

Endangered Species, Endangered Culture: Native Resistance to Industrializing the Arctic

Sandra Hinchman

Abstract—This paper examines the responses of two indigenous groups to the potential opening of the coastal plain of Alaska's Arctic National Wildlife Refuge (ANWR) to oil and gas exploration. Gwich'in Indians, whose culture revolves both materially and spiritually around the caribou, oppose all such development for fear that it will jeopardize that species' optimum calving grounds. Inupiat Eskimos, who stand to gain economically from petrodevelopment, favor oil and gas exploration on the coastal plain while opposing it offshore, where it might threaten the bowhead whale, the species at the center of their own culture. After reviewing the history of the conflict and weighing the respective claims of these two peoples, the paper concludes with a discussion of the threats posed to ANWR by international terrorism and by global warming.

Introduction

When Alaska entered the Union, President Eisenhower designated several million acres of tundra between the Brooks Range and the Beaufort Sea as a refuge for wildlife. A decade later, in 1969, oil was discovered 60 miles (96.5 km) west of the refuge at Prudhoe Bay. Although the oilfield itself was on State-owned land, transporting the oil to the Port of Valdez would require the construction of a pipeline. Over its proposed 800-mile (1,287-km) route, the pipeline would have to pass through Federal lands tied up in litigation between the State of Alaska and its indigenous peoples. Eager to expedite development, the State agreed to a deal intended to eliminate all such obstacles. The 1971 Alaska Native Claims Settlement Act (ANCSA) awarded aboriginal groups 44 million acres (178,062 km²) of land and a billion dollars in cash, establishing 12 regional and over 200 village corporations to manage that settlement. It also authorized the Secretary of the Interior to set aside lands he or she deemed scenic or ecologically significant. Intense conflict spawned by the latter directive ended only after Jimmy Carter's failed bid for re-election, when Congress, over the protest of the State delegation, passed the Alaska National Interest Land Conservation Act (ANILCA). Carter himself

Sandra Hinchman is Professor of Government at St. Lawrence University, Canton, NY, 13617, U.S.A. FAX: 315-229-5819, E-mail: shinchman@stlawu.edu. In the summer of 2001, she participated in the National Endowment for the Humanities Summer Institute on Environmental Ethics and Issues: Alaska as a Case Study, which was held at the University of Alaska-Anchorage.

In: Watson, Alan; Sproull, Janet, comps. 2003. Science and stewardship to protect and sustain wilderness values: Seventh World Wilderness Congress symposium; 2001 November 2-8; Port Elizabeth, South Africa. Proc. RMRS-P-27. Ogden, UT: U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station.

would later call ANILCA the most important environmental legislation of the twentieth century, as it dramatically increased the amount of Federally protected land, adding 104 million acres (420,873 km²), including 56 million acres (226,624 km²) of wilderness, to the system. The size of the original Arctic National Wildlife Range (renamed a Refuge) was itself doubled, and 17.5 million (70,820 km²) of its 19 million acres (76,890 km²) were declared permanently off limits to industrial development. However, to win passage of the 1980 bill, the administration agreed to a fateful compromise: Congress reserved the right to open Alaska's Arctic National Wildlife Refuge's (ANWR) 1.5-million-acre (6,070-km²) coastal plain to oil and gas exploration in the future.

The status of that coastal study area—commonly called the 1002 land, after the pertinent section of the Act—has galvanized the petroleum industry and its critics like no other issue. It has also called forth some unusual alliances. On the one side stand interests seeking to open up the area for development: the four transnational corporations (British Petroleum, Exxon-Mobil, Phillips Petroleum, and Chevron) competing for drilling rights; American labor unions, anticipating the creation of up to 735,000 jobs around the country; the vast majority of Alaskans, hoping to continue receiving dividends and tax relief from oil leasing; and the Inupiat people, who reside on the North Slope. Attempting to exclude the coastal plain permanently from development are the Government of Canada, the Gwich'in Nation, whose members dwell on either side of the Alaskan/Yukon border, and the environmental community. Opinion polls taken prior to September 11, 2001, indicated that 66 percent of Americans oppose drilling in ANWR (Defenders of Wildlife 2001a).

Virtually no fact about ANWR is uncontested. Estimates of how many billion barrels of technically and economically recoverable oil lies beneath the coastal plain, what percentage of American energy demand it would satisfy, how long it would take to erect the necessary infrastructure, and how extensive, permanent, and damaging that industrial "footprint" would be, all vary widely. Disagreements have arisen over the likelihood that oil would be sold abroad, whether it would significantly reduce United States dependence on foreign sources, and whether it would result in lower prices for consumers or merely in more profits for corporations.

Finally, and inevitably, there are disputes regarding the aesthetic and ecological qualities of the coastal plain itself. As Barry Lopez (1986: 278) has remarked, "it is precisely what is *invisible* in the land...that makes what is merely empty space to one person a *place* to another." Supporters of development depict the study area as a flat, boggy, treeless, almost featureless wasteland that is virtually uninhabitable by animals most of the year. They emphasize the

ruggedness, resilience, and near invulnerability of both the land itself and the 200 bird and animal species that summer there. This image is difficult to reconcile with what some of their opponents (such as, the Wilderness Society, the U.S. Fish and Wildlife Service, and the National Resources Defense Council) see: America's Serengeti; the premier birthing and nursing ground for Arctic wildlife; one of the most complete, pristine, and undisturbed ecosystems in the world; and ANWR's biological heart. In their view, the ANILCA Section 1002 area is inherently fragile, and its fauna can be extremely sensitive to disturbance. Bruce Babbitt, Interior Secretary during the Clinton administration, predicted that if oil companies were allowed in, it would be ANWR's death knell as a wildlife refuge.

