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Alaska Native Self-Government and Service Delivery: What Works?

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EXECUTIVE SUMMARY

The Native peoples of Alaska have governed themselves for far longer than either the State of Alaska or the United States. Indeed, their rights of self-government are properly defended as basic human rights that are not unilaterally extinguishable by these other governments. Yet, today an assortment of questions are being raised about key aspects of Alaska Native self-governance. Among these are questions such as: What form should Native self-government take? What powers should it include? In which communities or groups should those powers be vested? Additional questions are being raised about how the delivery of social services to Alaska Natives is organized. Who should be responsible for service delivery, and what form should service delivery take?

Such questions in many cases represent disingenuous attacks on Native rights of self-rule. They also present direct challenges to the ways that Alaska Natives currently govern themselves and to how services currently are delivered. While a number of Native tribes and organizations are now involved in the discussion of these topics, the debate originated for the most part with others—with state and federal governments and with various non-Native interest groups that would like to impose changes in the status of Alaska Natives and in the organization of Native self-government and service delivery.

The resulting debate raises a host of important issues including, most centrally, the right of Native peoples to govern themselves in their own ways. This right is at the heart of the matter. At the most fundamental level, the entire debate is a challenge to the rights of Native peoples—the first peoples of this continent—to determine how they will live their lives, manage their resources, and govern their affairs.

The status of Alaska Natives' rights of self-rule is properly the focus of detailed legal, political, and moral analysis. However, many of those who would limit, deny, or alter those rights profess to see the question as one of practicability and efficiency, challenging the notion that it is feasible for Alaska Native communities to effectively govern themselves or deliver needed services. In this study, we examine this issue. Specifically, in the area of Native self-governance and service delivery, *what is likely to work?* In posing this question, we assume that the economic and social well-being of Alaska Natives should be a central concern in the making of policy, whether by tribes, the State, or the federal government. Just as a debate that ignores the issue of Native rights is missing the boat, so too is one that ignores the impact policy is likely to have on the well-being of those most directly affected by it.

A focus on impact yields questions of the following sort. Is more substantial Native self-government likely to do better at improving Native well-being than less substantial self-government? What approaches to service delivery are most likely to be

effective at addressing the concrete problems that Native societies face? How might Alaska Natives take best advantage of self-governing rights and powers to build successful societies—where success is defined by their own criteria? What does the most up-to-date research on indigenous governance and development in the United States, Canada, and elsewhere have to offer to these debates? Does that research suggest usable models for Alaska Native self-governance and for the delivery of needed services to Alaska Natives?

In this study we review a few of the many examples of innovative Native self-governance and service-delivery initiatives already underway in Alaska. We then review the results of a substantial body of research on indigenous self-governance and development in the lower forty-eight states and Canada, and we examine the applicability of that research to Alaska. Finally, we examine implications of this research and these initiatives for policymakers in all governing arenas—from Native villages to state and federal governments.

The key points are these:

- There is broad and robust evidence from diverse Native settings in the United States and elsewhere that self-governing power, backed up by capable, effective, and culturally appropriate governing institutions, provides the most efficacious foundation of Native economic and community development. Over the last century in the United States, indigenous self-determination is the *only* federal policy that has had any broad, positive, sustained impact on Native poverty. In the Lower 48, Native self-governance is proving to be a win-win strategy, breaking decades of Indian reservations' dependence on federal and state dollars and programs as tribes gradually find the wherewithal to build economies and support their citizens.
- We see no reason to believe that the situation of Alaska Natives will somehow defy these research findings or that the well-being of Alaska Natives will improve as a result of the *withdrawal* or *narrowing* of their self-governing powers. On the contrary, the evidence strongly suggests that self-government—practical self-rule—is a necessary condition for significant, long-term improvement in the welfare of rural Alaska Natives. The core reasoning underlying both the research findings in the Lower 48 and their application to Alaska is found in the concept of *accountability*: Devolution of self-governing powers improves affected communities by bringing governmental decision-making closer to those most directly affected by those decisions.
- At the same time, there are reasons why Alaska Natives themselves may wish to more aggressively assert and make changes in self-government and service delivery. First, there are the practical requirements of effective self-governance across small and often isolated communities. To be most effective, the design and capacity of governing institutions will have to fit this setting. Second, policy eventually will have to address the gap between the requirements of effective self-

governance and service delivery and the limited availability of both human and financial resources. In short, self-governance “on paper” is insufficient, on its own, to meet the needs of societies trying to recover from generations of resource loss, paternalistic external controls, and imposed governmental design. It must be backed up by creative institutional capacity-building.

- Such observations compel the question: If aspects of Native governance and service delivery were to be reorganized, what form should such reorganization take? Extensive research makes clear that governmental design imposed by outsiders, particularly in one-size-fits-all fashion, is unlikely to be successful in either economic or social terms. Such broadly imposed solutions to major policy and institutional issues involving diverse Native peoples in North America—including Alaska—have compiled a consistent record of failure: failure to meet Native needs, failure to enlist Native support and participation, failure to reduce federal or state financial burdens, and failure to satisfy standards of good public policy. Not only do imposed solutions typically forego the benefits of local knowledge, but they also sacrifice legitimacy with the citizens being governed. We see no reason to expect that such solutions will do any better now than they have in the past.
- The far more effective alternative is for Native peoples to generate governance and service delivery solutions of their own. This is not a matter of consultation, voicing opinions, or perfunctory “participation.” It instead requires that Native peoples be in the driver’s seat, proposing and adopting concrete institutional, organizational, and managerial solutions that reflect their own diverse preferences, cultures, circumstances, and needs. For Native peoples, it is a matter of addressing the demanding requirements of effective self-governance: building capable institutions, being realistic about how those institutions will have to be organized, and governing well.
- This is already happening. Some Alaska Native communities have been involved for years now in developing their own creative solutions to self-governance and service delivery challenges. It would be a potentially costly mistake for the federal government or the State of Alaska to short-circuit this process by imposing solutions of their own.
- As Alaska Natives’ own initiatives suggest, effective solutions to self-governance and service delivery issues in Alaska are likely to be diverse. No single model—neither regionalization nor the simple replication of village government—is likely to work universally. Efforts to impose such models ignore the creativity that effective self-governance under varied and complex conditions requires.
- The small size of many Native communities means that effective self-governance in some cases may require sharing self-governing institutions across communities. Cultural, historical, and ecological bonds offer potential bases for cooperative institution-sharing. Such approaches to self-government are being used

effectively by Indian nations in the Lower 48 through intertribal courts and other mechanisms that respect the sovereignty of individual nations while addressing the demands of effective governance.

- Similarly, effective service delivery in many cases may require shared programs even where communities do not share governing institutions. Self-government and service delivery are not the same thing and need not be organized the same way. Self-governing communities may freely choose not to provide services themselves but to contract those services out to other entities that have administrative or economic advantages in delivery. Examples of effective service provision of this sort are legion, ranging from tribal consortia for the delivery of welfare services to intertribal health programs to tribes that contract for fire protection with nearby cities and cities that contract with tribes for such services as water treatment or solid waste disposal.
- Moves to restrict the ability of Alaska villages and tribes to obtain federal grants by limiting funding to regional organizations—as in some recent environmental and welfare legislation—reduce the likelihood of developing effective solutions to difficult problems. Such policies, by mandating that only regional entities can control funds or make primary decisions about how problems will be addressed, reduce citizen engagement in problem solving, narrow the range of potentially effective solutions that can be explored, and make improving Native welfare more difficult, less likely, and in the long run, potentially more expensive.
- Lastly, while we recognize that the situation of Alaska Natives is in some ways distinctive, we believe it would be a mistake in this discussion to ignore compelling evidence from indigenous nations in the Lower 48, Canada, and elsewhere indicating that Native self-determination and self-governance are critical keys to improvements in Native well-being. Ignoring such evidence will only encourage policymakers to repeat many of the mistakes of the past, harming the interests of all parties—Native and non-Native—in the process.

ALASKA NATIVE SELF-GOVERNMENT AND SERVICE DELIVERY: WHAT WORKS?

