this onshore drilling, it was proposed by some Greenlandic  
5 politicians in the '70s. I think it was hoped that they in  
6 this way should avoid more offshore drillings in West Coast.  
It was a kind of something for something.

7 MR. BERGER: Peter Ittinuar  
and Shorty O'Neill and David Case. Peter, you had a question?

8 MR. ITTINUAR: Thank you, Mr.  
9 Chairman.

10 Dr. Petersen, we in the Eastern Arctic of Canada are  
11 trying to develop a language policy for the new territory we're  
12 proposing. We'd like to hear about Greenland's language policy.  
13 We hear it's a comprehensive one. And, as well, I have a second  
question unrelated to the first one. How much money does the  
Greenland home rule government have under its control?

14 MR. PETERSEN: Excuse me?

15 MR. ITTINUAR: How much money  
16 does the Greenland home rule government have under its control  
each year?

17 MR. PETERSEN: Yes. Concerning  
18 the first question, the new Greenland Education Act from 1979,  
19 it states that Greenlandic language is the first language in  
20 Greenland, also in the schools. And the position of Greenlandic  
21 as subjects and as instructional language has been strengthened  
22 very much. I think that the... has also... in connection with  
23 the reform of authority in the '70s, I think that Greenlandic  
24 language is rather strong also today and in 1982 the Greenland  
25 home rule language committee was changed to... the language  
commission was changed to a language committee with the right  
to authorize some new expressions, new terms, and also the  
possibility to elaborate Greenlandic terms in school subjects.



1 I think it is the most important thing about it, while introduc-  
2 tion of TV, I think that has given a somewhat weaker position for  
3 Greenlandic language. In Riju (ph) there are beyond the music  
4 transmissions, about 80 percent of transmission in the Greenlandic  
5 language and Greenlandic church has traditionally used Inuit  
6 language in its services, announcements and its textbooks, and  
7 they are in this way... some different instruction while Greenlandic  
8 language is rather strong.

9 MR. BERGER: Before you move  
10 on to Mr. Ittinuar's second question, what is the official language  
11 spoken in the parliament of Greenland, the home rule parliament?

12 MR. PETERSEN: They speak the  
13 Greenlandic language. There is one Danish and non-Greenlandic  
14 speaking member and in this connection, the most... no, not  
15 most... all speeches are translated into Danish.

16 MR. BERGER: I see. There was  
17 a second question, how much money is really available to be  
18 spent by the Greenland home rule government each year?

19 MR. PETERSEN: Yes. There is  
20 an amount about one billion that is originated from Greenlandic  
21 sources today. Was it a question... ah, was it an answer?

22 MR. BERGER: Dennis Patterson?

23 MR. PATTERSON: Mr. Chairman,  
24 if I can just add a supplementary to that. I'm just sort of  
25 interested in a loose comparison between the Northwest Territories  
and Greenland because we have approximately the same population  
and I know there are not many points of comparison, but what  
would the operating budget be? I don't mean the Greenlandic...  
the Greenland government's revenues, but what money... what is  
the total of your Greenland home rule's budget, including  
sources from Denmark?

MR. PETERSEN: Yes. It is  
about... one billion and 900 thousand, and it... In fact, it is

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1 two billion but about ten, 12... 100,000... 100 million are from  
2 EEC, funds for developing regions.

3 MR. BERGER: You're speaking  
4 of Danish krone?

5 MR. PETERSEN: Yes.

6 MR. BERGER: And that would be  
7 about five to an American dollar, would it?

8 MR. PETERSEN: Ten, about ten.

9 MR. BERGER: About ten?

10 MR. PETERSEN: Yes.

11 MR. PATTERSON: Thank you.

12 MR. BERGER: Well, I think  
13 Shorty O'Neill and then David Case.

14 MR. O'NEILL: Dr. Petersen,  
15 we know that... or, we've heard this afternoon, that the indigenous  
16 people are in the majority but you have a very loose type of  
17 government arrangement with Denmark. I want to go on into the  
18 South Pacific for a bit, put up some of the experiences there.  
19 In East Timor at the present time, Indonesia is waging a genocidal  
20 war and shipping in many Indonesian people and, you know,  
21 eight years ago the East Timorese people were 95 percent of the  
22 population of East Timor. Today they're something like 20 percent.  
23 In West Papua, the same type of genocidal action is carried on  
24 except that the Indonesians are immigrating the prostitutes  
25 from Indonesia and making a law that they must marry into the  
Melanesian race so that they breed the race out. We can go  
further down, into New Caledonia and Tahiti, and France's  
involvement in that where they've opened up invitations from  
expatriates from newly independent countries to come in and  
flood the country. Twenty years ago, the Knak (ph) people of  
New Caledonia were something like 85 percent majority. Today  
they're just touching on a 50 percent... of the population and  
if France's actions continue to happen, then in a few years time,

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1 they're going to become a minority in their own country and  
2 independence, unless they get it within the next 12 months,  
3 will probably be lost to them.

