

edited by **PETER A. FRENCH AND JASON A. SHORT**

AND BORDER CROSSINGS

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**PHILOSOPHY
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CULTURES
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War and Border Crossings

Ethics When Cultures Clash

EDITED BY
PETER A. FRENCH
AND
JASON A. SHORT

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Tribal Environmental Policy and National Development Priorities

REBECCA TSOSIE

Our future is tied to the land. No matter how far we advance as a society, that single fact persists and in some ways constrains our dreams for the future. For American Indian nations, the significance of the land is particularly compelling. Pushed to the perimeter of "civilization" during the years of westward expansion, Indian lands are now often perceived as fields of opportunity for a nation faced with the dismal legacy of overdevelopment. Imagine, for example, a vast expanse of western high desert: the subtle colors of dawn and dusk on rock outcroppings, the soft green of sagebrush and juniper, ephemeral cloud shadows that glide over the land. Once perceived as a barren no-man's-land, the landscape now entices entrepreneurs with economic opportunity: undeveloped deposits of coal or uranium, a place to graze cattle or sheep, perhaps even a site for a waste dump. Although some tribal members seek to develop those lands, others disagree. The land, they say, embodies a continuing legacy of natural wealth, of wild herbs and plants to be harvested, underground springs to be nourished, and sacred sites to be preserved and maintained.

Each vision represents human values, needs, and desires. But all too often, the visions appear mutually exclusive. We are called on to make hard choices. To say that the choice is between preserving the past or ensuring economic development for the future is too simplistic. American Indian nations, like all societies, must try to do both.

Environmental self-determination logically seems to depend on whether Indian nations are able to set and implement their own policy goals under the federal and tribally initiated programs. American environmental laws reflect the majority society's conception of the relationship of humans to the land: Our environmental laws are thus integrally related to our "land ethic." The diversity among American Indian people makes defining an "indigenous land ethic" somewhat difficult. Nevertheless, the similarities among indigenous worldviews regarding the environment cannot be discounted. These similarities provide a means to understand the often different values that underlie contemporary tribal environment decision making.

Although there are difficulties in formulating an overall description of indigenous environmental ethics, a discussion of similarities found among American Indian peoples in their relationship to their natural environments provides a critical context for a comparative analysis of indigenous value systems and those of Anglo-Americans. This general analysis is not intended to imply that Indian nations that depart from a predominant norm are less Indian. The distinctiveness of each Indian nation's experience is beyond question, although it is often difficult for nonmembers to understand or differentiate among distinct worldviews and experiences. The similarities among American Indian environmental perspectives may stem from the fact that virtually all traditional Indian cultures had "land-based" rather than "industrial" or "market" economies. Moreover, many indigenous groups throughout North America are culturally linked to some degree and have interacted with one another for centuries. All indigenous North American peoples received similar treatment from Europeans and had similar responses to contact and colonization. One common response among Native American peoples was to cling to traditional belief systems as a way to define themselves in opposition to the Euro-Americans who were attempting to assimilate native peoples to Western values. Thus in some cases, Native Americans identify themselves with the environment as a way of expressing their distinctive identity as "Indians."

A central feature of many indigenous worldviews is found in the spiritual relationship that Native American peoples have with the environment. As Vine Deloria has observed, a central task of tribal religions is to "determine the proper relationship that the people of the tribe must have with other living things and to develop the self-discipline within the tribal community so that man acts harmoniously with other creatures."¹

The traditional knowledge of American Indian people integrates the environment with the religious beliefs and worldviews of the people on several different levels. Contrary to the oversimplified stereotype of American Indians as "nature worshipers," there are in fact several types of integration between Native American spiritual beliefs and the environment. As Christopher Vecsey notes, "primary integration" results from the religious core being defined by environmental relations; for example, among the Hopi people ceremonial functions govern planting and harvesting.² "Secondary integration" is represented by traditional social and religious institutions being created by environmental interactions: organized priesthoods in farming societies, atomistic shamanism in hunting cultures. Finally, "symbolic integration" uses religious symbology in words, designs, and motions describing the surrounding environment.

Ronald Trosper has drawn on several tribal traditions to construct a model of "traditional Indian worldviews" premised on four basic principles: community, connectedness, the seventh generation, and humility.³ Trosper discusses the economic, social, political, and sacred aspects of these principles in tribal decision making and finds that, cumulatively, they give rise to an ethic of respect that may constrain economic development in some ways. Trosper's model of traditional worldviews has several important aspects: a perception of the earth as an animate being, a belief that humans are in a kinship system with other living things, a perception of the land as essential to the identity of the people, and a concept of reciprocity and balance that extends to relationships among humans, including future generations, and between humans and the natural world.

LIVING IN AN ANIMATE UNIVERSE

A central belief among many Native American cultures is that earth is a living, conscious being that must be treated with respect and care. Many Native American groups describe the earth as a mother or grandmother, a source of life for the people. A significant feature of this understanding is that the earth preceded the people, both in time and ultimate power.

