

CULTURE, CASH, CONGRESSIONAL CLASH:

the debate over development

in the arctic national wildlife refuge

by Derek Teevan

“We must protect the earth that God gave us and guarantee our children safe food and clean water.”

(President Clinton, Budget veto message, December 6, 1995.)

In the fall of 1995 there was a proposal before the American congress to open the Arctic National Wildlife Refuge to development.¹ The Republican dominated Congress saw the potential to generate revenue from the oil under Alaska's wilderness. Opponents of development argue that any oil drilling in the Refuge will upset the balance of the fragile ecosystem. The Refuge is home to the Porcupine Caribou herd, and the proposed area for development – the 1002 Lands – is their primary breeding ground. Any small reduction in the Caribou herd could have grave impacts on the Gwich'in peoples who live on the Alaska-Yukon border. The Gwich'in rely on the Caribou as a food source and as a cultural icon. This paper examines, within the context of this dispute, the competing conceptions held by people with regard to the utility of the natural world and the physical, cultural and political boundaries these arguments negotiate.

According to John Strohmeier² the first wildcatters – individual oil prospectors – started drilling for oil in Alaska in 1901. By the 1940's, the U.S. military was scouring the Alaskan landscape for potential oil deposits, claiming national oil security as the motivating force. If the military found oil, however, they kept their discoveries confidential. It was Dwight Eisenhower's Republican administration in 1953 which began leasing federal land en masse for oil exploration. The leasing process created a miniature economic boom in Anchorage, Alaska; with oil leases being offered at just twenty-five cents an acre, speculators were drawn from all over the United States.³

The United States recognized Alaska as a state in 1959 with the passing of the Alaskan Statehood Act. The Act outlined the governmental structure and the relationship of Alaska to the lower forty-eight states. The Act summarily forced the First Nations people into the republican structure of the United States government. A key item in the Act was the division of government funds generated by developing Alaskan lands. Any funds accruing from the lease of federal lands in Alaska is to be divided by the State and Federal government at a ratio of 90/10 per cent respectively. No funding formula was devised, however, to compensate the indigenous population for the settlers' encroachment on their land.

The Arctic National Wildlife Range was created in 1960 following the efforts of Olaus and Margaret Murie who, foreseeing the possible effects of development decisions made by distant politicians and bureaucrats, had lobbied congress since the mid 1950's to recognize the area as a national wildlife site. With the creation of the Range came protection of the calving grounds of the roaming Porcupine Caribou Herd (PCH). Further support for conservation in the Range came in 1964 when Congress passed the Wilderness Act. The Act sought to “secure for the American people of present and future generations the benefits of an enduring resource of wilderness.”⁴ In 1980, President Jimmy Carter passed the Alaska National Interest Land Claims Settlement Act (ANILCA) which doubled the size of the Range and renamed it the Arctic National Wildlife Refuge. The change in title recognized that the lands had been set aside for the interest of the whole United States.⁵ The ANILCA did not, however, include the section of land referred to as the 1002 Study lands as part of the wilderness designation.⁶ This was a significant exclusion, as this breeding ground of the Porcupine Caribou was to be studied for potential petroleum deposits. Early on, the government's dichotomous philosophy for the Refuge was established: the area, however protected as a spiritual and physical “natural endowment” for the nation, was to be simultaneously considered for exploitation as a “financial endowment.”

By 1987, Canada and the U.S. had signed the Porcupine Caribou Conservation Agreement in which both countries agreed to protect the migrating Caribou and its habitat (the Refuge and territory in Canada) which together “comprise a unique and irreplaceable natural resource of great value which each generation should maintain and make use of so as to conserve them for future generations.”⁷ Private groups concur with the sentiments expressed in the Agreement: “The Refuge, including the Coastal Plain, is a world class natural area with incomparable and irre-



placeable ecological, scientific, historic, and educational values for the American people. It is the outstanding example of remaining American wilderness.⁸ Developers, bureaucrats and conservationists all recognized the uniqueness of the Refuge to the United States and the world, although from very different perspectives; developers, because of the possible stores of petroleum beneath the tundra; bureaucrats, both for its economic potential and majestic wilderness; conservationists, because they have labelled it "the American Serengeti."⁹

the development argument

Proponents of development in the Refuge have several reasons to be optimistic. The first is that the Alaskan political delegation in Washington has never been stronger; Republican Senator Frank Murkowski and Congressman Don Young, both from Alaska, occupy the positions of Chairman of the Senate Energy and Natural Resources Committee and Chairman of the Committee on Resources respectively. Further, the ranking Democrat in the state, Governor Tony Knowles, is also in favour of development. Their main concern is the level of state debt and the potential loss of jobs which would accompany the imminent shut down of the existing oil fields at Prudhoe Bay. Secondly, the Republican dominated Congress has been seeking an array of legislative changes to federal environmental regulation, the effect of which would increase the likelihood of development in the Refuge.