Porcupine Caribou

Debate regarding the status of wildlife in the Refuge has centered around the Porcupine caribou herd. Section 1002 of ANILCA had directed the Interior Secretary, in consultation with his/her Canadian counterpart, to assess the likely impact of coastal plain development on this particular group of ungulates. Seven years after the passage of ANILCA, the United States and Canadian Governments signed a bilateral agreement affirming their commitment to conserve the herd (Canadian Embassy Web site 2001a). Indeed, the Canadian Government, which established two National Parks for its protection, continues to press its southern neighbor to follow suit. Similar concerns about the herd's welfare led over 500 American and Canadian scientists to sign a petition in March 2001, calling for a ban on oil exploration in ANWR (Defenders of Wildlife 2001b).

Proponents of development, however, bristle at the suggestion that the caribou might be threatened by it in any way. The Porcupine herd is extensive, numbering between 130,000 and 170,000 animals (according to environmentalist and oil company estimates, respectively). Like all other herds, its numbers fluctuate in natural cycles (Lopez 1986). If it is currently in temporary decline, that is offset by increases in the Western and Central Arctic herds. In fact, when the members of these other herds are factored in, it turns out that there are actually more caribou in Alaska than people.

Why, then, has the status of the Porcupine herd generated so much concern and controversy? Of three subspecies of caribou residing in North America, Barren-ground caribou, to which the Porcupine, Western Arctic, and Central Arctic herds belong, migrate the farthest distance (Lopez 1986). All these herds reside seasonally on Alaska's North Slope. Wintering in the Canadian taiga near the Porcupine River, a tributary of the Yukon, the Porcupine group treks hundreds of miles every spring to the ANWR coastal plain, where the Brooks Range pinches down to between 15 and 40 miles (24 and 64 km) of the sea (Dunkel 2001). Pregnant cows lead the exodus toward this optimum calving and postcalving habitat. After the cows have given birth, bulls and juveniles join them to browse on tundra grass and lichens (Canadian Embassy Web site 2001b). Aside from the superior foraging opportunities it provides, the area is favored by the herd because it affords relative protection from predators and relief from insect pests. When the cows fail to reach the plain before they drop their calves, as has

happened at least 5 out of the last 19 years, the newborn mortality rate skyrockets.

Environmentalists fear a substantial population crash among the Porcupine caribou if the infrastructure associated with development alters the herd's migration routes. They point out that pregnant and nursing females are so sensitive to "disturbances such as the presence of humans, vehicles, and noise" that they might "abandon their main calving ground" if the proposed development goes forward (McManus 2000: 42). Ample evidence exists to support this view. One study has concluded that caribou around development facilities tend to spend less time feeding and to run more (Murphy and Griffiths 1999). More ominously, a Canadian Government report alleges that calving by the Central Arctic herd near Prudhoe Bay has "nearly ceased," and that "starving and dead caribou have been documented" in the area (Davidson 1993: 30). Petroleum industry analysts counter that the Central Arctic herd, far from being harmed by industrial development, is actually thriving in the midst of it. But whatever the status of the Central Arctic caribou, the Porcupine herd's situation may be unique: "Other herds may survive but this one won't, because there is not enough land to the east" of the zone where drilling would occur. With mountains to the south, the sea to the north, and the already occupied habitat near Prudhoe Bay to the west, the herd has literally "nowhere else to go" (Gemmil, personal communication). Indeed, Canada's Interior Department estimates that the herd's birth rate may fall by up to 40 percent if drilling commences in ANWR (Linklater and Gemmil 2001).

Caribou People

Should harm befall the Porcupine herd, no group would shoulder the consequences more than the Gwich'in (Kutchin) Nation. Of all Indians in the hemisphere, the Gwich'in are the most northerly, residing in 15 isolated villages above the Arctic Circle in Alaska and Canada. For over 20,000 years the Gwich'in were nomadic, following the caribou and other game in their seasonal migrations. Once 100,000 strong, these Athabaskan hunters now number fewer than 8,000, having been decimated by exposure to Old World diseases. Much has changed in their culture since the time of first contact with Caucasians: they exchanged their shamanism for the Episcopalian faith, established permanent settlements in order to remain near their children's schools, adopted the English language, and embraced certain technological innovations, from rifles and snowmobiles to electricity and satellite TV. But what has not changed, despite their (limited) participation in the cash economy, is a commitment to subsistence living. Materially, socially, and spiritually, their culture continues to revolve, as it has since time immemorial, around their relationship to the caribou. Comparisons are sometimes made to the dependence of traditional Lakota culture on the buffalo (Bartholet 2001; Davidson 1993). "The caribou is everything to us," as Gwich'in spokesperson Faith Gemmil (personal communication) put it. "It is our life."

The centrality of the Porcupine herd to the Gwich'in culture is apparent in their creation legend. Originally, so the story goes, humans and animals were one species. When the hour

of separation arrived, the Gwich'in were split off from the caribou. Yet the brothers forged a pact of eternal kinship, by which each would always retain a piece of the other's heart. Thus, "what befalls the caribou befalls the Gwich'in and vice versa" (International Indian Treaty Council 1992: 2).