I. INTRODUCTION

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The resulting debate raises a host of important issues including, most centrally, the right of Native peoples to govern themselves in their own ways. This right is at the heart of the matter. At the most fundamental level, the entire debate is a challenge to the rights of Native peoples—the first peoples of this continent—to determine how they will live their lives, manage their resources, and govern their affairs.

The status of Alaska Natives' rights of self-rule is properly the focus of detailed legal, political, and moral analysis. However, many of those who would limit, deny, or alter those rights profess to see the question as one of practicability and efficiency, challenging the notion that it is feasible for Alaska Native communities to effectively govern themselves or deliver needed services. In this study, we examine this issue. Specifically, in the area of Native self-governance and service delivery, *what is likely to work?* In posing this question, we assume that the economic and social well-being of Alaska Natives should be a central concern in the making of policy, whether by tribes, the State, or the federal government. Just as a debate that ignores the issue of Native rights is missing the boat, so too is one that ignores the impact policy is likely to have on the well-being of those most directly affected by it.

A focus on impact yields questions of the following sort. Is more substantial Native self-government likely to do better at improving Native well-being than less substantial self-government? What approaches to service delivery are most likely to be effective at addressing the concrete problems that Native societies face? How might

Alaska Natives take best advantage of self-governing rights and powers to build successful societies—where success is defined by their own criteria? What does the most up-to-date research on indigenous governance and development in the United States, Canada, and elsewhere have to offer to these debates? Does that research suggest usable models for Alaska Native self-governance and for the delivery of needed services to Alaska Natives?

In this study we review a few of the many examples of innovative Native self-governance and service-delivery initiatives already underway in Alaska. We then review the results of a substantial body of research on indigenous self-governance and development in the lower forty-eight states and Canada, and we examine the applicability of that research to Alaska. Finally, we examine implications of this research and these initiatives for policymakers in all governing arenas—from Native villages to state and federal governments.

II. BACKGROUND

A number of developments are driving the current debate about Native self-governance and related service delivery issues. Four appear to be particularly important:

1) **The move for regionalization of Alaska Native governance and service delivery.**

Many Native communities currently administer federal programs designed to provide services to Native peoples. In recent years, some policymakers have pushed to shift the locus of administration, identifying Native regional non-profit organizations as the appropriate administrators of certain programs, recognizing these organizations as “tribes” for the purposes of such administration. Indeed, some in the federal government would prefer to interpret self-government as essentially a matter of service delivery. They would like to see services organized uniformly across Native Alaska or through a single set of equivalent—preferably regional—organizations. In this model, Native regional non-profit corporations would be not so much governments as Native-run administrative arms of the federal and state systems, operating federal- or state-funded programs that serve Natives.

Service consolidation has received particular attention recently from Alaska’s senior senator, Ted Stevens. In view of limited resources and the complexity of the current funding system, he has proposed a reorganization of service delivery along regional or other lines. He has invited Alaska Natives to propose their own ways of meeting his concerns but has indicated that some sort of consolidation is likely, whether or not Natives put forward a plan or their own (Kizzia and Hunter 2002; Associated Press 2002a).

Supporters of regionalization argue that it would increase the efficiency of service delivery to Native communities and save significant monies in the process. Many

Native villagers argue that the regionalization already put in place by the Alaska Native Claims Settlement Act and the development of regional non-profit corporations has been unable to deliver certain services effectively in many rural Native communities, while decentralization efforts have often proven more efficient (Associated Press 2002b, Kizzia 2002). They argue further that the regional non-profits are not “tribes” in any meaningful sense and fear that regionalization not only would set back tribal self-determination but is, in effect, a form of termination that will undermine federal recognition of tribes and use the federal funding process to strangle tribal government at the local level.

2) **The move for de-recognition of Native American tribes in Alaska.**

There are others who are campaigning to do away completely with the idea that Alaska Natives, as currently organized, should have tribal status for any reason other than the receipt of federal services or should be able to exercise governing powers on a tribal basis. In December 2001, the two majority leaders of the Alaska State Senate and House sent a letter to Secretary of the Interior Gail Norton requesting that she undertake a “*de novo* legal and policy review” of the status of tribes in Alaska, hoping to end federal recognition of Native villages in Alaska “as distinct political entities whose governing bodies possess governmental authority...” (Halford and Porter 2001; Associated Press 2002a).

This idea, known as de-recognition, amounts to the wholesale denial of indigenous rights. It has been resisted by Alaska Natives, by then Governor Tony Knowles, and by the rural Alaskan Bush Caucus. At least some of these parties appear to see de-recognition as a ploy designed to nullify Native efforts to solidify or expand local political autonomy and economic sustainability in Alaska’s vast rural regions. In addition to these opponents, out-going Assistant Secretary of the Interior for Indian Affairs Neal McCaleb recommended that Norton reject the request for review.

3) **The continuing issue of subsistence resource use.**

Since the 1980 passage of the Alaska National Interest Lands Conservation Act (ANILCA), which requires that Alaska recognize a rural preference for subsistence use of fish and game, the subsistence rights issue has become a source of increasing divisiveness between the State’s urban residents and its rural inhabitants (most of whom are Native). The State’s failure to comply with ANILCA has led the federal government to assume management of subsistence resources throughout much of the State. This has drawn opposition from some state lawmakers and members of the Alaska Congressional delegation, who also question the very provisions of ANILCA.

Meanwhile, Alaska Native advocacy groups, such as the Alaska Inter-Tribal Council, are opposed to any amendments to ANILCA unless they “strengthen or enhance” current federal subsistence protections for tribes. They are pushing for

a system predicated on tribal co-management that would allow for equal participation by tribal governments in governmental decisions affecting subsistence.

4) **Self-governance assertions by Alaska Natives.**

Native communities in Alaska have been self-governing since long before statehood and the concept of “federal recognition.” Notwithstanding threats to their rights of self-government and severe impediments and roadblocks to the exercise of those rights (particularly since statehood), a number of Native communities in Alaska have been exercising self-governing power in increasingly assertive ways. From Loudon to Chickaloon, from Akiachak to Chilkoot, tribal groups in Alaska have been attempting to take greater control of their own affairs. Some are experimenting with new governing structures including, in some cases, intertribal coalitions for certain governing purposes. Others have taken over social services or programs, redesigning them to better fit local needs.

While some of these exercises in self-government occur in the absence of recognized legal powers, they typically address difficult social, political, or economic problems not being addressed effectively by other state or federal governmental units. In many cases state and federal governments and other interests are resisting these assertions.

* * *

This volatile political landscape suggests that change of some sort is likely. Native government in Alaska appears to be in a period of transition in both organizational structures and scope of powers. It is not at all clear where this transition will lead, nor is it clear who will drive the process of change. Will Native communities be free to make such changes as they wish to make, or will specific changes be forced upon them by non-Native interests? This is a critical question. The core issue is one of rights, and specifically of the right of Alaska Natives to choose their own ways of governing themselves and their own ways of meeting their needs.

In this study, however, we raise a different issue: what approach to governance and service delivery is most likely to improve the economic, social, and cultural well-being of Alaska Natives? We make the assumption that continuing Alaska Native poverty and dependence are in no one’s interest, and that any policy proposal regarding Native governance and/or service delivery should be judged, in part, by its likely effect on Native well-being. By that criterion, what are the advantages and disadvantages of various organizational options? Are there only two such options—either twelve regional, non-profit “tribes” or more than 200 village-level, tribal governments? What other solutions are possible? How can public policy best meet the economic, social, political, and other goals of Alaska Natives? Is administrative efficiency the primary issue for Native self-government in Alaska? Are there other considerations that should be taken

into account? Are there cases or models that offer pertinent lessons in how Native self-government and service delivery might be organized most effectively?

Such questions are amenable to public policy analysis. This doesn't mean that policy analysts should be deciding what the appropriate policies are; rights of self-government are *rights* and should not turn on a cost-benefit analysis. But such analysis can provide tribal, federal, and state policymakers with information and insights that are useful in pursuit of effective solutions. Two things at least are needed: (1) rigorous analysis of options under clear criteria of economic, political, cultural, and organizational viability; and (2) a hard-nosed search for usable lessons from successes and failures in comparable organizational efforts completed or underway in Alaska and elsewhere.