4 Probably there's two questions on this. One is, if  
5 that type of action happened from the Danish government, do you  
6 think that's possible? And if you think it is possible, what  
7 would the home rule government do about that?

8 MR. PETERSEN: At least in the  
9 early contact with Europeans, there has been diseases who maybe  
10 took about two-thirds of the population, and after this, there  
11 has been... severe tuberculoses hit the population very hard  
12 and average lifetime was about 33 years for the Greenlandic  
13 population. I suppose that after the different campaigns  
14 and organization of health service, at least this kind of problems  
15 are more or less past in Greenland. While... In connection with  
16 possible industrial and mining development Greenland, there may  
17 come people from outside, especially specialists in different  
18 kind of mining technology. I think as long as Greenland was a  
19 member of EEC, the Danish government had little possibility to  
20 ... to have any control of migration from outside because there  
21 is free mobility of... of occupation within the EEC. This  
22 situation was observed in Greenland several times because there  
23 are... in recent years, increasing... occupancy problems. It  
24 is rather recent problem in Greenland because fishing and hunt-  
25 ing were earlier natural alternatives, but no more. In this  
connection, the Greenland home rule government made an act that  
was accepted by Denmark and by EEC, namely that there is... the  
EEC free mobility of job-searching person is limited in Greenland  
and there should be sent a special application for... for job  
immigrants as long as there are... occupational problems in  
Greenland.

In this way, I think that it seems to be that at least  
some of the problem would be solved by negotiation, international

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1 negotiations by the Danish government. But maybe it is also  
2 questioned how tempting the Greenlandic mineral resources are  
3 for the interested countries. It is difficult to evaluate.  
4 But I think that conditions are somewhat better than ones you  
described.

5 MR. BERGER: David Case; you  
6 had a question?

7 MR. CASE: My... At the risk of  
8 sort of asking the same question for the third time, maybe... I  
9 have the same question that Rick Hardy and Shorty O'Neill had  
10 but I'd like to just focus on one aspect of it. Don Wright,  
11 when he was here last week... two weeks ago, said that one of  
12 the biggest mistakes that the native Americans made was to adopt  
13 poor immigration laws. So I'd just like to ask, who makes the  
14 immigration laws in Greenland and what are they? Is there a  
15 simple way to talk about that, or do we always have... do we  
16 have to discuss the relationship with Denmark?

17 MR. PETERSEN: Normally,  
18 immigration laws will be made by the Danish parliament. But there  
19 is a special concerning job immigration that was passed by the  
20 Greenlandic parliament and accepted... not adopt... accepted by  
21 the Danish government.

22 MR. CASE: And will Greenland's  
23 absenting itself from the EEC... will that have any affect on  
24 the job mobility question for the EEC, or is that part of the  
25 negotiations whereby you got out of the... or, will get out of  
the EEC?

MR. PETERSEN: Yes. I think  
it has connection with that very... little. Immigration from  
Greenland outside Denmark, there has been a youth immigration to  
Denmark in connection with employment problems in Greenland for  
some years, and it creates some Greenlandic unemployment problems  
in Denmark. It is a question that is rather difficult to solve.



1 because these persons have also readaptation problems when they  
2 got back to Greenland. But in connection with the Greenland  
3 economy, there is very little interest to fit outside Greenland  
4 until now, and there is also little interest in searching jobs  
5 outside Denmark and Greenland. But the situation may change,  
6 of course.

6 MR. BERGER: I think that it's  
7 clear that Greenland, being a part of the realm of Denmark, there  
8 is complete freedom of movement between Denmark and Greenland so  
9 that there are no curbs on the possibility of immigration from  
10 Denmark.

10 Well, I think that we've exhausted Dr. Petersen, if not  
11 ourselves, and I think that we might now move on. There's a little  
12 bit of time left and, if Mark Gordon is willing to begin, perhaps  
13 we could do that.