The Gwich'in bond with the Porcupine herd is hardly metaphorical. Caribou meat accounts for about 80 percent of the tribal diet. In a typical year, the tribe will harvest about 3,000 caribou, utilizing virtually every part of the animal for food, tools, or clothing. It is their belief that hunting can succeed only when animals voluntarily surrender their lives. The sense that reciprocal obligations exist between the caribou and the Gwich'in has given rise to strict norms regulating when, where, and under what conditions hunting may occur (Callaway, personal communication). The Gwich'in maintain seasonal hunting camps for about 2 months of the year, after the caribou have left the coastal plain on their long return migration. The plain itself, as "the sacred place where life begins," may never be disturbed (International Indian Treaty Council 1992: 2), even in times of famine and starvation (Linklater and Gemmil 2001). "We don't go there," says Gemmil (personal communication). "No one should go there. The caribou need time to themselves." Aside from not entering the birthing ground, hunting parties must spare the first band of caribou that passes by, kill no more animals than they need, and give thanks for what they take. Animals are butchered on the spot, great care is taken not to defile the ground with blood, and although some meat is consumed right away most is dried on racks and preserved for later use. This meat is shared throughout the village community, for as one elder said, "we have always done things as a group and thought in terms of the tribe and the family" (Davidson 1993: 28, 25).

Although it is true that the Gwich'in would have few alternate sources of food if the caribou herd diminished or its migration routes were altered, the importance of the caribou harvest to their culture goes well beyond the economic. Subsistence is more than just nutrition; it is the basis for ethical relations among people, and between people and nature (Callaway, personal communication). To preserve their way of life, the Gwich'in believe they must preserve the Porcupine herd, which in turn demands preserving its birthing ground. "If there were no caribou we wouldn't have lived here for thousands of years," says one Gwich'in man. "That's who we are and where we came from" (Bartholet 2001: 23). The depth of these attachments is evidenced by the fact that out of 211 native villages that qualified for benefits under ANCSA, two of the seven that refused to participate were Gwich'in (Anders 1994). Recognizing that all cultures require an economic base, Gemmil (personal communication) comments, "We were offered money and jobs, first pick. But we said, no! No amount of money can replace our heritage. Our land must always be here for us to survive on." "We are the caribou people," adds another Gwich'in woman. "Without the land we are nobody" (Davidson 1993: 31).

Gwich'in Environmentalist Alliance

The Gwich'in did not always oppose industrial development in the high Arctic. From the 1970s through the mid-1980s, they entered into lease agreements allowing Exxon,

British Petroleum, and Rougeot of Tulsa to explore for oil on lands through which the Porcupine caribou migrate, making no provision to protect the herd in the process. Critics contend that only when these efforts came to naught did the Gwich'in decide to reverse course. Tribal spokespersons respond that the leases pertained only to the southern part of their reserve, outside the herd's range. They emphasize the environmental lessons they learned from the experience: when elders noticed a dieoff of smaller creatures near where seismic tests were being conducted, they advised the tribal council to terminate all leases (Davidson 1993). The Nation's resolve to oppose drilling in ANWR crystallized in 1988, after the Exxon-Valdez oil spill, when representatives from all 15 of their settlements in Alaska and Canada convened in Arctic Village, 125 miles (201 km) south of the coastal plain. Perceiving a threat to their culture's survival, they unanimously passed a resolution against development and created a Steering Committee as their political arm, instructing it to "go out and tell the world why we take this position. Do it in a good way and we will succeed" (Gwich'in Steering Committee 2001).

The eight-member Steering Committee has attempted to influence the political process in far-off Washington and Ottawa, primarily through lobbying efforts, attracting media attention, and establishing alliances with other indigenous peoples and international environmental groups. Their efforts enjoy a "solid base of support among native peoples," including the Alaska Intertribal Council, the National Congress of American Indians, to which 500 tribes belong, and the worldwide Indigenous Environmental Network, backed financially by Greenpeace and similar organizations (Taylor 1995: 32). Church groups—depicting theirs as a human rights struggle—have rallied behind them (Carpenter 2001), as have all major American environmental organizations, most notably the Sierra Club, Audubon Society, Friends of the Earth, The Nature Conservancy, Defenders of Wildlife, and the National Wildlife Federation (Faith Gemmil from the Gwich'in Steering Committee sits on their Board of Directors; Dinero, personal communication). These groups are concerned not only about the integrity of the Arctic ecosystem and its species but also about the bad precedent that would be set if drilling were allowed in a wildlife refuge. For this reason, among others, "If ever there were a Stalingrad for the environmental movement in Alaska, it's ANWR" (Jans 2001: 11A).

Detractors of the Gwich'in Nation allege that they are fronting for environmental groups that are using them for their own ends. They depict the Steering Committee as a "white-dominated organization" based in far-off Anchorage and "funded by environmental foundations" (Arctic Power 2001a). Gwich'in spokesmen deny all that, insisting: "We aren't manipulated by anybody. Our position was home-grown" (Gemmil, personal communication). And indeed, the alliance between the Gwich'in and environmentalists does seem in some ways a marriage of convenience. The Gwich'in don't think of themselves as anti-oil; like most other Americans, they use many petroleum products in their daily lives (Davidson 1993). An observer at a recent meeting in Arctic Village remarked that "when the environmentalists made speeches, [Gwich'in] eyes glazed over... Their cause has been fought in the U.S. by the environmental community

above all others. They know this. But when the issue dissolves, the marriage will too" (Dinero, personal communication). Still, although "not environmentalists by any stretch," the Gwich'in in small ways "are moving in that direction," for instance by banning the use of styrofoam and using solar power to run the communal freezer that stores caribou meat during the summer months (Dinero, personal communication).