This study cannot completely fulfill these tasks, which will require more time and resources than currently are available. But it can begin both. It can begin the first by helping to specify criteria that proposals for change—from either Native or non-Native sources—should take into account. It can begin the second by bringing into the discussion policy-relevant evidence from Alaska and elsewhere regarding viable solutions to Native governance and service delivery challenges.

III. ALASKA NATIVE INITIATIVES IN GOVERNANCE AND SERVICE DELIVERY

Considerable attention in the current debate has focused on the legal status of tribes in Alaska, on federal and state efforts to promote regionalization, and on resource constraints. Less attention has been paid to the work Alaska Natives themselves have been doing in the areas of both self-government and service delivery. Under frequently difficult and even hostile conditions, a number of Alaska Native groups have been developing their own, innovative governance and service strategies—sometimes in cooperation with other governing entities, sometimes on their own.

Systematic evidence on how these various strategies are working is scarce, but this does not mean we should ignore them. They represent indigenous responses to the challenges of self-government and service provision. Some involve organization at village or tribal levels; some at the subregional level; some at the regional level; and some even across regional boundaries. Here we summarize four examples, taken from among many.

Akiachak

Incorporated in 1974 as a second-class city, in 1990 Akiachak became the first city in Alaska to dissolve its city government in favor of a Native village government. This was done in an effort to revitalize tribal self-governance and re-establish local control over education, the land, and its natural resources. Akiachak's predominantly Native population established the Akiachak Native Community (ANC) to maximize the limited financial and human resources available to the community for local services as well as to improve service delivery.

Since re-entering the arena of village governance twelve years ago, the ANC has assumed responsibility for a wide range of services, including water, sewer and electric service, trash collection, and police and fire protection. It operates its own jail, health clinic and dock site and has established a tribal court. It also has improved village infrastructure, particularly housing, roads, and community buildings. In addition, the tribe manages a number of health care, natural resource, and child welfare programs under Public Law 638 contracts, employing more than 40 local people in service delivery and other activities.

The ANC also is part of the Yup'it Nation, a loose and pragmatic confederation of about a dozen Yup'ik peoples seeking to regain decision-making authority over local affairs. Some of these tribes have followed ANC's lead by discarding city governments and replacing them with Native village government structures that allow them to provide services that the State of Alaska has admitted it is ill-equipped to deliver itself. Among other things, the Yup'it Nation has established the sub-regional Yup'it School District, replacing the regionally based system. In 2000, the district provided instruction to more than 400 students, including a Yup'ik language immersion program in some schools.

The increasingly active Akiachak Tribal Court—created in 1984 to revitalize Yup'ik concepts of law and order in Akiachak—works in concert with Alaska state troopers and Akiachak's own village police and public safety officers, enforcing tribal ordinances covering public behavior, solid waste disposal, alcohol problems, and curfew violations by minors, while deferring to state court jurisdiction on more serious matters.

Chilkoot

Prior to 1990, the Chilkoot Tlingit had little collective control over major decisions affecting their health, welfare, education, and economic circumstances. Local programs and services were administered by outsiders, employed outsiders, and failed to address many of the community's needs.

In 1990, the community set out to reverse these trends through active self-governance. Reviving their dormant tribal government, the Chilkoot Indian Association (CIA), the tribe has become a primary provider of services to its people, administering health, housing, education, and economic development programs. It works closely with tribal elders to frame long-term development and community strategies, and is actively involved in expanding its own institutional capacity.

This reinvigoration of tribal government has had a number of practical effects on the community. The CIA has worked closely with the regional Native health network, the Southeast Alaska Regional Health Consortium to improve health services and financial stability at the tribal health clinic. In cooperation with the Central Council of Tlingit and Haida Indians, the tribe also has significantly improved community solid waste management. By obtaining control over housing funds and program management, the CIA has been able to improve housing quality and access. And in an arrangement with the U.S. Army and the Bethel Native Corporation, the CIA is involved in the

removal of contaminated buildings from tribal lands, providing local citizens with jobs and opening up new development opportunities for the tribe.

A key factor in these and other accomplishments has been the tribe's freedom to form productive relationships with other local, regional, national, and even international organizations—Native and non-Native—including governmental ones. Another factor has been the tribe's willingness to invest in its own institutional capacity. As CIA has become a stronger and more effective government, it also has become a stronger and more effective partner in its relationships with outsiders.

The Council of Athabascan Tribal Governments

In the 1980s, the Athabascan villages of the Yukon Flats were concerned with the lack of jobs in their villages, the lack of Native control over subsistence resources in the region, and the lack of local control over service delivery. These villages wanted to find a way of achieving the organizational benefits of cooperation while retaining a high degree of local control over decision-making and service provision. Their solution was to develop a level of governmental and service organization that fell between village government and regional structures.

In 1985, chiefs, elders, and other citizens of ten largely Gwich'in Athabascan villages gathered to establish the Council of Athabascan Tribal Governments (CATG). The organization has little power over village affairs and is largely dependent on the voluntary cooperation of the member villages, but it offers an organizational basis for enlarging the villages' political voice and for tapping into economies of scale by managing programs that would be prohibitively expensive to manage at the village level. It also enlarges the human resource pool available to local government. It provides a forum for cooperative problem-solving. And it offers a way to achieve economies of scale in service delivery while retaining both a high degree of local control and a high degree of local participation in the functions of government.

The path has not been easy. CATG had to struggle to find federal agencies that were willing to allow tribes to run their own programs, and the challenges of cooperation among ten small villages spread out over a large geographical region have been substantial. While it is classified as a tribal organization, CATG is not a government. Its effectiveness depends to a significant degree on the level of cooperation freely offered by its member villages.

Nonetheless, CATG has been successful at running health, natural resources, and early childhood education programs, has helped to prevent service delivery jobs—badly needed in villages characterized by high unemployment—from migrating to Fairbanks, has expanded local management capacities, has served as a resource to local governments, and has engaged local citizens in generating their own solutions to problems.

NANA

The Northwest Arctic region of Alaska includes the city of Kotzebue and a number of Native villages, most of them located around Kotzebue Sound and along the Kobuk and Noatak Rivers. Alaska Natives, most of them Inupiat Eskimo, make up more than three quarters of the region's population. In the early 1970s, an array of organizations served the region, from a community action program to health and housing authorities, from a regional corporation established under the terms of the Alaska Native Claims Settlement Act (ANCSA) to a non-profit social services corporation, from city governments in local Native villages to tribal governments that were either traditional in form or products of the Indian Reorganization Act of 1934. These various organizations, each with its own mission, created a maze of programs that often competed with each other for resources of various kinds.

In an attempt to improve overall governmental coherence and efficiency, to better leverage scarce resources, and to enhance Native self-governance, in the early seventies regional and village leaders began to consolidate programs, services, and organizations. Between 1972 and 1986, they moved toward a far more integrated model of governance. At the regional level, activity is focused in two corporations: the for-profit NANA corporation, which concentrates on economic development and growth, and the non-profit Maniilaq Association, which concentrates on social services. Village-level for-profit corporations merged with NANA, and each village holds at least two seats on NANA's board, assuring a village voice in development strategy and corporate actions. At the same time, the villages designated Maniilaq as the appropriate recipient of federal service grants and contracts; the Maniilaq board consists of representatives from each of the villages. Maniilaq is the primary social service provider to all of the region's population, Native and non-Native. In 1986, the region's residents created the Northwest Arctic Borough and School District so as to increase their control of land use, education, and related activities and, in 1987, adopted a home-rule charter.

These and other initiatives have produced a situation in which self-governing villages have freely delegated certain decision-making and administrative functions to region-wide institutions in which those villages have retained a prominent voice and considerable control, while at the same time maintaining other governmental functions at local levels. The region-wide institutions gain economies of scale and lend coherence to regional development and governance strategies while giving support to local governing bodies.

* * *

We present these examples not as models of what any particular solution to self-governance and service delivery needs should look like but as illustrative of the range of innovative and effective responses Alaska Natives—by exercising their right to self-determination—are making to those needs. While these responses vary in form and effectiveness, they directly challenge the idea that these needs should be addressed

through a one-size-fits-all solution—regional or otherwise—or that meeting these needs can best be accomplished through solutions imposed by non-Natives.