13 Mark Gordon is vice-president of Makivik, one of the  
14 corporations established under the James Bay and Northern Quebec  
15 agreement of 1975. And that was the second important land claims  
16 settlement in the modern era, after Alaska in 1971 and I think, as  
17 Mark will tell us, the Inuit and the Cree of Northern Quebec  
18 looked very closely at the Alaskan model and adopted some pro-  
19 visions, rejected others, and I think he will tell us, as well,  
20 what lessons they have learned. And that may take us beyond  
21 the time of adjournment tonight, so we'll give you more time in  
22 the morning, Mark.

20 But would you begin now, please?

21 MR. GORDON: Okay. Since time  
22 doesn't allow it, I think I'll try to skip over the first 6,000  
23 years of history --

23 (LAUGHTER)

24 MR. GORDON: -- and start about  
25 the end of World War II. The governments had had not that... had  
had the intense interest in the Indians before the end of World War

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1 II. It was only after the American bases were set up, the DEW  
2 line stations and that had been set up, and also... There was  
3 also a period of starvation that our people were going through  
4 because the Hudson Bay Company had overharvested the whale stocks  
5 and seals in most of the Eastern Arctic areas and this caused a  
6 drastic decline of food resources for the people. There was  
7 also, in particular in the Northern Quebec area, there was also  
8 the crash of the caribou population which made the problem worse.  
9 And on top of this, there was the introduction of the... what  
10 are referred to as common diseases, such as measles, the common  
11 cold, that took a heavy toll on our population.

12 Because the situation was so bad, the government then  
13 realized they had to do something with these people and had to  
14 try and help them out. The Hudson Bay had been administering  
15 welfare because the people they had been trading with for the  
16 last couple hundred years were suddenly just dying off and so  
17 they couldn't just leave them there to starve so they were empty-  
18 ing their warehouses and giving it out to the people that were  
19 coming to them for help. So the Hudson Bay Company requested  
20 that the government of Quebec pay for this food that they had  
21 given away.

22 The Quebec government rejected this and said that the  
23 federal government should pay for it, and then the federal and  
24 provincial governments went into a long court battle to try and  
25 determine whether we should be covered under provincial jurisdic-  
tion or federal jurisdiction, as like the Indians. In this  
instance, the Quebec government won it's case. It's been... I  
don't know... I think they've had second thoughts about whether  
they won or lost, but initially they won the case and the federal  
government had to pay the bills.

So this put us under federal jurisdiction as wards of  
the state, or the federal government had this trustee relationship  
with us after that point on. Since this had happened, the federal

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1 government then sent up federal government agents... up, and  
2 through these agents, started administering welfare and also  
3 brought in health services and education. This situation brought  
4 ... made the people start gravitating around where the services  
5 were available, where they could get some medicine, where they  
6 could get food. But the people were still basically living out  
7 in their traditional areas still at that time and scattered quite  
8 sparsely over the territory.

9 The one thing that they started to do was that if  
10 people wanted to get assistance from the government, one of the  
11 conditions for that assistance was that the kids... the children  
12 had to be educated in the federal education system, and since  
13 the families didn't want to break up, this also put more pressure  
14 on the people to live around these administrative centers and  
15 then, thus, the villages were created.

16 So this is basically the context in which the federal  
17 government became interested in us. The Quebec government came  
18 into the scene quite a bit later as far as we were concerned.  
19 They had been given... The lands had been transferred to the  
20 Quebec government but they had not had any presence in our  
21 territory. Legally, the territory was under Quebec jurisdiction  
22 but the Quebec government's presence was nonexistent. It was  
23 not until about 1962, when Rene Levec, when he was at then...  
24 that time he was the minister for natural resources, came up to  
25 our villages. He wanted to talk about the Quebec government's  
role in the territory and he was challenged by one of the dele-  
gates. "If you say this is Quebec lands, why don't you at least  
build one outhouse up here so that we can see your presence?"

Unfortunately, he took it seriously and began to put  
Quebec government agents in every community, and then... We used  
to have a joke about these Quebec government agents. We would  
say that, "They sent one man there to hold the flag. Because  
this one man there holding the flag had to bring his family, they

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1 then had to bring in a carpenter to build his house. But the  
2 carpenter could not go around without a vehicle, so they brought  
3 him a vehicle, who needed a mechanic. When the mechanic was there,  
4 then they needed a paymaster, and then we had this big establish-  
5 ment, basically all servicing one man holding the flag." All the  
6 services, basically, at that time were still being administered  
7 directly by the federal government... education, welfare and all  
8 this.