Environmental organizations, for their part, have sometimes taken positions antithetical to the perceived self-interest of indigenous peoples, particularly when the welfare of endangered species seemed to be at stake. As Dryzek and Young (1985) point out, policies that environmentalists have supported in the past have actually heightened the problems of remote communities in the North. On this issue, however, there is a shared conviction uniting environmentalists and the Gwich'in: both believe—in the words of the National Wildlife Federation President—that it is impossible to "partially change the coastal plain without altering the whole ecosystem" (Lurie 2001: 24).

Inupiat and Petrodevelopment _____

Like their Gwich'in neighbors, the 6,500 Inupiat (Inupiaq) Eskimos of Alaska's North Slope traditionally were nomadic hunters and gatherers. Generally speaking, fish and marine mammals like the seal, walrus, and especially the bowhead whale were their mainstay, supplemented by caribou, bear, moose, sheep, waterfowl, and other wild game. Famine and starvation in bad years were not uncommon (Anders 1994). However, the economic situations of Inupiat bands varied considerably, depending on whether they resided primarily in the Brooks Range or along the Arctic coast. The coastal Inupiat, from the early 20th century on, could supplement their subsistence harvest with commercial whaling, trapping, and herding, as distant markets began to penetrate their remote land. Although each of these commercial ventures ultimately failed, their collective impact was indelible, tying the coastal Inupiat to the cash economy and introducing new technologies into their traditional subsistence harvest (Chance 1990).

Few sources of income remained for the Inupiat until Washington, in the Cold War era, began to appreciate the high Arctic's strategic value. During this period, the Inupiat repeatedly were treated as pawns in the geopolitical arena. The construction of the Distant Early Warning (DEW) Line radar installation near the coastal village of Kaktovik provided jobs for some local people, but led to the displacement and forced relocation of many others (Chance 1990). More sinister was Project Chariot, in which the Atomic Energy Commission (AEC), with the blessing of the State of Alaska, planned to conduct atomic weapons tests under the pretext of blasting out a deep-water harbor near an Inupiat village in the northwestern part of the State (Chance 1990). When the economic value of the proposed harbor proved negligible, the AEC's rationale shifted: they now billed Project Chariot as an experiment "in 'geographical engineering' [designed to] determine the effects of a nuclear explosion on the environment—its rock substrata, soils, atmosphere, and biota, including man" (Chance 1990: 144). Not until the Inupiat, the environmental community, and the larger public learned of this wantonly destructive and arguably genocidal scheme was it

unceremoniously shelved. It is noteworthy that, in the campaign against Project Chariot, the Inupiat Paitot ("People's Heritage") was formed as the first association of its kind to protect Native interests in the far north.

A decade after the defeat of Project Chariot, the 1969 discovery of oil at Prudhoe Bay resulted in an economic windfall that substantially altered the Inupiat way of life. Tax revenues generated by the oil boom financed infrastructural improvements and the provision of expanded public services. The Inupiat, already partially integrated into the cash economy, quickly embraced the "accoutrements of a modern lifestyle once limited to communities far to the south" (Buege 1997: 99; Chance 1990: 4, 197). "Living conditions were difficult, pre-oil," says an Inupiat spokesman. "But thanks to the industrial tax base created by the oil fields, ... we have opportunities we couldn't have dreamed of" (Arctic Power 2001b). Indeed, the mayor of Kaktovik, the only community within ANWR's geographic boundaries, bluntly warns: "If you take away the oil money, you've got a subsistence way of life. All of a sudden you'd be trying to find food, stay warm, keep out of the wind" (Bartholet 2001: 31).

These material advantages, however, have come at the expense of traditional values, institutions, and relationships (Dryzek and Young 1985). The Inupiat norm of self-sufficiency erodes with the influx of consumer goods from afar (Chance 1990). Subsistence activities have become less necessary for survival, and their nature has changed as a function of "capital intensification" (Dryzek and Young 1985: 126); for example, the snowmobiles now used to facilitate subsistence hunting are costly to purchase, operate, and maintain (Anders 1994). Then, too, social cohesion is threatened by the growth of new cleavages and forms of political and economic inequality. Ideologies of individualism and personal achievement undermine norms of sharing, "kin-kin cooperation," and collective responsibility (Chance 1990). And the rise of village and regional corporations has challenged, and in many places disempowered, traditional structures of authority. Thus, while the Inupiat historically were no strangers to economic booms and busts, the weakened condition of their cultural "support and distribution systems" renders the prospect of a decline in oil revenues extremely daunting (Chance 1990). "It is difficult," as Dryzek and Young (1985: 127, 135) say, "to hold the cash economy in a partial embrace... The social transformation has gone too far in most of the villages of the North to permit a [simple] return to older ways" of life. When the oil runs out, as it inevitably must, Inupiat society is likely to confront even more wrenching dilemmas and challenges.

