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Dave Porter and Victor Mitander speak about land claims and the gas pipeline

Jeff Kennedy, moderator

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Jeff Kennedy said Mo Wassillie attended the gasline hearings in Tok in April 1978 and spoke with Dave Porter and Victor Mitander from the Yukon Territory. Porter is the southern regional pipeline coordinator for the Yukon Indians. He told Wassillie that even though the gas pipeline has not yet been built it has already affected the Yukon Territory and the northern British Columbia area.

Dave Porter said just on speculation that there will be a gas pipeline there had been a lot of economic activity in the Yukon. There are new businesses and commercial real estate is sky rocketing. Half of the boom is laying of the infrastructure and not the construction. The Indian people in the Yukon do not have a solid enough economic base to participate. Until the land claims issue is settled the Native people do not have any real tools to seek any benefits from what is happening. Development is proceeding at this time without their consent, consultation or involvement. The community is decimated with alcoholism. People are dying because of the impacts of the development in the Yukon. People there do not want the pipeline but they realize there are greater forces playing in this than the people in the Yukon. There are multinational companies involved to a large extent dictating to the government what they will or won't do. They say this situation does exist but they will become a cog in the wheel if they don't settle an outstanding issue. He said it all comes back to land claims. If the claims aren't settled in a just way then they will do everything in their power to amend or undo the situation.

Unidentified song

Jeff Kennedy said the Yukon Indians have set up a pipeline office only since February.

Dave Porter said they have been amassing information and that is one of the reasons they are in Tok. He said providing they have the finances to stay in operation they are aiming to be full participants in the whole pipeline question. This covers the whole thing including involvement in terms and conditions attached to the pipeline company prior to the granting of right-of-way. It also involves employment and training and contracts. They would like to participate and benefit as fully as possible. They would like to be prepared so they can design programs at the community level to help ease those impacts.

Unidentified song

Jeff Kennedy said Victor Mitander commented on relationships of subsistence, economics and the impact of the pipeline in the Yukon Territory.

Victor Mitander said the area of subsistence is quite important to them and the whole land claims question is being brought up. They are talking about the total control of renewable resources in that area which includes trapping, hunting, fishing, timber resources and the water. They feel that the claims package has to be negotiated and settled before any pipeline comes into the Yukon. Without that they don't have the necessary tools to protect their interests. If the pipeline comes it has to come under those conditions of land claims settlement and implemented first. There would be terms and conditions that would be there to protect the Indian people. Economics of the pipeline project is quite high in Alaska. The Alaska Native people got contracts and that is one area that can be used by the people in the Yukon. He said there is no reason that the Indians in the Yukon can't compete and get those contracts. He said as the Alaska Highway was being built there were a lot of Indian people operating heavy construction equipment. They have that expertise behind them. He wants to make certain that the benefits come their way. They aren't in a position to receive benefits until they have their claims settlement. The claim involves a lot of land, control and constitutional developments. The Yukon people are talking about the creation of a province. They would like some of the control. They have lived here a long time and they have to make sure that their interests are protected. They want some of that control in the running of the Yukon and the resource sharing and the control of their lands in the interest of their people. It has to be spelled out before a pipeline comes. Dave Porter said everything that is happening in the Yukon is contingent on their land claims.

Unidentified song

Jeff Kennedy said Mitander explains how the Yukon Indians want a land claims of their own.

Victor Mitander said they want to make clear to the federal government that they don't want to base their claims on precedence, but rather meeting the needs that they have talked about. Dave Porter said they will be similar to the Alaska claim because there will be land transfer and title. There will also be the transfer of funds for compensation and a corporate structure that will have to be set up to accommodate the money and land. They want one central corporation for all the Indian people in the Yukon. In Alaska the claim was legislative. There is a process of negotiations with the federal government of Canada. They are saying that the claims will enable them to actively participate in the present and future Yukon. He talked about the control and management of game. Residency in the Yukon is a year, but that doesn't guarantee protection for them. The people in the communities are talking about five or ten years of residency for voting and three to five years for hunting. Subsistence living is discussed. An Indian in the Yukon should be able to work for wages and be able to pursue a subsistence life. Mitander said this has to be spelled out clearly. The areas of fishing have been depleted by commercial fishing. There are no fish left in their streams and they are concerned about these areas. They feel that they need a program where that supply is brought back. Porter said they are looking at hatchery programs. They are also looking at negotiating an agreement on the commercial fishing with the state of Alaska.

Unidentified song

Jeff Kennedy said Dave Porter comments of the progress of land claims in Canada so far.

Dave Porter said their claims have been in the process of negotiations since 1973. In 1978 nothing has happened. There has been some agreement in philosophical areas such as they agree that the claims should consist of fourteen basic elements but the federal government will only move when they want something. Now they want a pipeline. It is the same thing in Alaska. The Native people were pressing for land claims for one hundred years or so and it was only when the oil industry found oil and gas and said they wanted to build a pipeline to bring it out. The government saw that there was incoming revenue and said OK they will give the Natives a land claims settlement. That is what is happening in Canada right now. The gas is coming from Alaska and it will cross Canada. It will generate money for the federal government and the provincial and territorial governments. They are interested now in the land claims. The land claims could result in no pipeline. Victor Mitander said the proposed pipeline is the opening of the door to things to come. There are other projects being proposed. All those things are a major concern to them. They have to have a claims settlement in order to participate in those projects or developments.

Unidentified song

Jeff Kennedy said in the Alaska Claims Settlement Act certain rights were bargained away. Victor Mitander thinks that Natives of Alaska made a mistake in their agreement and hopes that Canadian Natives will avoid such a settlement. Victor Mitander said we don't want the federal government to come and say they want those rights extinguished. They want those aboriginal rights entrenched into the land. They have always lived there and there is no reason that that aboriginal right has to be extinguished. He talked about the James Bay settlement and the Alaska settlement.

Mo Wassillie asked when Canadian land claims will be settled.

Dave Porter said it depends on how serious the federal government gets. If they give them direct negotiations with the committee cabinet then 1980 would be a realistic date for settlement of claims. That is just working out the negotiations and settling the document it doesn't entail implementation. They will build in the mechanism of implementation. It is the biggest problem now facing the Alaskan people. There are a lot of ambiguous areas in their settlement act. He talked about Cook Inlet's experiences. They want to avoid those kinds of problems. There has to be greater communication between the Alaskan people and the Yukon people. Victor Mitander said Indian people as a whole have an interest. They don't recognize the boundary between Canada and the United States. They can certainly use any amount of assistance that the Alaska Native people can provide to them. Dave Porter wonders if someday there will be a nation of indigenous peoples in the whole of North America with trading relationships between indigenous people.

Jeff Kennedy thanked Folkways Records for the use of music of the Nootka tribe, and from Barrow and the Northwest Territories in Canada.