9 So then the Quebec government slowly started taking  
10 over some... some of the services... the administration of welfare.  
11 They then introduced their own competing system for education, for  
12 health and other related services. It came to a point where it  
13 was quite interesting. The governments were competing for our  
14 attention, it seemed, but doing a very bad job of it, both of  
15 them. Neither of them could make a big commitment, financially,  
16 because they were afraid that the Native peoples' support would  
17 shift to the other government.

18 To give you an indication of how bad the situation got  
19 to one point, they would have two nursing stations in some of  
20 our villages and the two nursing stations were competing for the  
21 patients. So they couldn't transfer medical records from one  
22 nursing station down the street to the other one. So when one  
23 of them went on a holiday... if you happened to be, let's say,  
24 been going to the Quebec nursing station and the nurse went on  
25 holiday so then you go to the federal one, they had no medical  
record to assess your case. They then went into their own diag-  
nosis of your problem and gave you the medication as to what  
they thought it was. In fact, they wouldn't even write what  
the medicine was on the boxes so that, if the Inuit should go to  
the other nursing station, they couldn't find out what it was that  
they were being given.

This was one of the ridiculousness of the situation at  
a point.

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1           Where land claims started to move in, we didn't call it  
2 land claims then. We had no perception, no idea what land claims  
3 was. That's what the lawyers told us that we were doing. We  
4 didn't know that. We didn't realize that. All we were doing  
5 is that we heard that there was going to be a big hydro project  
6 south of us, quite a distance south of us. Actually, the project,  
7 itself, is more in the Cree territory than ours but the impacts  
8 were going to be felt in our area. The flow of the rivers were  
9 going to be reduced and they were going to be building major  
10 dams and they were going to flood some 4,000 square miles of land  
11 ... the world's biggest hydroelectric project.

12           So, the Native people were afraid of the impact it was  
13 going to have on their livelihood, their resources, and on this  
14 basis they went into the court. Then that's when land claims  
15 started coming around and we didn't understand that we were going  
16 into land claims. It was only a way to beat this project. We  
17 were told that the boundaries had been extended in 1912 --

18                           MR. BERGER: The boundaries  
19 of the provinces --

20                           MR. GORDON: The boundaries  
21 were extended northward. In fact, at that time they had such  
22 lousy maps they didn't realize that there was all these islands  
23 you could throw a rock to that are now in the Northwest Territories  
24 because they just simply said in the legislation, "This shall  
25 go up to the high water mark or low water mark." They're still  
fighting over that, but... just extend the boundary outwards to  
the ocean.

          So in this boundaries extension act, there was one  
clause in it that said they had to settle the Native interest  
to this area, and on that basis, we won a court injunction with  
... a court injunction to stop the James Bay project. This  
victory was very short-lived. It only lasted a week. They got  
us in another way. They got us through what they call the balance

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1 of inconvenience, which means if there's more of them being affected  
2 adversely than us, they win regardless of whether who's right.  
3 So we then ended up... The project was back onstream and now the  
4 whole notion of land claims started to sink in to us. Stopping  
5 the project didn't work but then they realized that the situation  
6 in which governmental services were being provided for us was  
7 a complete mess and we wanted to try and rationalize this.

8 And also, because of the project and the encroachment  
9 that was going to be coming up of different developments that were  
10 starting to come into our territory around that time. There was  
11 an asbestos mine that was already in operation. There was a  
12 possibility of two other mines being opened up in our area. So  
13 the question of land ownership became a very keen interest at  
14 that time because we realized that we weren't going to get any  
15 benefits from these big projects and we would basically pay the  
16 price in terms of losing our resources and the damages to the  
17 environment and possibly social impacts on our society.

18 Then we... We then... Since we ended up in this situation  
19 we didn't know anything about land claims. We decided we better  
20 go and check out what happened in Alaska because this is one of  
21 the arguments that was used in the court case and it was the  
22 only other example we could turn to. By that time, the Alaska  
23 Native Claims Settlement Act was in place and beginning... just  
24 beginning to operate. The process of land selection and all  
25 this was happening on this side of the globe.