Tensions have also erupted between coastal and mountain Inupiat, with the latter believing their interests have been shortchanged by the Arctic Slope Regional Corporation, one of the 12 regional corporations established as part of the settlement of Native land claims. The Corporation acquired subsurface rights to over 90,000 acres (364 km²) in ANWR in a 1983 land swap with the Department of the Interior (Chance 1990). The swap, brokered by a public interest environmental law firm, added 100,000 acres (405 km²) to Gates of the Arctic National Park. But this was land on which the mountain Inupiat historically had conducted their subsistence harvest. Thereafter, they needed permits to enter the land and were not allowed to use all-terrain vehicles (their preferred, if untraditional, mode of transport)

to reach the hunting grounds. For its part, the Arctic Slope Regional Corporation cannot lease out the land acquired in the transfer unless Congress approves opening up the coastal plain to oil and gas exploration. Thus, the hopes of the North Slope Inupiat when the swap was made have not yet been realized.

Cleavages and tensions aside, most Inupiat—belonging to one of the wealthiest Native groups in the United States—do seem strongly to favor development in ANWR (Buege 1997). A former mayor of Kaktovik contended that the oil beneath the surface of ANWR could provide jobs, schools, and a thriving economy for residents. In a recent opinion survey of Kaktovik villagers, 78 percent of respondents said they either “agree” or “strongly agree” that the 1002 area should be opened to oil and gas exploration (Arctic Power 2001c). The oil companies have helped to promote these sentiments by ingratiating themselves with the Inupiat and co-opting their leaders (Chance 1990). A representative of Arctic Power, a pro-development lobbying organization financed by the State of Alaska, stresses the convergence between the Inupiat right to use North Slope land “to provide for their culture” and the right of “all Americans... to benefit from the national treasure lying beneath the coastal plain” (Easley, personal communication). Supporting the ambition of the oil companies and the Inupiat is the 90,000 member Alaska Federation of Natives, a political organization led by an educated, urbanized elite for whom petrodevelopment is the “key to a brighter future” (Chance 1990: 149–150, 163).

Bowhead People

Although most Inupiat apparently support drilling in ANWR, they simultaneously oppose offshore oil exploration, fearing potential harm to the bowhead whale, which traditionally was as central to their culture as the caribou is to the Gwich'in. Even with the benefit of modern technology, whaling remains a dangerous occupation in which hunters' lives are regularly lost. Accordingly, Inupiat men pride themselves on their whaling prowess. Like the Porcupine caribou herd, bowhead whales are threatened by development, but unlike the caribou, bowhead whales are officially endangered. In the late 1970s, an international moratorium on hunting the marine mammals, supported by certain environmental groups, was briefly in effect; it was lifted only in the wake of a sophisticated media campaign orchestrated by the Arctic Slope Regional Corporation. As part of the compromise rescinding the ban, the Inupiat agreed to limit the size of their annual bowhead harvest (Chance 1990).

The Western Arctic subgroup of bowhead whales, numbering about 7,800 animals, comprises the majority of the species' global population. Each spring, passing through narrow channels in the ice as it breaks up, the Western Arctic bowheads migrate en masse to the Beaufort Sea, where they consume the bulk of their annual calories during a 4- or 5-month stay. Because oil spills would likely concentrate in the ice-free channels, the species seems highly vulnerable. The risk of accidents is increased by the severe storms that occasionally blow into the area. Understandably, many Inupiat worry about British Petroleum-Amoco's upcoming Northstar Project, which incorporates a 6-mile

(10-km) long offshore pipeline. They are also concerned about continuing offshore exploration in the Beaufort Sea, sponsored by the Government of Canada.

Despite their apparent support for oil exploration and their participation in the global economic system, the Inupiat of the North Slope continue to regard the hunting of creatures like bowhead whales and caribou (which, in contrast to the Gwich'in, they do hunt on the coastal plain [Chance 1990]) as a vital component of their identity. For them, as for the Gwich'in, subsistence hunting reaffirms a deep cultural connection to their environment. It provides them with a link to their past and to their spirituality. Indeed, employers complain that these activities too often distract Inupiat workers from their job responsibilities. “It's just that they always want time off to hunt. That's the big problem” (Chance 1990: 83). Many prefer to work intermittently, combining wage labor with more traditional economic activities.

Economic Ethics and International Law

To some extent, the rights of indigenous groups are a matter of international law. The United Nations' Covenant of Civil and Political Rights guarantees ethnic minorities the right to “enjoy their own culture” (Kymlicka 2001: 123). Because Indians and Eskimos are not just minorities but peoples, they have a more robust right to self-determination as well (Anaya 1996). Natural resource rights, enabling peoples to freely dispose of their natural wealth and resources for their own ends, are also widely recognized in international law (Crawford 1988), as is an “inalienable human right” to economic development (Anaya 1996). The Draft Declaration on the Rights of Indigenous Peoples, currently making its way through channels at the United Nations, promises additional rights, including “cultural integrity” (Anaya 1996), “the right to maintain their distinctive and profound relationships with their lands, territories and resources,” and “the right to be secure in the enjoyment of their own traditional means of subsistence” (Crawford 1988: 63; Wilmer 1993: 223–224).