Alaska is the only state without a state tax, relying instead on the land lease revenues and oil taxes to support state activities. The most lucrative revenues come from the tax on corporate profits, which have been declining in recent years due to increased costs associated with the decrease in the quality and quantity of oil. The ability of corporation accounting mechanisms to amortize depletion losses over time further reduce these profits. As corporate profitability decreases, so do the number of available

jobs. To ensure continual income, the state must deregulate protected lands and lessen "costly" environmental policy which would permit otherwise non-profitable resource extraction. Actions like these help to maintain jobs, and keep the Alaskan public happy, while continuing to fill the state's coffers.¹⁰

The oil find at Prudhoe Bay generated substantial sums of money for the State of Alaska and for many companies in the lower 48 states. From the oil money Alaska established the *Permanent Fund*,¹¹ which pays all residents of Alaska a yearly dividend. The dividend was worth almost one thousand dollars to each citizen in 1994. Oil revenues have built schools and shopping malls, and been used to establish a "domestic" dairy products industry (which failed), hospitals and other social

amenities including streetlights that don't work in the cold. During its construction, the pipeline created hundreds of jobs for southern workers and inflated the local cost of living. Arguments against development are seen by proponents to be arguments against the obvious prosperity oil has brought to Alaska.

Opponents to development in the Refuge argue that the current push to open the area has been fuelled by the burgeoning state and federal debt, as the previously developed oil fields are progressively becoming less profitable. The state deficit is running at \$513 million a year, but a state financial planning commission noted that Alaskans would balk at giving up their entitlement from the Permanent Fund. Commission Chairman Brian Rogers commented that, "the universal entitlement [of the Permanent Fund] is as sacred a cow as you're going to get."¹² Murkowski and Young believe they need to recreate the period of growth that allowed the government largesse to avoid imposing a state income tax. Stevens, Murkowski, and Young wrote an open letter to their constituents arguing to open the Refuge, stating: "Oil revenue funds about 85 per cent of the state's budget, but Prudhoe Bay is in decline."¹³ They recognize that the pipe line that crosses the tundra needs to be fed in order to continue to be profitable. In an interview, Young was quoted as saying "the State's \$1.3 billion share of the lease pot would help it recover from declining revenues for Prudhoe Bay development."¹⁴ Further exploration and development are clearly necessary to feed the expansive pipeline network and the artificially sustained Alaskan economy.

The original estimate of revenue generation from leasing was \$2.6 billion.¹⁵ The \$1.3 billion referred to by Young in his letter is based on the concession they have made in Washington; a fifty-fifty split in the potential revenues, shared between the national and state government. However, the \$2.6 billion assumed in Republican documents has been

challenged by a U.S. Geological Survey estimate which evaluated the revenue potential from the Refuge at only \$850 million.¹⁶ Young was reported to have said that the state would accept the split to open the Refuge and then sue for the 90-10 divide later.¹⁷ Although the fifty-fifty sharing of any revenue runs contrary to the Alaska Statehood Act of 1959, Newt Gingrich (R), the House Speaker, stated that if there is not a fifty-fifty split then there will be no development.¹⁸ Murkowski guaranteed Gingrich that the fifty-fifty split is assured. While Murkowski may be comfortable saying this, it is not a claim he can lawfully make, for it would require a legislative change in Alaska and Washington to amend the Stateship Act. An unattributed development slogan, however, suggests that "50 per cent of something is better than 100 per cent of nothing."¹⁹

Murkowski and Young continue to lobby top Republicans to support development, yet nowhere have they outlined their plan to ensure the successful passage of the required legislation for the fifty-fifty split. They have tried, however, to include authorization to develop the Refuge in the federal budget reconciliation bill, a piece of legislation that funds everything the U.S. government is planning to undertake for the upcoming fiscal year. Their attempt followed a two-tiered strategy. First, the inclusion of a proposal in the reconciliation bill meant that any Congressmen who opposed it had to find another revenue generating item to offset the loss of budget revenue. The second aim of this strategy was to "ham-string" President Clinton.²⁰ The belief was that Clinton would not risk the political fallout he would surely suffer if he used the presidential veto on the entire federal budget bill; as President Clinton does not have line-item veto power he could not strike out the drilling authorization while leaving the rest of the budget intact.²¹

In getting the Refuge development issue in the budget reconciliation bill, Murkowski and Young introduced development as an issue of national oil security. Oil security first became an issue during the oil crisis of the 1970's when the OPEC nations flexed their oil production muscles and forced NATO allied countries to compete for oil on OPEC's terms. Fearing another oil crisis during the Gulf War, President George Bush renewed efforts to open the Refuge by adding an amendment to the National Energy Security Act that favoured development. The logic of domestic oil development was to reduce dependence on foreign oil, thereby achieving "oil security."