One of the major obstacles that Alaska Natives have faced has been frequent federal and state reluctance to support indigenous self-determination. Support here means not simply endorsing responses such as these but defending indigenous rights to produce and implement their own solutions and working with indigenous peoples to help make their responses even more effective. But what exactly are the issues that need to be addressed? We now turn to this question.

IV. TWO ISSUES: SELF-GOVERNMENT AND SERVICE DELIVERY

Two distinct, but related, phenomena are at issue in the current debate: self-government (the right of Native peoples to govern themselves and the reluctance of the State of Alaska and others to recognize that right and allow them to do so) and service delivery (the demand by federal and state officials that, in view of constrained resources, service delivery be provided at organizational levels above those that Native peoples might select themselves, and the resistance of Alaska Natives to some of the most talked-about patterns of such reorganization).

Self-Government: Who Decides?

The issue of *self-government* has to do with the right, power, and capacity of an identified group of people—a nation, a tribe, or another collectivity—to manage their own affairs and control what happens to them. As a practical matter, it can be thought of in terms of decision-making. Who is making the primary decisions in the lives of the group? Who is deciding what the responsibilities and rights of citizens are, and who has the right to determine group citizenship? Who is deciding how social problems are addressed? Who is deciding how the community's lands and other resources are used? Who is deciding what form self-governance will take? And so forth.

To the extent that the practical, on-the-ground answers to such questions carry the common thread of “the group (or nation or tribe) itself is deciding,” then the group is—in practice—self-governing. To the extent that the answers to such questions are “somebody other than the group itself is deciding,” the group is not self-governing.

Implicit in this idea is a further consideration: who determines the boundary of the group? This, too, is part of self-government. In Alaska, their rights of self-government mean that Alaska Natives themselves should determine where the social boundaries of tribes or peoples lie.

In thinking about self-government here, we intentionally emphasize the right and capacity to make decisions, rather than the provision of services or the execution of various governmental functions. Self-governing communities do not necessarily deliver all services or carry out all functions themselves. They may decide to organize some functions and some services through other governments or in concert with other

governments. This, of course, is familiar in the context of multiple levels of government in the United States in which—by agreement between different governing units—some activities are centralized and others are decentralized.

The idea of self-government raises a number of complex questions. Who is the appropriate “self” in self-government? What should the scope of self-government be? At what level of social organization—village, band, tribe, federation of tribes, region, etc.—should decision-making and governmental functions be organized? Should some be organized at one level and some at another? What level and form of governmental organization are most likely to provide *effective* governance? What level and form of governmental organization are most likely to be viewed as appropriate by the community in question—and therefore will command their support? What form should accountability take? Where will the resources for self-governance come from?

The idea that indigenous peoples themselves should provide the answers to these questions is fundamental to the concept of self-determination. In much of the world, however, many of these questions have been answered by non-indigenous entities in positions of power who have then forced their answers on indigenous peoples. For many Native nations in the United States and Canada, for example, answers to questions of scope and form have been provided by treaties or federal legislation that specify the unit of self-governance and impose certain governmental forms on supposedly self-governing peoples. Some of these answers are being challenged now as Native nations in both countries assert greater control over their affairs, working out their own ideas of how best to organize themselves. To pick just two of many examples, several devolutionary processes are apparent today within the vast Navajo Nation, shifting certain powers from central Navajo government to more local communities, while a reverse process is apparent among the Ktunaxa peoples of British Columbia, where five First Nations (as most indigenous groups in Canada call themselves) are rebuilding self-governing institutions at a more comprehensive, tribal level (Hale in process; Smullin and Tsosie 2003; Native Nations Institute 2001). Other Native nations are directly addressing others of the questions raised above as they assert self-governing powers.

Service Delivery: Efficiency vs. Effectiveness

The issue of *service delivery* has to do with how best to provide services—from law enforcement to health care to education to social welfare—to those who need them. “Best” encompasses dimensions of both efficiency and effectiveness. That is, it involves both the efficiency with which services are delivered (which can be thought of as the cost per unit of output) and the effectiveness of those services in meeting identified needs (which can be thought of as the impact of the delivered services on the community in question).

Both policy-makers and service practitioners have to consider the critical difference between efficiency and effectiveness. It is possible to have very efficient service delivery that fails to meet community needs. Health care offers an occasional example. Centralization of health care delivery can save significant administrative costs

and can have advantages in focusing resources on particular health problems. But some health care tasks require close, on-the-ground involvement with local communities so as to better understand the problems at hand and how they are affected by local relationships and practices, set appropriate health care priorities, and better supervise day-to-day treatment. In such cases, centralization may reduce or undermine such involvement, making health care at one and the same time both cheaper and less effective. This does not mean that either centralization or decentralization is an ideal health care strategy. It simply means that the analysis of the best way to deliver health care has to recognize that efficiency and effectiveness are not the same thing, that the trade-offs between them will vary by setting and by health problem; and that both efficiency and effectiveness have to be explicitly addressed in specific settings.

The evaluation of service delivery options also has to address resource availability. Resources are seldom adequate to needs. In the United States, including Alaska, the federal government has seldom provided sufficient resources to meet either its own commitments to Native peoples or their measurable needs (see, for example, Kingsley et al. 1996; Roubideaux 2002; Henson et al. forthcoming). While it is difficult to predict the course of politics, it seems doubtful that, under current political and economic circumstances, any federal administration will dramatically increase those resources in the foreseeable future. In other words, resources are likely to remain chronically short, driving a continuing quest for efficiency in service delivery. At the same time, increasing efficiency without improving effectiveness is likely to be counterproductive in the long run, leading eventually to increased—not diminished—expense as problems worsen or remain unresolved.

Links between Self-Government and Service Delivery

Self-government and service delivery intersect at the point where decisions about how and at what level to provide services are made. To the extent that a collectivity makes those decisions for itself, it is self-governing in service delivery, regardless of who ends up delivering the services. To the extent that some outside body decides for that society how services will be delivered, it is not self-governing in service delivery.

As this suggests, self-governing societies do not necessarily provide all services themselves. Self-government consists not in the provision of services but in decisions about how to provide or obtain services. For a society to decide to obtain services through some entity other than itself is an act of self-government. It may result in organizing service delivery through entities that are either larger or smaller in scope than the self-governing unit and that are not directly controlled by it.

There is ample evidence of just such decision-making in Alaska, where numerous tribes have decided to provide services through consortia of various kinds. In the Bering Straits Region, for example, a majority of tribal councils decided to run certain services through Kawerak, Inc., a consortium of tribes. “Early on,” according to Kawerak’s executive director, “our councils made the decision to concentrate on exercising their

governance versus running programs” (Bullard 2003). The councils govern; Kawerak delivers services.

V. WHAT WORKS? RESEARCH EVIDENCE

Much of the current debate in Alaska focuses on the rights of Native peoples to govern themselves. This is the heart of the matter, but we wish to raise another important question about self-government: *What works?* Is an approach that organizes decision-making *within* Native communities more likely to improve the welfare of Alaska Natives than an approach that organizes decision-making at some remove from those communities? If we assume that a primary goal of public policy relative to Native peoples in Alaska is improvement in Native welfare, then it seems appropriate to ask what sorts of policies are most likely to produce such improvement. *What governmental strategies actually work?*

Fortunately, there is a substantial body of evidence on the impact various policies have on the economic and social fortunes of indigenous peoples. While only a small portion of this evidence deals directly with the Alaska case, the research itself is directly relevant. It would be a mistake to ignore it in shaping public policy in Alaska.

The most comprehensive effort undertaken to date to analyze processes of economic and community development among indigenous peoples is the work of the Harvard Project on American Indian Economic Development. This Project, which we founded at Harvard University in 1986, has been engaged for more than a decade and a half in a systematic effort to understand the prerequisites of sustained economic development and improved community welfare in indigenous communities in the United States. This research continues today under the auspices of the Harvard Project and its sister organization, the Native Nations Institute for Leadership, Management, and Policy (NNI) at The University of Arizona. In addition to research in the United States, it now includes a growing amount of work with First Nations in Canada and the early stages of comparative work on development among Maori groups in New Zealand and Aboriginal communities in Australia.¹

The Harvard Project/NNI research originated with a single question: Why are some American Indian nations more economically successful than others? This question began to take on major significance in the 1980s as a number of Indian nations began to establish sustainable reservation economies, breaking away from long-term patterns of deeply entrenched poverty and dependence on federal programs and dollars.² In a series

¹ The major findings of this research are reported in a number of publications. See, in particular, Cornell and Kalt (1992, 1995, 1997a, 1997b, 1998, 2000); Cornell and Gil-Swedberg (1995); Kalt (1996); Jorgensen (2000a); Jorgensen and Taylor (2000); Jorgensen et al. (forthcoming).