So we went... We sent a sma... a very small delegation  
because we had no money, really, in those days anyway... a very  
small delegation to go up and find out what they could about the  
Native claims settlement act here and we got some very good  
advice from the people around here. Then we went and saw the  
people in the North Slope area and also around, I believe they  
call NANA Region now, Northwest Alaska, and also talked to the  
state federation of Natives here.

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1           And they gave us some good advice and we tried to follow-  
2 up on that advice when we got into our own claims negotiations.  
3 There were some things that they said that were obviously missing  
4 in their own claim at that time. The assessments had already  
5 started... I mean, their own internal assessments had started at  
6 that time. We were told that the whole question of hunting rights  
7 was completely lacking and that, if we were going to settle a  
8 land claims, we should at least include that element in it.  
9 The whole procedure of... The question of how the land selections  
10 was done here, the checkerboard fashion in which the land  
11 selections was here was... was something that they felt was not  
12 desirable and that we should go for another scheme, another  
13 way of selecting the lands. All this we took into consideration  
14 and tried to see what we could do.

15           There was also some other things that we had noticed  
16 about the Alaskan Native corporations themselves. In our land  
17 claims, we were supposed to get some... a certain amount of land  
18 and also the compensation for back... past damages. And with  
19 this compensation, we were going to do what they had done here  
20 in Alaska and we were going to set up a regional corporation.  
21 This regional corporation was to administer the funds for the  
22 benefit of the people. The reason we didn't go for giving out  
23 the money to individuals was that we felt that that way the  
24 benefit of that compensation would dissipate and disappear in  
25 a matter of couple years. Dispite the poverty and poor living  
conditions we were under, we thought that by centralizing it,  
it would give us a better weapon, a better means to be able to  
deal with Western economic systems.

          The corporate structure that had been adopted here  
was... was not what we wanted. We noticed that the beneficiaries  
of your claims settlement was only limited to the number of people  
that happened to be around at that time, so people that were  
born after were not going to be able to benefit directly in this.

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1 So this presented us a problem and we had to... When we came to  
2 trying to design a corporation, we wanted to get around this  
3 problem. So what we did was, we set up a membership corporation  
4 where if you are an Inuit and you are enrolled and you become a  
5 beneficiary of the agreement, then your descendents automatically  
6 become beneficiaries or shareholders of this corporation, as well.  
7 Here in Alaska, I understand that you can sell your shares after  
8 a certain period of time. Now, we thought that that was contrary  
9 to what the compensation was supposed to do. The compensation  
10 was supposed to go to the Native people for the damages that they  
11 had suffered. It wasn't something that you should be able to sell  
12 off and end up with your Native corporation basically being owned  
13 by outsiders again, which was very easy and financially tempting  
14 if you could do that. So we made it impossible to sell your  
15 shares. And you can't will your share to anybody. Your descen-  
16 dents will automatically become members of the corporation and do  
17 not... They can enjoy the benefits of the corporation but cannot  
18 vote until they reach the age of 18.

19 We also put in some other rules in the corporation so  
20 that... a limited few would not take all the benefits and run.  
21 We made it so that if there is to be any benefit given, it could  
22 not be given to an individual. It had to be given... It could  
23 not be given to an individual as distinct from the community.  
24 So if you were going to give something to your people, you had to  
25 make the offer to all of your people. These are some of the  
basic principles that we began to adopt.

There was another thing that we had been told... was  
that in the corporation structures here, the financial controls  
or the financial requirements were pretty free, very free money.

(TAPE 41, SIDE B)

MR. GORDON: It was very easy  
to spend that money. So we were afraid what would happen is that..  
we didn't have very many educated people. In fact, you could

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1 probably count them on one hand, even today. So what we decided  
2 was that we would put investment restrictions on the corporation  
3 and the restrictions that we adopted were much like the ones  
4 used by insurance companies, which have to have large amounts  
5 of capital over long periods of time. So we set up the  
6 restrictions so that they would have... they would be very  
7 restrictive at the beginning when we don't know... We had no  
8 experience. Nobody had millions of dollars so we didn't know  
9 how to administer this kind of money and we knew that there was  
10 going to be a learning stage we would have to go through.  
11 So we made it very, very restrictive in the beginning.

12           Seventy-five percent of the funds had to be in blue-  
13 chip investments. Twenty-five percent of it could be used for  
14 venture capital and the interest from the total amount of funds  
15 could be also used towards venture capital investments.