In response to Bush's development efforts, the push to minimize consumption through conservation efforts was reintroduced. Legislators argued that it would be more effective to *reduce* the use of oil than to increase domestic reserves as a response to the oil security issue. The Sierra Club, the Wilderness Society and other environmental conservation groups led this campaign, arguing that increasing the automobile consumption standards would have a dramatic effect on oil consumption.²² They predicted that with automobile standards increased to thirty miles per gallon the U.S. would save twice as much oil through efficiency by 2020 as U.S. geologists predicted was in the Refuge.²³ Therefore the existing supply would be enough. This simple logic won during Bush's tenure because conservation legislation could more readily impact change, while legislation to open the Refuge would not produce results for years. Five years later, neither convinced nor defeated in his efforts, George Bush pledged his support for Alaskan Senator Frank Murkowski. In a letter to Murkowski, Bush wrote, "[A] major lesson from Saddam Hussein's brutal invasion of Kuwait is that we must not become totally dependent on foreign oil."²⁴ The oil industry analysts believed that a national security issue would win public favour. They claimed that, "ANWR has a broader appeal since it can be couched as a national security issue, rather than just an oil industry issue..."²⁵

For some oil proponents the Refuge is a debate about the policy of access. An editorial in the *Oil and Gas Journal* argued that oil and gas companies should support those who are fighting to open the Refuge, claiming that: "They should do so even if they lack interest in leases in the area. They should do so even if they think that ANWR leasing is a hopeless cause.

They should do so because important principles of public policy are at stake."²⁶ The editorial goes on to say that although everyone knows that the area "is the most prospective frontier...many companies have little enthusiasm for it,"²⁷ largely because the environmental legislation inevitably involved in opening the Refuge would make it too costly to develop. The editorial clearly outlines the philosophy of development:

The petroleum resource at ANWR, like all natural resources, represents potential wealth. Left unexplored and undeveloped, it has no value. Unleased, unexplored, and undeveloped, the ANWR petroleum resource creates no jobs, generates no profits, and provides the government no revenues from lease bonuses, royalties, or taxes. In its present state, the ANWR petroleum resource is taxable economic activity explicitly prohibited by Congress.²⁸

The pro-development view of resource "value" only concerns that which can be leased, explored and developed.²⁹ In contrast to the Gwich'in perspective on development, which we will explore shortly, the natural landscape holds no intrinsic or cultural value to prospective developers. When compared to the long-term cultural perspective of the Gwich'in, the plans for development in the Refuge are clearly premised on short-term economic considerations.

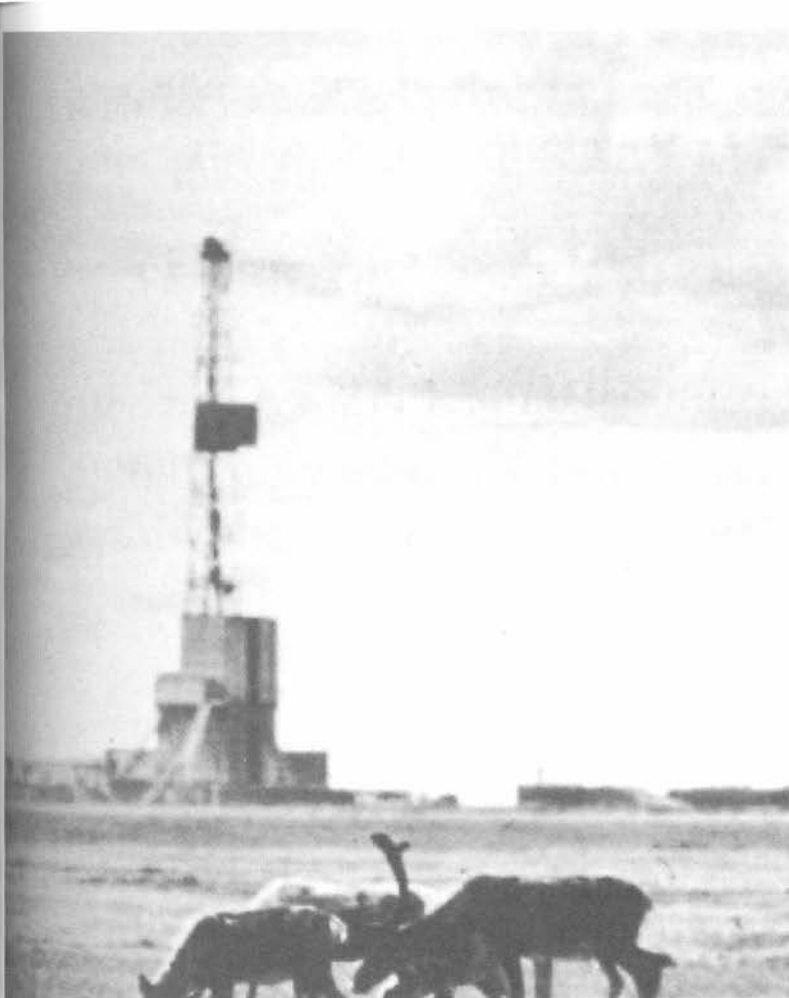
An important paradox highlighted in political critiques of development concerns the issue of debt reduction; though employed by Republicans as political leverage to open the Refuge, they are not eliminating tax breaks to oil and gas industries as a necessary means to reduce the debt. This is hardly surprising, given substantial investment from the American government helped build the required infrastructure necessary to transport oil across the tundra.³⁰ Aliza Fan notes that the Republicans have failed to withdraw \$200 billion in tax breaks to corporations (largely energy companies). These tax breaks have become commonly known as "corporate welfare."³¹ In a similarly contradictory move, the oil proponents who make note of national oil security are lobbying Congress to allow the exportation of oil currently being drilled on the Alaska North Slope (ANS). Undermining their oil security defence, the Republican proponents of Refuge development have sought to sell oil from the Strategic Petroleum Reserve (SPR) and sell off the Elk Hill Naval Petroleum Reserve in California. The oil from these two sites would be sold for export. Clearly, while an effective political tool, oil security is not the central motivating force in opening the Refuge.³² Rather, the Refuge is just one item in the Republican mission to loosen environmental regulation and get government out of the business of resource management.³³