Unfortunately, international covenants can offer little guidance in a case like this, which pits the rights of one First Nation against another. The Inupiat right to economic development collides with the Gwich'in right to preserve their way of life. It is unclear whether the latter guarantees a right *not* to develop, or only to receive compensation for development's unwelcome effects (Kymlicka 2001). But no after-the-fact remedy could adequately compensate the Gwich'in if disaster were to befall the Porcupine caribou, the essence of their culture. Some scholars have argued that indigenous groups wishing to maintain premodern ways of life may deserve special protections over and above those granted to peoples with “pervasive links to the global economy” (Anaya 1996; Kymlicka 2001). In that view, international law requires an “endangered cultures” convention to parallel agreements regarding endangered species (Kymlicka 1989). Yet the analogy in some ways seems false, if not pernicious. Unlike the course of biological evolution, that of cultural evolution is determined at least partly by conscious choices that people

make. It is one thing to want to shelter a culture from choices made by outside forces beyond its control, but quite another to freeze it into the amber of traditional patterns and relationships. Doing so would “prevent aboriginal peoples from adapting to new circumstances, from having a living culture” (Kymlicka 2001: 203). Should the Inupiat, opting to join the mainstream, have rights inferior to those of the Gwich’in simply because the latter prefer not to? At what point in any movement away from traditionalism does a group forfeit its rights?

The political theorist Van Dyke (1985), a long-time advocate of group rights, has advanced eight guidelines for rank ordering the claims of groups and adjudicating conflicts between them. In his scheme, the claims of a group should take priority to the extent that it: (1) is a self-conscious entity seeking its own preservation; (2) has a reasonable chance to succeed in that endeavor; (3) is effectively organized to act in its own interest; (4) has members who pin their identities on it; (5) has been perceived traditionally as a group by others; (6) is divided from other groups by deep cleavages; (7) is not costly or burdensome to others in pursuing its interests; and (8) is able to grant to similar groups the same rights and statuses it claims for itself. In the current case, both the Inupiat and the Gwich’in meet the first six tests. The Inupiat, precisely because they seek further integration into the world economy, seem to have the edge on criterion #2, though to the extent to which they succeed in that ambition, they may be less able to satisfy criterion #4. In regard to criterion #7, substantial costs would accrue to each of these groups if the claims of the other were to win out. The Inupiat potentially stand to gain billions of dollars in revenues. But because they are already wealthy, it does seem fair to say that “they will be fine even without development in ANWR. They won’t suffer poverty. They have alternatives” (Gemmil, personal communication). For the Gwich’in, the stakes are far higher. The cost could be cultural as well as economic, their effective death—or murder—as a nation. Not unreasonably, they “view any threat to the calving grounds as an act of genocide” (Lurie 2001: 20). A member of the Gwich’in Steering Committee has declared: “[The Inupiat] are not our enemy. This is not an Indian versus Eskimo issue. This is about our right to self-determination and to continue to live in our culture” (Lurie 2001: 21).

The eighth criterion may be decisive. It has a Kantian aspect, for it asks, what would happen if the claim of each of these groups were universalized, or made applicable to all? The Inupiat claim cannot meet this test. It would allow drilling for oil on ANWR’s coastal plain, which might imperil the caribou, but would disallow offshore drilling, which might imperil the bowhead whale. Since the species play equivalent roles in these cultures, such a policy would violate criterion #8. Gemmil (personal communication) sums this up as follows: “We respect [the Inupiat] position... We support their opposition to offshore development, and we are disappointed that they don’t reciprocate.”

In short, the two groups have claims that are irreconcilable and for all practical purposes mutually exclusive. There are asymmetries of wealth and power between them, and also asymmetries in regard to what it will cost each to lose its battle. Financial compensation to the Gwich’in for drilling on the coastal plain would do nothing to assuage their loss, which could be both intangible and incalculable.

By contrast, since the Inupiat loss *would* be financial, monetary compensation to them for *not* allowing drilling on the coastal plain seems to be an appropriate remedy. It has been estimated that Americans might be willing to pay between \$300 million and \$40 billion per year in taxes and higher energy costs in order to keep Alaskan wild lands pristine (Manning 2001). Assuming that this was an accurate assessment at the time it was made, one wonders whether it remains true post-September 11.

Two Threats

Prior to the terrorist bombings in Washington, DC, and New York City, drilling on the ANWR coastal plain seemed unlikely to win Congressional approval. Although the Bush-Cheney administration had identified opening up the 1002 study area as a priority, and although the House of Representatives had voted in its favor, the Senate, controlled by a slim Democratic majority, held firm in opposition. But the political situation has changed radically, and champions of development in ANWR are using the threat of future terrorist attacks to press their advantage. More than ever, exploring potential domestic oilfields is presented as a national security/patriotism issue. In the words of Alaska’s Senator Murkowski, “Mideast oil funds terrorism. The need to reduce our dependence on foreign oil is a legitimate need.” A poll taken before the attacks showed that 74 percent of Americans favor exploring for new domestic oil sources rather than continuing to import oil from abroad (Henry 2001).