² While tribal gaming has contributed—sometimes dramatically—to economic progress on Indian lands, Indian economic development has not been dependent on gaming. Well before passage of the Indian Gaming Regulatory Act in 1988 and the subsequent burst of casino construction, sustainable economic development was taking hold on a number of Indian reservations. These reservations were the early focus of Harvard Project research.

of numerous field-based case studies, statistical analyses, policy evaluations, and on-the-ground collaborative projects with Indian nations, Harvard Project and, later, NNI researchers set out to determine what set the more successful nations apart. What was different in their situations, institutions, and decisions that promoted sustainable development and improved community welfare?

The results were unexpected. The best predictors of economic success were not those factors that are classically thought of as “economic,” such as education, natural resource endowments, location, or access to capital. Certainly such assets had value, but their contributions to economic development turned out to depend on a prior set of largely political factors. Three in particular stood out.

Keys to Development Success, 1: Practical Self-Rule

Practical self-rule—Native control over Native affairs—appears to be a necessary, albeit not sufficient, condition for sustained economic development on indigenous lands. After years of research, we have yet to find a single case of an American Indian nation or Canadian First Nation demonstrating sustained, positive economic performance in which somebody other than the Indian nation itself is making the major decisions about governing institutions, governmental policy, development strategy, resource allocation and use, internal affairs, and related matters. In case after case, we find development beginning to take hold when Native nations succeed in moving outsiders from decision-making roles into resource roles, replacing them as the primary decision-makers in indigenous affairs.

There are several reasons why self-rule is essential to successful development.

- *Self-rule promotes citizen engagement.* Alexis de Tocqueville long ago recognized, in *Democracy in America*, that citizen engagement was one of the keys to community welfare, and that citizen engagement was in part a product of the freedom and ability of citizens to make choices about how they are governed. As citizens gain control over primary governance decisions, from the choice of governing institutions to governmental priorities, they become increasingly engaged in the effort to improve the life of their communities. Part of the development challenge is to promote such citizen engagement. For a long time, tribal citizens were effectively prevented from making decisions about their own futures. Both community and economic welfare suffered as a result.
- *Self-rule puts the development agenda in indigenous hands.* As long as some outside agency carries primary responsibility for economic conditions on Indian lands, development decisions tend to reflect outsiders’ agendas. This often means that considerations such as serving non-Native political interests or protecting federal/state agency budgets or expanding agency authority are given disproportionate weight in decision-making. When Native peoples begin making the decisions, those decisions begin to reflect Native agendas in which sustaining economic and community development often has primacy.

- *Self-rule links decisions and their consequences.* When outsiders make bad decisions for an indigenous people, they seldom pay the price of that bad decision. Instead, the community bears most of the costs but has no power to respond with better decisions in the future. Once decisions move into the hands of those whose fortunes are at stake, the decision-makers themselves begin to bear the consequences of their decisions. They reap the rewards from good decisions and pay the price for bad ones. As a result, over time and allowing for the learning experience, the quality of the decisions improves. In research on matters ranging from economic development and health care to forest management and housing, Indian nations repeatedly demonstrate that they are better decision-makers about their affairs and their future than outsiders are.³ After all, it is *their* affairs and *their* future that are at stake.

As one of the present authors noted, in testimony before the United States Senate (Kalt 1996), this finding on self-rule is predictable from cases around the world. United States policymakers are not surprised, for example, that economic development and sustainable social health failed to take hold in Eastern Europe as long as an outsider—the Soviet Union—was really making the major decisions about governmental form, resource use, development strategy, internal affairs, and other matters. Why, then, should we expect indigenous peoples to succeed in development when the primary decisions about their governments, affairs, and resources are being made in Washington, in state capitals, or by other outsiders?

While self-rule has clear economic advantages for Native communities, its benefits are not only economic. Canadian evidence on Native suicide rates makes the point. In a provocative study, Chandler and Lalonde (1998) tested the relationship between assertions of self-government and adolescent suicide rates in 195 First Nations in British Columbia. Using detailed, reserve-level data on suicides, they found that those First Nations that were asserting greater control over their own affairs had consistently lower adolescent suicide rates than those First Nations that were asserting less control. This research should be especially intriguing to policy-makers in Alaska—particularly those concerned with public health—because so many First Nations in British Columbia are relatively small and isolated. Even under such conditions, self-rule has significant, demonstrable, positive effects.

Keys to Development Success, 2: Capable Governing Institutions

But self-rule—the authority to make choices and decisions across substantive areas of community concern—is not enough to produce economic growth or significantly improve community welfare. Authority must be exercised effectively if it is to lead to sustainable economic and community development. This is a matter of putting in place capable governing institutions.

³ See, for example, Krepps and Caves (1994), Adams (1999), National Indian Health Board (1998), Cornell and Kalt (2000), Jorgensen (2000a).

Harvard Project results show that the chances of sustainable development rise as Indian nations put in place effective, non-politicized dispute-resolution mechanisms (such as tribal courts), shut down opportunistic behavior by politicians, eradicate corruption, place buffers between day-to-day business management and politics, develop efficient decision-making mechanisms, build capable bureaucracies, and adopt sound economic and social policies of their own making. Our second finding, then, is that self-rule that is not backed up by capable governing institutions is unlikely to yield sustained economic or community development. Like other nations around the world, Native nations can fall on their faces if assertions of sovereignty are not supported by the institutional capacity for effective self-rule.

Why are institutions so important? Institutions send a message to potential investors. If the message is positive (stability, depoliticized business management and dispute resolution, procedural efficacy, regulatory regimes that are fair and make sense, etc.), the chances of attracting and keeping investment rise. If the message is negative (*instability, politicized* business management and dispute resolution, and so forth...), the chances of investment fall. Our idea of “investors” is intentionally broad, embracing not only those with dollars but those with ideas, energy, time, or any other resource that can be an asset to development—regardless of whether or not they have dollars as well. Tribal citizens of meager means are thus as much potential investors in the future of their communities as anyone else is. They may take a job in tribal government, start a small business, or teach in the local school. Alternatively, they may read the environment at home and say, “I’m not putting my roots and my career down here.” Importantly, they make investment decisions on much the same basis as outsiders or as those with greater financial resources do: Where is my investment—of time, energy, ideas, *or* money—likely to be most productive, satisfying, and secure?

Institutions are a major part of the community’s answer to this question and, therefore, are one of the central pivots on which development turns. Investors have choices. In building effective governing institutions, Indian nations can shape those choices, sending a message to investors, including their own people, inviting them to bet on the future *here*. In sending that message and by backing it up with institutional integrity and real action, they pave the way for productive economic development.

The central importance of capable governing institutions is evident in research around the world, from studies of economic growth and investment across nations (e.g., North 1990; Barro 1991; Knack and Keefer 1995; Egnal 1996; La Porta et al. 1997, 1998, 1999) to studies of how communities can successfully manage common property (Ostrom 1992), from studies of collective action in Italy (Putnam 1993) to studies of Chinese collective agriculture (Oberschall 1990). Institutions matter through their relative capacity or incapacity for organizing cooperation, determining strategic goals, guiding action into productive channels, and, more generally, getting things done. Indeed, the international aid agencies themselves—from the World Bank to USAID—report a general pattern in which pouring dollars and programs into developing communities is largely ineffective unless and until effective institutions of community self-governance are in place (Universalia 2002).

For many Indian nations, putting in place capable governing institutions has meant reorganizing those institutions to adopt separations of powers, checks and balances, independent court systems, and other tools of good governance. It often has meant throwing out the inadequately designed institutions that the federal government urged tribes to adopt under the Indian Reorganization Act in the 1930s. For some, it has meant choosing to share institutions across tribes so as to draw on larger human capital pools and obtain administrative economies of scale. For many, it has meant innovation as they develop new methods for addressing new problems and new governmental tasks. And, while our research finds that successful Indian governments must implement strategies that address a common set of structural mandates—a rule of law founded in separations of powers, checks and balances, depoliticized businesses and programs, clear and impartial enforcement of rules—this does not mean adopting a one-size-fits-all model of government. It means *cultural match*.