If policies were made consistently there would be no need to develop the 1002 lands. Regardless of a pro-development decision, industry insiders note that it will take years to develop the fields and further years to receive the benefits of oil. All of these policy changes regarding the Refuge are components of the Republican's broader commitment to eliminate environmental legislation.

In many ways, the policies pursued by Senator Murkowski and Congressman Young, backed by the Republican agenda, are analogous to the settlement of the American West, through which settlers expropriated the land from the aboriginal population for economic benefit. The massacre of the buffalo and the subsequent demise of aboriginal cultures can be witnessed today in the demise of the caribou and the cultural extinction contemplated by the Gwich'in peoples. In point of difference, however, this latter historical development takes place within a broader political and cultural context which challenges the boundaries under consideration. In

in direct conflict with the goals of international

the following section, the strictly political and economic justifications for opening the Refuge to development will be contrasted to the cultural and transnational dimensions of the development debate. While politicians consider the state deficit and perpetuate the erroneous myth of domestic oil security, opponents to development consider the cultural survival of the Gwich'in peoples and the international conservation agreements that have been signed to protect the migratory patterns of the Porcupine Caribou.



porcupine caribou – international agreements and the gwich'in position on development

The central argument in opposition to development of the Refuge comes from those who desire to protect the Porcupine Caribou Herd (PCH). The PCH have roamed the land now divided into the Yukon, Northwest Territories and Alaska for more than 25,000 years. Northern Aboriginal people have been living subsistently with the caribou from time immemorial. After the political division of the region through Canadian Federation and American Union, the caribou and the Aboriginal people came under the jurisdiction of differing governments, and were governed independently for more than 100 years.

Plans to develop the 1002 lands represent the worst threat ever to the Caribou. According to the Department of the Interior and the Refuge's game wardens, "a reduction in calf survival of less than 5%/year would be enough to change an increase in the population to a decline."³⁴ In 1986 the U.S. Department of the Interior released a draft resource assessment which predicted a forty per cent decline in the Porcupine Caribou Herd should oil development in the 1002 lands occur.³⁵ In direct conflict with the goals of international agreements, the attrition of Porcupine Caribou caused by authorized U.S. policy would be a disaster of international proportions.

Much can be said about the emphasis placed on international conservation agreements. Such agreements are an easy method of documenting the "friendliness" of two nations and can be used to placate environmentalists, naturalists and indeed aboriginal people who rely on the agreements to protect a cultural livelihood. Like the unconfined natural habitat

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of the caribou, conservation agreements do not recognize permanent political or social boundaries. Nor do the agreements take "domestic" priority in a way that a deficit or federal election would. In this case the

offender may consider silence by the other signatory as acquiescence of the infringement.

In 1987 Canada and the United States signed the Porcupine Caribou Conservation Agreement. The Agreement sought to protect the Caribou which migrate across the Refuge and into Canada's Yukon territory. Ann Garneau, counsel at the Canadian Consulate in New York, states that "[t]he original Agreement was to maintain this as a wildlife refuge, and it's our government's policy to maintain that and prevent any further development."³⁶ Development in the Refuge would contravene the Agreement on a number of grounds, two of them are paraphrased and then examined here. The objectives of the Agreement are as follows:

- (a) To conserve the Caribou and its habitat through international co-operation and co-ordination so that the risk of irreversible damage or long-term adverse effects resulting from the use of Caribou or their habitat is minimized.
- (b) To ensure opportunities for customary and traditional uses of the Porcupine Caribou Herd by those covered in the ANCILA and in Canada by Native users as defined by the Porcupine Caribou Management Agreement.