16           Then what we did was, after a certain time period...  
17 I think it's 20 years... what will happen is that 50 percent of  
18 the funds will then be available for venture capital. And then,  
19 beyond that, we incorporated in our bylaws that 30 million dollars  
20 will always be tied up in blue-chip funds. The interest from  
21 that could be used for venture capital... investments. This  
22 ... All this was done on the advice of... and the experience of  
23 the people here in Alaska. The corporation that we set up  
24 didn't quite fit into any of the corporate laws in Canada so  
25 it had to be created by special legislation of the Quebec parlia-  
ment.

          Now, in terms of the James... We also had other elements  
that were included. The notion of hunting rights was also included  
into our agreements. The land areas... We went for ownership  
as opposed to what was accepted practice in Canada, which was  
lands were held in reserve by the governments. The reason we  
didn't quite like this approach was that the lands... If you  
wanted to do something with your land, you always had to turn

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1 around and ask the government permission to do what you wanted to  
 2 do. So we opted for ownership, but protected ownership. And the  
 3 lands are not held by the regional corporation. The lands are  
 4 held at the community level by what we call the land-holding  
 5 corporations. Each village has a land-holding corporation that  
 6 has the rights to administer the lands. And there's no corporate  
 7 link, other than a moral one, between the land-holding corporation  
 8 and our regional one.

9 MR. BERGER: Are the land-  
 10 holding corporations membership corporations?

11 MR. GORDON: Yes, they're set  
 12 up... They're membership corporations and the same type of  
 13 requirements are... as the regional corporation were used.

14 That's one aspect of the claims negotiations. Where  
 15 our claims negotiations differed was that we also, rightly or  
 16 wrongly, had to negotiate for public services that we should have  
 17 been able to receive and should have been able to control as  
 18 citizens of the province or of the country. To give you  
 19 an example in the area of education, before the James Bay Agree-  
 20 ment, as I said, there was two systems. Under the federal system,  
 21 we had no say at all in the education system. The Quebec govern-  
 22 ment was... they like... They do things more symbolically. What  
 23 they did was, they allowed us to have parents committees in  
 24 each village and they gave them authority over two things. That  
 25 was to hire and fire the janitor and to hire and fire the person  
 that picked up the kindergarten kids by Skidoo each morning.  
 That was the limit of our... the authority we had over education.  
 So we then had to expend a lot of our negotiating strength and  
 do a lot of tradeoffs for basic services that we should have  
 received as citizens of that country. Education is one area  
 that we worked on. Health was another area. We set up hospital  
 corporations and a health board.

The other element was the Kativik regional government

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1 was set up through this, and this was our... the form of self-  
2 government that we wanted to go for. It's a nonethnic government,  
3 much like your borough systems here and, in fact, modeled quite  
4 a lot after that. But there are some differences because of the  
5 way the laws operate in Canada... I mean, in Quebec in particular.

6 And the Kativik regional government was something that  
7 the people really wanted to strive for. In fact, when we used  
8 to have our meetings with the villages, we used to have... they  
9 used to always leave the development corporation and the compen-  
10 sation funds until the very last thing to talk about, so almost  
11 all the meetings were taken up talking about how this government  
12 was supposed to operate.

13 Then, here again, I would say that it's something we  
14 should have been able to attain simply as citizens of the province.  
15 It's something that we shouldn't have had to trade off in a  
16 claims negotiation. We shouldn't have had to do that but there  
17 was no other alternative for us. Now, the Kativik regional  
18 government, what it did was we set up each municipality... each  
19 village as a municipality and then each of the municipalities  
20 ... have a representative in a regional council. The regional  
21 council can make minimum standards for all of the other villages,  
22 for all the villages and also it's a central place where they  
23 work out their priorities on what has to be developed, how's  
24 the housing allocations going to be distributed through the  
25 communities, these types of things.

26 Now, the regional government, in theory and in the  
27 agreement, if you read through it, it would appear to have a  
28 great deal of power, moreso than most municipalities elsewhere  
29 in Canada. But... where the failing is, is that the government  
30 funds the regional government --

31 MR. BERGER: Quebec?

32 MR. GORDON: Well, it's...

33 There's funding arrangements... are different for each program, as

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1 well. Some of them are jointly funded by the federal and provincial  
2 government. Some of them are funded exclusively by the Quebec  
3 government... Well, that's what they say but they actually get  
4 their funds from the feds, you know, through... But the... Like  
5 housing... The housing... We get our housing funds from Quebec  
6 Housing Corporation, who gets half their funds from the federal  
7 government. But they say this is exclusively Quebec money we're  
8 getting.