Keys to Development Success, 3: Cultural Match

Governing institutions are important, but not just any set of “efficient” institutions will meet the challenge that Native peoples face. If Indian nations are to mobilize community energies and resources on behalf of economic and community development, their governing institutions have to have the support of the people they govern. This means there has to be a fit between the formal institutions of governance, on one hand, and the informally established, indigenous conceptions of how authority should be organized and exercised, on the other.

Thus, the third key finding from research on Native self-governance is “cultural match.” Institutions whose forms depart significantly from indigenous political conceptions fare significantly worse than those that build, sometimes innovatively, upon such conceptions. In other words, institutions have to be effective, but they also have to resonate with indigenous political culture if they’re going to deliver the goods. People have to believe in them.⁴

Historically, outsiders—typically the U.S. government—designed and, in effect, imposed the governing institutions through which many contemporary American Indian nations attempt to achieve their goals. Most such institutions were never conceived as tools for the management of sovereign societies and, therefore, are notably ineffective. Furthermore, many are starkly at odds with indigenous political cultures and, consequently, find little support within their own communities. Small wonder many of these institutions don’t work. Successful Indian nations typically have solved this problem, either adopting or inventing institutions that match their own contemporary political cultures and that are capable of governing well.

⁴ Much less work has been done on this topic elsewhere around the world, but for some suggestive parallels, see, for example, Davidson’s (1992) exploration of mismatches between societies’ sociopolitical cultures and their formal governing institutions in Africa.

This means that governing institutions do not look the same across successful Indian communities. For the Confederated Salish and Kootenai Tribes of the Flathead Reservation in Montana, a classic parliamentary democracy checked by a strong, depoliticized, judicial system has been a key to development. For Cochiti Pueblo in New Mexico, a system of government without any written constitution in which the spiritual leadership of the tribe appoints the senior tribal administrators has proven to be similarly effective. The institutions of self-governance in these two nations are very different, but both of these tribes are notably successful; both have matched formal institutions to contemporary indigenous political culture; and both have systems embedding a rule of law and checks and balances in legitimate structures (Cornell and Kalt 1997b). Indeed, Native communities are intimately familiar with their own versions of such systems, reflected in their reverence for tradition (i.e., Native common law) and in histories of effective pre-reservation self-government. Concepts of “rule of law,” “separations of powers,” and “depoliticized administration of justice” may conjure up contemporary textbooks on Western democracy, but indigenous communities had worked out and implemented these concepts in their own diverse ways and on their own terms long before the textbooks were written.

The evidence is persuasive that where practical self-rule is combined with capable and culturally appropriate governing institutions, other assets such as natural resources, education, location, or financial capital begin to pay off. Where self-rule is not practiced through capable and culturally appropriate governing institutions, such assets are more often squandered, and self-government fails to deliver sustainable economic performance or lasting improvements in community welfare.

Research Evidence on Service Delivery

Even in Native communities that are not prevented from exercising their rights of self-government, determining the “best” unit through which to provide community services is a complex task. The difficulty of the task is driven, in part, by the fact that community services include such an enormous range of activities, from education to policing, from welfare programs to health care. Not all of these services respond in the same ways to changes in the scale of organization. Some services appear to be more effectively provided through small units; others, through larger units.

Proponents of regionalization or centralization often seek the consolidation of small service provision units, partly in the belief that it will result in significant financial savings. This may indeed be the case for some services, although there is evidence that, past a certain threshold, increases in size of unit often lead to dis-economies of scale. That is, efficiency begins to suffer. Of more importance, however, is the question of effectiveness. Do consolidation and possible economies of scale in fact produce improvements in the effectiveness of services? This point is important economically. Ineffective service delivery tends to leave problems unsolved and thereby increases costs over time.

While it is unlikely that a single unit size can effectively meet all service needs, there is substantial evidence that the effectiveness of services often improves with local control. A study by the National Indian Health Board (Dixon et al. 1998), for example, found that tribal control of health care led to increased client satisfaction with health care services. Similarly, three Canadian studies have found that local, First Nations control of community health services has led to improved community awareness of health issues, new community emphasis on improving health care, and improved relations between health care providers and the local community (Moore, Forbes, and Henderson 1990; Hiebert et al. 2001; Health Canada n.d.). The only one of these three studies to address actual health outcomes—a difficult task that requires long data time frames—found improved outcomes with local control (Moore, Forbes, and Henderson 1990). Scattered evidence from the lower forty-eight states also suggests that in some cases, at least, health indicators have improved as tribal control of health care rises.⁵

Research on Native policing also finds that local control has benefits. Transfer of policing responsibility from the Bureau of Indian Affairs (BIA) to tribal police has tended to enhance community satisfaction with policing as well as police accountability to local communities (Wakeling et al. 2001; Luna 1999).⁶ The same research also shows that successful Native approaches to policing sometimes take forms very different from what BIA management has allowed. Local, Native control over policing allows greater chances for “cultural match” and for the provision of law enforcement services that respond to indigenous conceptions of how authority—including police authority—should be exercised.

Of course some services may be better provided through larger units. In 1996, the Personal Responsibility and Work Opportunity Reconciliation Act allowed American Indian tribal governments to design and administer their own public assistance programs through the Temporary Assistance to Needy Families (TANF) program. In several cases in the lower forty-eight states, Indian nations joined forces in program administration through multi-tribe consortia. By consolidating resources and services and centralizing program authority, they have managed to be attentive to tribal needs, more efficient in the use of funds, more potent politically in the battle for federal and state resources, and innovative in program form and management. Such consortia provide for the maintenance of the core of tribal self-government because the consortia are created by the free decisions of participating nations.⁷ At the same time, the consortia enable these governments to capture economies of scale.

This array of evidence strongly argues that, in service delivery as in governance, one size does not fit all. The design of service delivery systems has to consider not only

⁵ Varied information gathered by the Native Nations Institute’s project on tribal health care, The University of Arizona, 2002.

⁶ This research also supports a broader body of work indicating that the quality and effectiveness of policing benefits from small size and local organization (see, for example, Ostrom and Whitaker 1973).

⁷ A different situation prevailed in Alaska, where Congress imposed regional organization on Native TANF programs.

economies of scale but, among other things, the ultimate effectiveness of programs in meeting specific local needs, the value of local knowledge and culture and their incorporation into service provision, resource needs and opportunities, and political realities.

Benefits to Natives and non-Natives

The benefits of combining substantive governing power with capable and culturally appropriate governance have been substantial for both Natives and non-Natives. Among them:

- Significant improvements in economic conditions on a number of Indian reservations, including reduced unemployment, reduced welfare rolls, and the emergence of viable, productive enterprises, both private and tribally owned (for example, Cornell and Kalt 1992, 1998; Cornell, Kalt et al. 1998; Jorgensen and Taylor 2000; Harvard Project on American Indian Economic Development 1999, 2000).
- More effective administration of social services and programs (for example, Jorgensen 2000b; Wakeling et al. 2001; Harvard Project on American Indian Economic Development 1999, 2000).
- Improved and more productive natural resource use (for example, Krepps 1992; Krepps and Caves 1994; Jorgensen 1997; Harvard Project on American Indian Economic Development 1999, 2000).
- Significant contributions to regional non-Indian economies in the form of employment opportunities, vendor business, new business generation, reduced tax burdens, etc. (for example, Ferrara 1998; Cornell, Kalt et al. 1998; Cornell, Ledwith, and Taylor 2002).

VI. THE APPLICABILITY OF THESE RESEARCH RESULTS TO ALASKA

How applicable are these results to Alaska? The situation of Alaska Natives differs in important ways from that of most American Indian nations in the Lower 48. The following dimensions of difference seem particularly important.