With regard to objective (a), Canada was not consulted about possible development in any part of the Refuge, including the 1002 lands, which are specifically protected by the definition and use of the term "habitat" in the international agreement. "Habitat means the whole or any part of the ecosystem, including summer, winter and migration range, used by the Porcupine Caribou Herd during the course of its long term movement patterns."³⁷ As ordained by objective (a), Canada has the right to be involved in all studies or development proposals which would impact the Porcupine Caribou Herd. Canada has fulfilled objective (b) through the establishment of the Porcupine Caribou Management Agreement (1985) and the institution of the Canadian Porcupine Management Board.³⁸ Action to protect and conserve the region began after the Mackenzie Valley Pipeline Inquiry (1977), which recommended that the northern Yukon be designated a national wilderness park. That same year the Canadian government issued a Withdrawal Order, prohibiting development in the northern Yukon until a management plan was approved. Subsequently, Ivvavik (1984) and Vuntut (1993) National Parks have been established in the area, which protect the Caribou and support the Aboriginal right to hunt. Through these measures, Canada has clearly lived up to its end of the Agreement.

Canada has gone well beyond the original Agreement made with the US to ensure conservation of the Porcupine Caribou Herd. By contract, the Canadian Government must be able to expect at least recognition of the accepted terms in the Conservation Agreement. By international law, development in the Refuge would violate the following Canada-U.S. conservation accords: Migratory Birds Convention, 1916; Conservation of Polar Bears, 1976; and the North American Waterfowl Management Plan, 1986. As Interior Secretary Cecil Andrus said about the Refuge in 1978,

In some places, such as the Arctic Refuge, the wildlife and natural values are so magnificent and so enduring that they transcend the value of any mineral that may lie beneath the surface. Such minerals are finite. Production inevitably means change, the impacts of which will be measured in geologic time in order to gain marginal benefits that may last a few years.³⁹

While the Secretary of the Interior Bruce Babbitt poetically quotes one of his predecessors on the value of the Refuge, there are nevertheless those who depend on the Refuge as a primary food source. Aboriginal people have subsisted in the Refuge on the Porcupine Caribou for time immemorial. The Aboriginal people of the region are divided, however, on the issue of development. The rift is

based on the continued ability of the people to sustain themselves: for the Inupiat, in the modern world of money and corporations; for the Gwich'in in a subsistent manner not far removed from their ancestors.

The Inupiat Eskimo of the far north (Beaufort Sea region) have reaped huge economic benefits from oil development. Like the state, they now need the 1002 lands opened to ensure a consistent flow of oil and therefore revenue. As holders of the subsurface rights in the 1002 lands, the Inupiat certainly have a keen interest in possible benefits from development. There is only one permanent Inupiat village in the Refuge, Kaktovik, home to 220 people. Oil development in the 1970's created great wealth for this community. Money that accrued from the Purdhoie oil development enabled Kaktovik's villagers to build modern homes and schools, put in streetlights, and build a medical clinic. The Inupiat are part of the Kaktovik Inupiat Corp. and the Arctic Slope Regional Corp., both established by the 1971 Alaska Native Claims Settlement Act. The two corporations rely solely on oil revenues for their continued existence.

There is another side to the development story for Aboriginal people – the historical relationship of the Gwich'in with the Porcupine Caribou. The Gwich'in represent all that the pro-development people have argued against; they are undeveloped, unexploited, and unyielding in their desire to continue in their traditional ways. Arctic Village, a community of about 125 Gwich'in Athabaskan Indians, sits just outside the Refuge on the south slope of the Brooks Range. The Gwich'in number about seven thousand and live in more than fifteen tiny communities south of the Refuge and in the Canadian Yukon. The people hunt and fish within the Refuge, just as they have for centuries. As their relationship to the Porcupine Caribou challenges conventional political and geographic boundaries in the arctic, the Gwich'in find themselves at the centre of the Refuge development controversy, defending the non-economic value of the Refuge against the interests of the Alaskan government and Republican politics.

In an article submitted to *The Washington Post*, Sarah James and Floyd Peterson argue that the Republican pro-development team of Young and Murkowski, "have turned a deaf ear to our traditional native needs and to the will of all Americans who value their Alaskan natural heritage."⁴⁰ James, a Gwich'in from the community of Arctic Village, tells all who will listen that any effect on the Caribou will have a negative impact on her peoples' traditional way of life. "Development of the Refuge" she argues, "would be a form of genocide against the Gwich'in."⁴¹ The Gwich'in cultural subsistence on the caribou, having developed over the millennia, represents the harmony in which they exist with the migratory animals. The Gwich'in are members of the Canadian Porcupine Caribou Management Board, which was created to monitor and manage the caribou so as to conserve it for future generations.