9 The funding is done by program... They're earmarked by  
10 program by program, and so here is where the autonomy is lost.  
11 They can dictate almost exactly what you can do or what you're  
12 allowed to do by this financial control. We have no discretionary  
13 funds. We don't have enough of a tax base at this time to be  
14 able to raise our own funds, so everything is done based on  
15 subsidies coming in from the south. So here they have the  
16 control by having to apply to each program for... for the funds,  
17 and then you've got to follow all the rules and regulations.

18 This has... This is something that we've been trying  
19 to overcome over the last few years and it didn't seem like there  
20 was going to be a much chance of changing it, even though the  
21 James Bay Agreement is supposed to be amendable if both parties  
22 agree. The... But in recent years when the constitutional dis-  
23 cussions were on, we managed to be able to start up a process  
24 with the Quebec government where we were going to, again, start  
25 negotiating exactly how this regional government is going to gain  
more autonomy.

One of the approaches that we have decided to adopt  
was the one that had been used in Greenland, which even though  
they received great deals... amount of subsidies from the Danish  
parliament, they receive it in block amounts over a given period  
of time. So this... This approach seems to be the one that we  
would like to take. It would give us the opportunity to decide  
where our spending priorities will be and will give us also the

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1 assurance that programs will be funded year after year over a  
2 five year period. You see, in our political battles with Quebec  
3 government over things like language rights, separation from the  
4 country... small matters (LAUGHTER), we always ended up in the  
5 opposite position of our Quebec government. And by doing so,  
6 they've become very reluctant to give you housing grants and fund-  
7 ing for municipal services. If you go against them on their  
8 major policies, they're not... they're not going to be very  
9 forthcoming with their funds. But we couldn't... we couldn't...  
10 The political stance we had to make were, we felt, were for our  
11 own survival and we were... we had to pay the price for it.  
12 The language legislation in Quebec is something that we fought  
13 very hard for and eventually got an exemption for it.

11 MR. BERGER: Excuse me, Mark.

12 I think that we have to adjourn now. I think you've got every-  
13 body's attention, especially the people from Alaska, and because  
14 we really did promise we would give the hall up at a quarter to  
15 5:00, we must adjourn. But I think everybody's eager to have you  
16 continue in the morning and, indeed, we shall continue at 9:00 a.m.

(HEARING ADJOURNED)

21  
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23  
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C E R T I F I C A T E

1 UNITED STATES OF AMERICA )  
2 ) ss.  
3 STATE OF ALASKA )

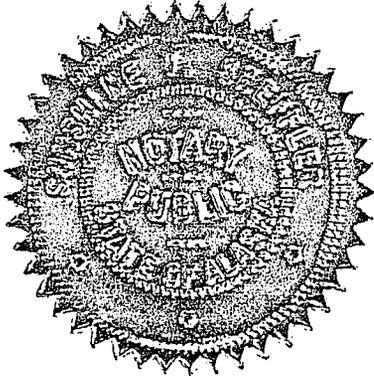
4 I, Sunshine V. Sheffler, Notary Public in and for  
5 the state of Alaska, residing in Anchorage, Alaska, and Certified  
6 Electronic Court Reporter for Accu-Type Depositions, do hereby  
7 certify:

8 That the annexed and foregoing pages numbered 994  
9 through 1099 contain a full, true, correct and verbatim transcript  
10 of the proceedings in the matter of the Alaska Native Review  
11 Commission, Overview Roundtable Discussions, as transcribed  
12 by me to the best of my knowledge and ability from cassette  
13 tapes provided by the Alaska Native Review Commission.

14 That the original transcript has been retained by  
15 me for the purpose of filing the same with Don Gamble,  
16 Coordinator, Alaska Native Review Commission, 429 "D" Street,  
17 Suite 304, Anchorage, Alaska, as required by law.

18 I am not a relative, or employee, or attorney, or  
19 counsel to any of the parties, nor am I financially interested  
20 in this proceeding.

21 IN WITNESS WHEREOF, I have hereunto set my hand and  
22 affixed my seal this 17th day of April, 1984.



23 *Sunshine V. Sheffler*  
24 SUNSHINE V. SHEFFLER  
25 NOTARY PUBLIC IN AND FOR ALASKA  
MY COMMISSION EXPIRES 8/06/84

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