- **Population Size.** Many of Alaska's tribes and villages have smaller populations than most Indian nations in the lower forty-eight states (other than California).
- **Land Base.** Unlike most Indian nations in the Lower 48, many of Alaska's tribes and villages, while *using* large tracts of land for subsistence purposes, in fact *control* little land or associated natural resources.
- **Location.** Many of Alaska's tribes and villages are located far from markets and major transportation links.

- **Legal Status.** In the aftermath of the U.S. Supreme Court's 1998 decision in the *Venetie* case, the federally recognized jurisdictional and regulatory powers of most Alaska tribes and villages, while still significant, are less than those of Indian nations in the lower forty-eight states. This places additional barriers in the path to Native economic development.⁸ The legal situation in Alaska is more complex in other ways as well. For example, relevant property rights are dispersed among villages, village corporations, regional corporations, the State, and the federal government, significantly complicating the development task.

Do such differences mean that research results from the Lower 48 have little relevance to Alaska? Although small population sizes, small or fragmented land bases, and isolated locations have not received much explicit research attention in the lower forty-eight states, there is evidence from both the U.S. and Canada that they need not shut development down. The Mississippi Choctaws, for example, located on a fragmented land base far from major urban concentrations and with minimal natural resources, have built a vigorous manufacturing and tourism economy that not only has brought them prosperity, but also is spinning off substantial employment and other benefits to non-Indian communities (Ferrara 1998). Some other tribes have done nearly as well in similarly unpromising conditions.

Obviously, small and isolated Alaska Native communities face particularly daunting economic challenges for which there will be no easy solutions. But there is compelling research evidence that even minimal asset bases will be more effectively used where Native rights of self-rule are upheld, decision-making is in Native hands, and Natives back up decision-making power with capable governing institutions.

For example, while small population size limits the pool of indigenously available talent and labor with which to staff tribal government, such limitations need not be fatal to self-governance. Some indigenous nations have addressed the "pool problem" by building shared governance institutions with other nations with whom they share cultural, ecological, or political similarities. Thus, for example, some Indian nations in the lower forty-eight states have formed intertribal courts that not only provide professionalized dispute resolution but expand the talent/expertise pool from which judges and court professionals can be drawn. Such courts also help depoliticize court decisions. They have legitimacy with their populations because, in part, they were not imposed on Indian nations but are products of tribal self-determination.

⁸ In *State of Alaska, et al. v. Native Village of Venetie Tribal Government, et al.*, the Supreme Court held "that Venetie's former reservation fee lands and all other ANCSA lands do not qualify as 'Indian Country'" (Kendall-Miller 1998). This decision has effectively denied to Alaska Native communities many of the powers that Indian tribes in the lower forty-eight states regularly exercise and that have been essential to their success in improving community economic and social conditions. It thereby not only ignored Alaska Native rights to self-government, but also reduced the chances of improving Native economic and social well-being.

The experience of some Canadian First Nations, many of which share the size and location characteristics of many Alaska tribes, is similarly indicative. For example, evidence from the Ktunaxa-Kinbasket Tribal Council, the Membertou First Nation, the Metlakatla and Gitga'at First Nations, the Mikisew Cree, and others suggest that self-governing power, backed up by effective governing institutions that have the support of their peoples, can produce significant results in apparently discouraging economic circumstances.

As for jurisdictional issues, research not only from the United States but from around the world suggests that the jurisdictional constraints on Alaska Native communities are one of the primary obstacles they face in economic development. The clear implication of the research summarized above is that affirming and increasing the jurisdictional powers of Alaska Native groups would *enhance* their development prospects.

To be sure, in an ideal world, policy makers would have available to them systematic research on Native self-governance and service delivery in Alaska itself. Certainly the need for such research is well known. In 1999, for example, the Arctic Research Consortium of the United States (ARCUS), in a report to the National Science Foundation examining possible themes for Arctic social science research, urged interdisciplinary focus on social and political institutions, noting that “the quest for self-government by indigenous peoples forms an increasingly dynamic area of constitutional and political development” (ARCUS 1999, p. 19). ARCUS went on to argue for an examination of whether the greater authority being sought by Arctic peoples helps to solve some of their problems.

Such research has yet to be done systematically and comprehensively in Alaska, which makes care and deliberation in the policy process all the more necessary. In the meanwhile, absent such research, policy makers who hope to improve Alaska Native welfare can learn from comparable work elsewhere. While the Alaska Native situation is in some ways distinctive, the relevant policy issues are familiar ones.

VII. IMPLICATIONS FOR PUBLIC POLICY

What are the implications for public policy of the research findings summarized above? While definitive answers to the questions posed below would require additional research in Alaska, preliminary answers are certainly possible.

1. Is there an “effectiveness” argument for supporting Native rights of self-government in Alaska?

Yes. Of course this is by no means the only argument. The *right* of Alaska Natives to govern their own affairs in ways of their own choosing seems to us a sufficient basis in and of itself for Native self-rule. Nonetheless, policy-makers in tribal, state, and federal governments all might appropriately ask, *what approach to Native governance*

and service delivery is most likely to improve Native economic and community welfare, as conceived by Alaska Natives?

There is broad and compelling evidence from diverse Native settings that self-governing power, backed up by capable, effective, and culturally appropriate governing institutions, provides the most efficacious foundation of Native economic and community development. Indeed, at least in the United States, in a century of federal efforts to improve Indian economic conditions, indigenous self-determination is the *only* policy that has had broad, positive, sustained impacts on Native poverty. Nothing else has worked.

We see no reason to believe that Native welfare in Alaska, defying such evidence, will improve as a result of the *withdrawal* of self-governing powers. The evidence is clear that Native well-being will tend to improve as Native peoples themselves reorganize or more effectively exercise those powers. Denying Native rights of self-rule, weakening Native governing institutions, reducing the range of local choice, organizing decision-making still farther away from actual Native communities, removing the substance from self-government and turning it into little more than rhetoric are far more likely to prolong Native problems than to solve them. Such steps promise to lead to increased, not diminished, federal expense. As far as we can tell, the major, non-Native efforts to reorganize or undermine Native governance and service delivery in Alaska ignore this conclusion.

It may be that some governmental functions can best be organized through regional organizations (we consider this possibility in more detail below). But regionalization will work only to the extent that it is chosen through acts of self-determination by Alaska Native peoples as the best way to carry out those functions under the circumstances they face. Forced paths to regionalization ignore the need for government to have legitimacy with Native peoples if it is to function well and citizens are to be fully engaged in governance and development.

Similarly, the campaign for de-recognition threatens basic human rights and denies Alaska Native peoples the opportunity to make their own governmental choices, forcing them to accept choices made for them by non-Natives. Both imposed regionalization and de-recognition in effect prevent most rural Alaska Natives from engaging in a fundamental American activity: community decisions about how they are governed. As Ronald Oakerson points out, the American approach to government traditionally has involved “the assignment of constitutional authority to local citizens, allowing the basic pattern of local-government organization to emerge from a series of local community choices” (1999, p. 116).⁹

⁹ Oakerson acknowledges that this approach may yield a multiplicity of jurisdictions, but points out not only that this is indeed the pattern of much of American governmental structure below the federal level, but that it is “a coherent pattern of organization because it derives from a rational process of community formation” (1999, p. 116).

Constitutional authority is what Alaska Natives have been struggling for. They may well decide, acting as distinct tribes or peoples, that they want constitutional authority vested at the regional level. But a push for regionalization that ignores their concerns and preferences virtually guarantees a continuing legacy of disengagement, bitterness, and poverty, with all the attendant long-term costs for both Native people and other governments.

If the populations in question were immigrants joining already-in-place majority communities, there might be an argument for such impositions, but they are not. It is the newcomers who are forcing their governmental choices on those who were already there. This has been the historical pattern in American relations with indigenous peoples, usurping their rights to govern themselves. But it is inconsistent with the American idea of government; what's more, *it has never worked*. From the point of view of Native economic and social welfare, the utter failure of this unilateral approach is rampantly apparent on indigenous lands across the United States, where only self-determination—as limited as it has been—has produced positive economic and social results. We find no evidence that unilateral impositions will produce different results in Alaska.