The Canadian Porcupine Caribou Management Board views development as a "no-win" situation for anyone; firstly, because there is only a twenty per cent chance that there is oil; secondly, because the estimates would only supply enough oil to fulfill the U.S. need for approximately two hundred days; thirdly, because of the inherent threat to the caribou.⁴² With the backing of the Board, Gwich'in from Old Crow, Yukon Territory, took lobbying measures into their own hands. They launched a ten-city U.S. tour, lobbying against development for the protection of both the Caribou and their culture. Norma Kassi was one of those to travel through the U.S., lobbying on behalf of future generations of Gwich'in. A former Old Crow MLA, Kassi was interviewed prior to the U.S. lobbying tour by Janet Patterson on CBC Radio in Whitehorse, with whom she discussed the importance of the Caribou to the Gwich'in:

basically [the Caribou is] all our culture, our songs, our traditional activities. When the initiation of young men as hunters within the nation are initiated, that's because of the caribou. Our dances are caribou dances. Our songs are caribou songs. The caribou is everything to us. It's our whole way of life, our social, our economics, our cultural dependence are all on the caribou.⁴³

J. Bennet Johnston (D-Louisiana), a key Democratic proponent of development, showed his ignorance about the Refuge with the following comment: "[It's] frozen, and nobody is up there, and the caribou is really a

bogus issue."⁴⁴ The Gwich'in, with help from supporters around the world, set out to combat the kind of ignorance represented in comments from those like Johnston.

Letters of support for the Gwich'in arrived from all over the world. Bernard A. Gagosz, Consul General of Canada in Seattle, wrote about his impressions of the effects of development on the Gwich'in:

They are truly the People of the Caribou...there is real anxiety among the Gwich'in about possible development in the 1002 lands which would disrupt the natural cycle that has existed between the caribou and the Gwich'in for many hundreds, perhaps thousands of years. It is they who will assume the greatest risks...⁴⁵

This letter was written to U.S. Senator Mark O. Hatfield (Oregon) after a trip to Old Crow with His Excellency Raymond Chretien, Canada's Ambassador to the United States. The trip was clearly unique: Canadian Aboriginals lobbying the American people, to influence the United States Congress on an issue that Canadian Foreign Affairs deemed an American domestic issue. Foreign Affairs took this stance as part of the Canadian Liberal government's strategy on Canada-U.S. relations. According to Peter Adams MP (Liberal, Peterborough), this was because the Liberal government did not want to challenge the Clinton administration outright and risk the Democrats losing the next election.⁴⁶ The Canadian government did write to the President, having their consulates write to Congressmen in their area regarding the impacts of development, reminding them of the Porcupine Caribou Conservation Agreement. It is unfortunate that Canada did not take a more aggressive stand on the issue considering the validity of their claim based on the Agreement, for it is only with Canada's vigilance in this regard that the future of the 1002 lands issue can be resolved.

the future of the refuge

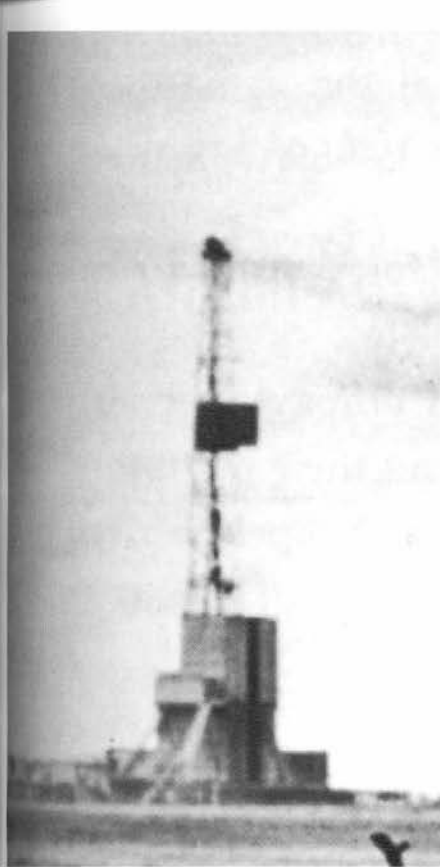
While the latest battle against opening the Refuge was won with the vetoing of the budget bill, the war goes on. The President's veto message read as follows:

This bill would open the Arctic National Wildlife Refuge to oil and gas drilling, threatening a unique, pristine ecosystem, in hopes of generating \$1.3 billion in Federal revenues – a revenue estimate based on wishful thinking and outdated analysis. I want to protect this biologically rich wilderness permanently.⁴⁷

Even though President Clinton has vetoed the budget reconciliation bill, it is still possible that a new government would vote to open the 1002 lands for development. The President has not yet made any moves to "permanently" protect the 1002 lands through either granting Wilderness status to the area, or granting the whole Refuge National Monument status. After such a designation was achieved for the lands, it would take another act of legislation to amend the Wilderness Act before any activity could proceed.