And if boosters of exploration are correct, ANWR’s coastal plain may well turn out to be the biggest potential field in the country. Pro-development forces estimate that there is enough subsurface petroleum in the 1002 area to replace 30 years’ worth of Saudi oil, or to meet the needs of the entire United States military for at least 6 months. Already there has been an attempt in Congress to attach the opening of the 1002 area as a rider to the \$40 billion response package passed in the wake of the bombings. If anything, the political atmosphere now is even more charged than it was during the OPEC oil crisis of the mid-1970s, when suits filed by environmental groups wishing to stop construction of the trans-Alaskan pipeline were quashed by swift Congressional action (Haycox, personal communication). There were previous Congressional attempts to open the coastal plain to drilling during the mid-1980s (until the Exxon-Valdez accident rendered that effort impolitic) as well as a few years later, during the Gulf War. Nothing is easier to imagine than a repeat of those efforts. Indeed, at this writing, the momentum for opening up the 1002 area seems practically irresistible, even though terrorism itself is already driving up the costs of North Slope oil: the vulnerability of both the pipeline itself and the massive holding tanks in Valdez has necessitated heightened surveillance and security. From an ethical standpoint, the pro-development position rests on “resource egalitarianism,” according to which resources on public lands should be used to benefit the greatest number within the national community (Kymlicka 2001), with no group enjoying a special status or claim. Unless Americans were to see wilderness and biodiversity as “resources” more valuable than oil, the national need for energy independence in

a time of political crisis would trump the Gwich'in desire to maintain their culture.

But if the politics of countering terrorism poses the main immediate threat to the ANWR ecosystem, the Porcupine caribou, and the Gwich'in people, there is also the long-term threat of ozone depletion and global warming. In fact, anthropogenic climate change caused by fossil fuel use might threaten the Inupiat, especially those residing in low-lying coastal areas, at least as much as their Athabaskan counterparts. For complex reasons, the greenhouse effect is especially pronounced in the circumpolar regions of the world (Steiner 2001). Accordingly, no State is more affected by climatic change than Alaska, where average temperatures have risen 5 °F in the past 50 years (Bartholet 2001). The form of atmospheric pollution known as Arctic haze absorbs light from the sun and thereby increases the temperature of Arctic air (Chance 1990). Higher air temperatures promote melting. Glaciers have receded dramatically, permafrost has thawed, sea levels have risen, and about 11,500 square miles (29,785 km²) of Arctic ice (the combined size of Maryland and Delaware) have disappeared annually over the last decade. Some climatologists predict that by the end of the century, the Arctic Ocean during summer months could be entirely ice free (Stolzenburg 2001). Locals already have noticed changes in seasonal patterns (Lurie 2001). Summers are hotter. Snow arrives later and, although there is now more of it, it melts faster. River and stream levels are in flux. Each year, spills of toxic materials at the Prudhoe Bay complex release tens of thousands of tons of the potent greenhouse gas nitrous oxide into the atmosphere (Davidson 1993).

These changes, in turn, inevitably affect the subsistence harvest in particular, and economic activity in general. Rougher seas, more severe storms, and more frequent storm surges have made hunting bowhead whales and other marine mammals—always a dangerous occupation for the Inupiat—even more so (Callaway, personal communication). Salmon runs have declined; caribou numbers will probably fall as well. Research has shown that the caribou are harassed by insects more during warmer summer months and therefore spend more time standing around and less time feeding. It is also harder for them to get at their winter food when the snow is deep. This uses more energy and takes time away from eating. In fact, one study concluded that abiotic phenomena, especially snow cover, seem to be the best predictors of the size and well-being of large herds (Arctic Borderlands Ecological Knowledge Society 2001). Likewise, the early breakup of river ice during the calving season can spell disaster for caribou. In 2000, when pregnant caribou were unable to cross the ice-choked Porcupine River before giving birth, an estimated 15,000 newborn calves drowned, being too small and weak to swim (Gemmil, personal communication). In essence, the Porcupine caribou herd may serve as the “canary in the coal mine” for the health of the Arctic ecosystem.

Finally, and ironically, global warming is likely to cause problems even for the oil companies themselves. The thawing of permafrost adds to the cost of road, bridge, and pipeline construction and maintenance (Steiner 2001). More volatile and unpredictable weather at sea will jeopardize offshore drilling installations and possibly lead to more spills and

accidents. Inevitably, these costs will be passed on to consumers, even while their use of petrochemicals—regardless of where these originate—worsens global warming in a vicious cycle. As Gemmil has observed, global climate change itself is a symptom of the bigger problem that people are depleting the Earth's resources too fast (Lurie 2001: 16).

In the last analysis, the path to both national security and a healthy environment leads away from fossil fuel dependency and toward reliance on energy sources that are renewable, decentralized, and less vulnerable to political and economic vicissitudes or terrorist attack. By contrast, if national security concerns lead Americans to aggravate global warming by despoiling the environment, “the tragedy of September 11”—as one ecologist has argued—“may be amplified many times over” (Ahl 2001).