In short, the unambiguous implication of research from the lower forty-eight states and of evidence from Canada is that protection of Native rights of self-rule and enhanced Native self-government constitute the policy approach that is most likely to increase the chances of improved Native economic and community welfare. This suggests that state and federal policymakers should be more concerned with how to enhance Native self-governance in Alaska and less concerned with how to diminish it. The obstacles to sustainable Native community and economic development are daunting, but the possibility of accomplishing both will be increased by expanding the constitutional authority and jurisdictional powers of Alaska's Native peoples and by investing in building capable Native governing institutions.

2. What are the appropriate units of Native self-governance, and what form should self-governing institutions take?

Self-government should properly be seen as an essential component of Native community and economic development in Alaska. But who is the appropriate “self” in Native self-government, and how should such government be organized?

These are questions for Alaska Natives themselves to answer. In answering such questions, Native policy-makers may wish to consider the following:¹⁰

- Which potential units of self-government (village, tribal group, association of villages or tribes, regional organization, etc.) are likely to do the most effective job of organizing and implementing citizen choices about governance?
- Which potential units of self-government are most likely to command the loyalties of those being governed?

¹⁰ These are essentially the same questions posed by Cornell, Fischer et al. (1998), p. 6.

As Cornell, Fischer, *et al.* pointed out in their analysis of Native self-governance in Alaska, the answer to the first of these questions (effectiveness) is likely to vary by governmental function, while the answer to the second (legitimacy) is likely to vary by tribe or community. “Some communities may grant legitimacy only to the most localized units; others may see more distant bodies as legitimately exercising authority over their affairs” (1998, p. 6). But realism compels recognition that the answers to these two questions may not always be the same. The bases of legitimacy may not always coincide with organizational strategies for optimal effectiveness. Where the answers to these questions diverge, any governmental reorganization will require both innovative institution-building and sensitive negotiation, as well as recognition that not all government functions need to be organized at a single level or through a single entity.

Certainly this complicates the task of effective governance, but it does so for the best of reasons: the necessity of addressing both effectiveness and legitimacy issues in the context of great diversity among Native peoples. To ignore these questions in favor of one-size-fits-all solutions is simply to guarantee additional problems and expense later. A creative and indigenously driven mix of efforts is more likely to succeed. The results will be organizationally diverse in both scope and form, but diversity is characteristic of Native Alaska, and it would be unrealistic to expect anything else.

Among the Native perceptions that need to be considered in dealing with the question of the appropriate “self” in self-governance is the perception of where the boundary lies between “us” and “them.” As one Native leader in Alaska tells us, in the area she comes from, there are a number of villages along a hundred-mile stretch of river that see themselves as sharing culture, history, and, in effect, a sense of peoplehood: “You go further up the river, and that’s not us anymore. You go further down, and that’s not us either, even though we may speak the same language. But among these villages, we understand each other. We see things the same way.”

Such allegiances constitute a potent basis for self-government. Where such allegiances are found, they could permit economy of scale by organizing substantial governmental functions at a level above the individual village. They would build on the legitimacy that effective government requires by organizing decision-making power within boundaries—in this case, cultural, historical, ecological—that are chosen by and make sense to Native citizens. Surely there are comparable possibilities in other parts of Alaska.

The key implications are several. First, optimal governance solutions for Alaska Native communities will vary, reflecting the diversity of those communities, their circumstances, and their values. Second, consolidation, if it occurs at all, must emerge from Native choices. Otherwise, there is the very real possibility that consolidation, as Oakerson suggests, will turn “economically disadvantaged communities into politically disadvantaged communities as well” (1999, p. 100)—hardly a net improvement in Native welfare and hardly a recipe for economizing on costs.

Third, governmental solutions will have to address the very real limits on both human and financial resources. Institution-building may have to occur, in some cases, across communities. Shared tribal courts, shared enforcement of codes, joint resource management, consolidated service delivery, and other institutional innovations may be necessary in some settings if Native peoples are not only to govern themselves but to govern effectively and well. Indeed, *this is what Native peoples in Alaska already are doing*—and they have shown that such innovative solutions work.

3. How should the delivery of needed services to Alaska Natives be organized?

It seems virtually certain that in service delivery, as in government, one size will not fit all, but the variation may be as much by service as by community.

Education, for example, is a service that can benefit greatly from local control, as some Native villages in Alaska have demonstrated. The village of Chickaloon, for example, provides education to its own children through its own school. The results are impressive. Not only does Chickaloon teach its children Athabascan culture, history, and language, but it produces students who perform well on national tests. Local control has allowed Chickaloon to address both community concerns and the individual interests of its students in distinctive ways (and it has done so for a decade with no state or federal support).¹¹

There is ample evidence, not only in Indian communities but from elsewhere, that local control of policing also has significant benefits. Certain aspects of health care benefit from local control as well.

What is needed is a partnership between Native peoples and federal and state service providers that searches not for a single service-provision solution but that is open to multiple solutions that are generated by Native peoples and that address multiple considerations: *resources, efficiency, accountability* (both to citizens and to funders), *and effectiveness*.

One of the unfortunate developments at the national level has been a pattern of adding language to national program legislation restricting funding in Alaska to regional non-profit organizations, as in brownfields legislation, TANF, and other programs. While many regional programs are both innovative and first-class, these restrictions have made it more difficult for tribes or other, non-regional associations of communities to develop innovative solutions to service problems. By excluding non-regional organizations from direct funding and mandating regionally organized service delivery, policymakers effectively limit the range of possible solutions and reduce the likelihood that—in a complex and diverse environment—the problems at hand actually will be solved.

This is a self-defeating approach to policymaking. It ignores goodness-of-fit necessities by imposing a single model on diversity, undercuts existing organizations that

¹¹ See Harvard Project on American Indian Economic Development (2003).

may be effective but do not fit the regional model, and squanders opportunities for local engagement, local capacity building, and the development of a broader base of human capital at the community level.

The point is not to remove regional organizations from service delivery. On the contrary, they may in some cases be the appropriate and best organizations for the job at hand. The point is to allow Native peoples to generate solutions that not only respond to federal and state concerns, but that also engage their own citizens in problem-solving, take advantage of local knowledge of needs and conditions, contribute to indigenous capacities, and respect indigenous self-concepts. This would increase the probability that the services in question will more effectively meet Native needs. In the long run, such effectiveness is the best money-saving strategy.

As we noted above, Native peoples across Alaska are already involved in developing innovative strategies in both service delivery and self-governance, exercising their right to solve these problems themselves. One of the dangers in the present situation is that the federal government or the State, throwing up its hands, will short-circuit this process, stepping in once again to impose a solution on peoples who have long suffered such impositions. Impatience and frustration may be understandable, but they make for poor public policy.

VIII. CONCLUSION

The self-governance and service delivery challenges facing Alaska Natives are daunting—as they are for indigenous peoples throughout North America. The legacies of past federal and state policies, the realities of resource constraints, the difficulties of current circumstances, and other burdens make solutions difficult to find. Yet Alaska Natives are already developing an array of solutions of their own to these challenges. They deserve support. In the process of developing solutions, all parties—tribes, the State, and the federal government—will have to address not only limits on resources but also the mounting evidence from across North America that Native self-determination is working better than any other approach to these challenges.

Of course many of the needs of Native peoples are products of poverty. In the long run, economic development is the best way to reduce the service delivery burden on tribes, the State, and the federal government. It also is a terribly difficult task in many parts of Alaska. But here again the research is clear. To the extent that economic development can take hold in rural Alaska, it will depend to a significant degree on investments in genuinely self-governing institutions that reflect Native conceptions, choices, and concerns, that remain tightly linked to Native communities, and that are capable of governing well.

Economic development of this sort is in everyone's interest. Addressing service delivery issues primarily as problems of administrative economy and organization is short-sighted. The long-term solutions, as difficult as they may be, will have to dig deeper than that. What's needed is a more creative approach to how Native societies can

most effectively and productively govern themselves, how they can most effectively organize service delivery, and how they can more productively participate, as genuinely self-governing communities, in Alaska's future. Such approaches are already apparent in the work Alaska Natives themselves are doing.

The payoffs to such work are potentially enormous. The alternative—crippling that work through *de jure* or *de facto* handcuffing of Alaska Native rights of self-government—is a recipe for a lose-lose outcome. It will block Native peoples on the only proven path to sustainable economic, social, and cultural well-being, and it will increase burdens not only on Native peoples but on non-Native governments as well.

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