Canadians concur with President Clinton's intention to permanently protect the area. Creation of Ivvavik and Vuntut National Parks represents Canada's commitment to the conservation of the caribou and the area of their habitat. The Canadian Arctic Resources Committee's (CARC) Nigel Banks writes that the time has come for an Alaska-Yukon international wilderness park. The park would enrich the already established bi-lateral agreements such as the management of the Porcupine Caribou Herd.⁴⁸ In a letter to Prime Minister Chretien, Banks, on behalf of CARC, recommends that the Canadian government seek wilderness designation for the 1002 lands. Such a plan would twin the northern Yukon and adjacent Alaska wilderness areas, and nominate the twinned area as a World Heritage Site (WHS) under the UNESCO World Heritage Convention.⁴⁹

Designating the 1002 lands as "wilderness" would bring the area under the ANILCA which created the Refuge in 1980. This protection would ensure that the area was not developed without a Congressional amendment to the Wilderness Act. The wilderness designation, twinned with an international agreement to recognize the adjoining Canada-U.S. national parks, would



better serve the aboriginal people and provide a greater protection against the possibility of changes to the American Wilderness Act. The best interests for the Refuge would be recognized in its recognition as a World Heritage Site.

Canada must continue to support President Clinton's anti-development stance while working towards the goal of permanent recognition of the Refuge as a WHS. International cooperation of this magnitude finds precedent in the 1979 negotiations between Canada and the U.S., after which Kluane National Park Reserve in the Yukon and Wrangell-St. Elias National Park in Alaska were declared the first international WHS. Both countries should take pride in their seminal work in the WHS movement and continue their leadership by acknowledging the importance of the Arctic National Wildlife Refuge, the Porcupine Caribou and the Aboriginal people along their borders to the world.

conclusion

The debate over development in Arctic National Wildlife Refuge is multifaceted, spanning the political and social spheres of the U.S. and Canada. In the "melting pot" of the U.S. the Republicans have tried to boil down the issue of development to one of bloodless economics, ignoring the wilderness character of the Refuge, the international agreements for conservation of the Porcupine Caribou, and the cultural heritage of the Gwich'in. This paper has sought to articulate the fluid nature of political and cultural boundaries concerning the development dispute in the Arctic National Wildlife Refuge, and how the Gwich'in have challenged political conventions by taking their grievances to the U.S. government. To consolidate these victories in the future, Canada must not only continue to lobby the U.S. government to respect the Conservation Agreement, but encourage the creation of a World Heritage Site spanning the borders of the two nations.

research for this paper was gathered through traditional library sources; primary research was conducted using electronic mediums such as the World Wide Web and radio transcripts along with personal interviews. Initial research findings as they related to Canada-U.S. relations were presented at the Northern and Polar Studies Colloquium, Trent University in a presentation titled: *Can a Republican be a Conservationist or a Democrat a Preservationist? The debate over development in the Arctic National Wildlife Refuge.*

notes

1. The Arctic National Wildlife Refuge is referred to as ANWR, pronounced ANWAR in most of the American literature. This paper uses the notation "the Refuge" because this author feels the acronym "ANWR" depersonalizes the issue of development in the area. When quoting directly, ANWR is used.
2. See John Strohmeier, *Extreme Conditions: Big Oil and the Transformation of Alaska* (New York: Simon & Schuster, 1993) for a critical examination of the effects of oil development in Alaska.
3. *Ibid.*
4. Dan Smuts, "A Wilderness Revival" (1995) *Sierra Club Bulletin* (July/August).
5. Doug Urquart, "The Politics of Migration" (1994) 22 *Northern Perspectives* (No.2-3).
6. The "1002 Study lands" are referred to in the Act as the area to be studied for petroleum potential.
7. *Agreement between the Government of Canada and The United States of America on the Conservation of the Porcupine Caribou Herd* (Ottawa, 17 July 1987).
8. "Latest Study Warns of ANWR Environmental Harm" *The Oil and Gas Journal Online* (25 September 1995).