References

- Ahl, Jonathon. (2001, October 4, North Country Public Radio broadcast). Will September 11th hurt environmentalist cause? [Online]. Available: www.ncpr.org/news/archive0110.php [2001, October 4].
- Anaya, James, S. 1996. Indigenous peoples in international law. New York: Oxford University Press. 253 p.
- Anders, Gary. 1994. Social and economic consequences of Federal Indian policy: a case study of Alaska. In: Wells, Robert N., ed. Native American resurgence and renewal. Metuchen, NJ: Scarecrow Press: 47–71.
- Arctic Borderlands Ecological Knowledge Society. 2001. (2002 November 11—last update). [Online]. Available: <http://www.taiga.net/top/borderlands.html> [2001, August 15].
- Arctic Power. 2001a. (2002, September 20—last update). [Online]. Available: www.anwr.org/players.htm [2001, September 5].
- Arctic Power. 2001b. (2002, September 20—last update). Alaskans on Development. [Online]. Available: www.anwr.org/features/pdfs/native-facts.pdf [2001, August 15].
- Arctic Power. 2001c. (2002, September 20—last update). City of Kaktovik ANWR survey. [Online]. Available: www.anwr.org/features/kaktovik.htm [2001, August 15].
- Bartholet, Jeffrey. 2001. Alaska: oil's ground zero. Newsweek. August 13: 18–23.
- Buege, Douglas. 1997. Epistemic responsibility and the Inuit of Canada's eastern arctic. In: Wareen, Karen; Nisvan, Erkal, eds. Ecofeminism: women, culture, nature. Indianapolis: Indiana University Press: 99–111.
- Callaway, Don. 2001. [Presentation to National Endowment for the Humanities summer institute on environmental ethics and issues: Alaska as a case study. Anchorage, AK]. May 30.
- Canadian Embassy Web Site. 2001a. (2002 September 30—last update). [Online]. Available: http://www.dfait-maeci.gc.ca/can_am/menu_en.asp?act=v&mid=1&cat=11&did=484 [2001, August 15].
- Canadian Embassy Web Site 2001b. (2002 September 30—last update). [Online]. Available: <http://arcticcircle.uconn.edu/ANWR/anwrcaribou.html> [2001, August 15].
- Carpenter, Murray. 2001. The Gwich'in and Arctic Alaska. The Witness. January/February: 12–15.
- Chance, Norman. 1990. The Inupiat and Arctic Alaska. Fort Worth, TX: Holt, Rinehart and Winston. 241 p.
- Crawford, James, ed. 1988. The rights of peoples. Oxford: Clarendon Press. 236 p.
- Davidson, Art. 1993. Endangered peoples. San Francisco: Sierra Club Books. 176 p.
- Defenders of Wildlife. 2001a. Voters overwhelmingly oppose oil drilling in the Arctic National Wildlife Refuge. [Online]. Available: www.defenders.org/wildlife/arctic/news/arcticpoll.pdf [2001, August 15].
- Defenders of Wildlife. 2001b. (2002 September—last update). Letter to President Bush from scientists and land managers. [Online]. Available: <http://www.defenders.org/releases/pr2001/sciletter.pdf> [2001, August 15].

- Dinero, Steven. 2001. [Presentation to National Endowment for the Humanities summer institute on environmental ethics and issues: Alaska as a case study. Anchorage, AK]. June 26.
- Dryzek, John; Young, Oran. 1985. Internal colonialism in the circumpolar north: the case of Alaska. *Development and Change*. 16: 123–145.
- Dunkel, Tom. 2001. Counting caribou. *Mother Jones*. May/June: 21.
- Easley, Paula. 2001. [Presentation to National Endowment for the Humanities summer institute on environmental ethics and issues: Alaska as a case study. Anchorage, AK]. June 21.
- Gemmil, Faith. 2001. [Presentation to National Endowment for the Humanities summer institute on environmental ethics and issues: Alaska as a case study. Anchorage, AK]. June 21.
- Gwich'in Steering Committee. 2001. (2001, October 1—last updated). Gwich'in background. [Online]. Available: www.alaska.net/~gwichin/background.html [2001, August 15 and October 10].
- Haycox, Steve. 2001. [Presentation to National Endowment for the Humanities summer institute on environmental ethics and issues: Alaska as a case study. Anchorage, AK]. May 31.
- Henry, Natalie M. 2001. (2002, September 20—last update). Attacks heighten call for reduced dependence on foreign oil. Arctic Power Web Site. [Online]. Available: <http://www.anwr.org/features/attack.htm> [2001, September 30].
- International Indian Treaty Council. 1992. Report to United Nations Commission of Human Rights. Economic, social, and cultural Rights: indigenous issues; 1992 March 28: New York: UNESCO. 4 p.
- Jans, Nick. 2001. Refuge's fate rests with Americans outside Alaska. *U.S.A. Today*. January 24: 11A.
- Kymlicka, Will. 1989. *Liberalism, community, and culture*. Oxford: Oxford University Press. 280 p.
- Kymlicka, Will. 2001. *Politics in the vernacular*. Oxford: Oxford University Press. 383 p.
- Linklater, Joe; Gemmil, Faith. 2001. Save this sacred place. *Washington Post*: January 17: 17.
- Lopez, Barry. 1986. *Arctic dreams*. New York: Charles Scribner's Sons. 496 p.
- Lurie, Jon. 2001. AN-War. Anchorage Press: June 7–12: 20–24.
- Manning, Elizabeth. 2001. A price tag on the environment. *Anchorage Daily News*. February 20: B1, B3.
- McManus, Reed. 2000. Where the caribou roam. *Sierra*. July/August: 39–49.
- Murphy, Steve; Griffiths, Brad. 1999. (1999, September—last update). Modeling the effects of oil development on female caribou during summer. [Online]. Available: www.taiga.net/sustain/lib/reports/energeticsppt/sld.htm004 [2001, August 15].
- Steiner, Rick. 2001. Alaska's warming calls for action. *Anchorage Daily News*. June 6: op-ed page.
- Stolzenburg, William. 2001. Nature feels the heat. *Nature Conservancy*. September/October: 10–18.
- Taylor, Bron. 1995. *Ecological resistance movements*. Albany: State University of New York Press. 422 p.
- Van Dyke, Vernon. 1985. *Human rights, ethnicity, and discrimination*. Westport, CT: Greenwood Press. 259 p.
- Wilmer, Franke. 1993. *The indigenous voice in world politics*. London: Sage. 249 p.