9. "Oil, Wood, Angst: Alaska" *The Economist Online* (30 September 1995).
10. The Tongass National Forest is another hot seat of debate in Alaska; the primary mill is threatening to shut down, putting one thousand jobs at stake. Ted Stevens has tried to introduce federal legislation to increase cutting by up to 75 percent so as to maintain employment regardless of the market need for lumber (*The Economist*: 30 September 1995). This is another prime example of Republican economics trumping environmental issues.
11. Timothy Egan, "Alaska Legislators' Oil Vow Gets Different Play at Home" *The New York Times Online* (11 November 1995). The Permanent Fund is estimated to be worth \$18 billion.
12. *Ibid.*
13. See *The Oil and Gas Journal* 93 (28) (10 July 1995) for information on the Komi (Russian) oil spills in the Arctic not covered by mainstream media. The article discusses the problems with pipelines that could happen in Alaska.
14. David Whitney, "Gingrich Backs Range Drilling" *Anchorage, Alaska* (18 October 1995).
15. This is anticipated revenue from leasing revenue alone, paid over the total number of years before a find is developed.
16. "Showdown Near for ANWR Leasing Issue" *The Oil and Gas Journal Online* (6 November 1995).
17. Patrick Crow, "Aiming for the Foot" *The Oil and Gas Journal* (13 November 1995) 40.
18. Egan, *supra* note 11.
19. Crow, *supra* note 17.
20. Cited on the World Wide Web Site, <http://alaska.alaskan.com/anwr/>
21. Opposition governments have always argued that there can not be a line item veto in omnibus budget legislation. Senate and Congress have just recently approved a change in budget legislation which will eliminate omnibus budgets and allow line item vetoes.
22. The "automobile consumption standards" refers to the efficiency of automobiles to travel farther on the same or less fuel.
23. Will Nixon, "Northern Exposure" *The Utne Reader Online* (November/December 1995).
24. Kimberley Music, "Battle Continues Over ANWR Provision as ex-President Bush Breaks Silence" *The Oil Daily* (19 October 1995) 3.
25. Aliza Fan, "Wall Street Analysts Place Their Bets on Congress Lifting ANWR, ANS Bans" *The Oil Daily Online* (3 January 1995). Fan is quoting Bud Tower, an oil industry analyst at Howard, Weil, Labouisse, Friedrichs Inc.
26. "ANWR Leasing Issue Revives" *The Oil and Gas Journal* (31 July 1995).
27. *Ibid.*
28. *Ibid.*
29. For more information on the political values of the Republicans, see Carl Pope, "Congress, Red in Tooth and Claw" *Sierra* (July/August 1995). Pope compares their contemporary policies to the philosophy of Social Darwinists.
30. See Joseph J. Romm and Charles B. Curtis, "Mideast Oil Forever?" *The Atlantic Monthly* (April 1995), for a discussion on domestic oil production, oil security, and the need for continued government support of alternative energy sources.
31. Aliza Fan, "Senate, House Budget Committees OK Slashing DOE Funds, Opening ANWR" *The Oil Daily* (15 May 1995) 1.
32. *Ibid.*
33. Changes or amendments to lower acceptable standards are being proposed for the following Acts: Clean Water Act, Endangered Species Act, Environmental Protection Agency, Safe Drinking Water Act, and Toxic Waste.
34. See *supra* note 11.
35. Urquart, *supra* note 5.
36. Arthur Gottschalk, "Who is Breaking the Pact?" *The Journal of Commerce Online* (17 October 1995).
37. *Agreement between the Government of Canada and The United States of America on the Conservation of the Porcupine Caribou Herd* (Ottawa, 17 July 1987). Section 1, Definitions Part C.
38. The Canadian Porcupine Management Board is funded by the Canadian federal government, Yukon Territorial government and the Gwich'in from land claim funds. All of the parties above have equal power on the Board.
39. Cited in Bruce Babbitt, *Testimony of the Secretary of the Interior Before the Committee on Resources, United States House of Representatives, on the Arctic National Wildlife Refuge*. (Washington, 3 August 1995).
40. Sarah James and Floyd Peterson, "At Risk in Alaska: Our Salmon, Our Eagles" *The Washington Post Online* (21 July 1995).
41. Allanna Sullivan, "Polar Opposites: Fates of Alaska Tribes May Ride on Impact of Drilling in Refuge: Inupiat Need Oil's Income; Gwich'in Fear Extinction in Caribou Are Driven Off; 'I Cry for My Children'" *The Wall Street Journal* (2 November 1995) A4.
42. Information distributed in the U.S. by the Canadian Porcupine Caribou Management Board urges the American people to lobby their Congressmen not to vote in favour of development.
43. Interview with Janet Patterson on CBC Whitehorse (3 October 1995).
44. Kimberley Music, "ANWR Issue Becomes Political Football" *The Oil Daily* (4 December 1995) 1.
45. Letter of Canadian Consul General (Seattle) B.A. Gagosz to U.S. Senator (Oregon) M.O. Hatfield (12 September 1995).
46. Personal interview with Peter Adams (8 March 1996).
47. Reported in the *U.S. Department of the Interior News Summary* (6 December 1995).
48. Nigel Bankes, "The Alaska-Yukon International Wilderness Park: An Idea Whose Time has Come" (Faculty of Law, University of Calgary, 1994) [unpublished].
49. Letter to Rt. Honourable Jean Chretien, Prime Minister of Canada (10 May 1994).
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