This conception of the earth as a living being extends to other features of the universe. John Fire Lame Deer, a Lakota Sioux spiritual leader, describes the earth, rocks, wind, and water as alive and imbued with power in an animate universe.⁴ It is difficult to understand this conception without having

more of an insight into Lakota cosmology. Lame Deer indicates that these objects are perceived as being animate because they are parts of Wakan Tanka—the Great Spirit. Ethnographers have described the Lakota universe as containing a pantheon of spirits who exercise control over the universe but are subsumed within the highest spirit power, or Wakan Tanka.⁵ Thus Wakan Tanka controls four major animistic forces: Inyan, the Rock; Maka, the Earth; Skan, the Sky; and Wi, the Sun. Each of these forces, in turn, is associated with another layer of spirit powers, not all of which correspond to Euro-American concepts, including the natural features of thunder, wind, and the moon. Importantly, for the Lakota, these spirit powers are “not at all remote to individuals, but are extremely accessible forces, similar to kinsmen, and are addressed as such.”⁶ Although the Lakota universe appears to be hierarchical, it is also holistic, taking into account the smallest object, such as a pebble, as well as people, with a unified conception of what is “alive” and has “power.” Significantly, the place of the Lakota people in this universe is essentially comparable to that of the pebble.

The animate universe that predominates among indigenous worldviews gives rise to a relational, rather than hierarchical, land ethic. This relational ethic situates the human being in a kinship role with respect to other aspects of the natural universe.

HUMAN KINSHIP WITH THE NATURAL WORLD

In a way of thinking that sees people and nature as part of one ordered, balanced, and living whole, humans have social and kinship relationships with other beings. For example, for the Ojibwa people the linguistic category of human being is not coextensive with the category of “person.” Rather, in the Ojibwa universe “animals, plants, stones, thunder, water, hills” and other aspects of the natural world may all be persons.⁷ Furthermore, the Ojibwa word for “grandfather” is used to refer to one’s human relations, in the standard sociological sense, and alternatively to certain “spiritual beings who are persons of a category other than human.”⁸

Under many Indian traditional beliefs, specific animals are considered persons who have special relationships with the Nation’s people. The Hopi people incorporate the snake into their religious traditions because the Snake people long ago taught the Hopis the secret of bringing rain for their crops. Similarly, the Plains Indians speak of the buffalo as a distinct people and the

Northwest Coast Indians consider salmon to be a people. In these indigenous cultures, these animals are given a central role in religious ritual and have become a primary focus of tribal environmental policies designed to preserve and rehabilitate these species.

Given the animate universe of many indigenous groups incorporated into tribal religious traditions, early anthropologists commonly thought that native people worshiped animals, stones, and water as deities. Worship in that sense seemed inconsistent with behavior as hunters and gatherers or farmers, just as for many Euro-Americans the idea that animals are people would be inconsistent with a willingness to eat them for dinner. Callicott points out, however, that although the Ojibwa consider themselves to be in a complex social relationship with other “persons,” they maintain those relationships through norms of respect and exchange, not through worship in the sense that Christians worship God or through treatment as a human being.⁹ Thus a hunter is required to observe a complex litany of behaviors designed to implement an ethic of respect. For example, many tribes require a hunter to offer the animals tobacco in exchange for the animal giving up flesh to the hunter. The Ojibwa considered animals to be like persons in that they had spirits and powers that could be used to assist or harm humans. This understanding implied an ethical duty on the part of humans to minimize the suffering of animals and treat them with respect.

The indigenous understanding of the relationships between man and the natural environment is radically different from the Western understanding of such relationships. Euro-American values stemming from Christianity, capitalism, and technology promote a view of nature as a commodity. European traditions may speak of the need to maintain balance in nature, but they do not suggest that humans are in a kinship relation with animals or that humans owe a duty to animals.

LAND, PLACE, AND HUMAN IDENTITY

A central difference between indigenous and Western belief systems is the use of history to document the spiritual development of the people. Christian religion is “divorced from space and made an exclusive agent of time.”¹⁰ American Indian tribal religions, on the other hand, are located “spatially,” often around the natural features of a sacred universe. Although indigenous people often do not care *when* the particular event of significance in their religious

tradition occurred, they care very much about *where* it occurred. Under the Native American perception of reality, which is “bound up in spatial references,” specific natural areas are imbued with complex significance. A tribe may speak of its origin place—such as a river, mountain, plateau, or valley—as a central and defining feature of the tribal religion. The tribe may also depend on a number of “sacred” places for practice of religious activities. These spatial references orient the people and place them within the land; they give a sense of history, rootedness, and belonging.

The Navajo people, for example, perceive their world to be bounded by four sacred mountains. Different prayers and chants are associated with each of the sacred mountains, as well as the sky, the earth, the day, and the night. By honoring the sacred elements of the Navajo universe and caring for them with the appropriate ceremonies, the people believe they preserve the balance of the natural world and ensure a good life for themselves. For the Lakota and Dakota Sioux, the Black Hills of South Dakota are the center of the sacred hoop. The Lakota believe that the Black Hills are the heart of their nation and the birthplace of their people. Given these extensive interrelationships between the people and certain areas of land, Indian people often see themselves as “belonging” to the land or being a part of the land. The traditional languages often articulate this connection between the land and the people. For example, the term “Anishinabeg Akiing” among the Ojibwa and Cree and the term “Dineh Bii Kaya” among the Navajo both signify “the People’s land.” Among the Cherokee, the word “Eloheh” means both “land” and the People’s collective “history, culture, religion.”

The land often determines the values of the people. In the harsh environment of the North American prairie, an emphasis was placed on values of giving and sharing, on reciprocity and responsibility, and on the central value of the community as opposed to the Western fixation on the value of the individual. In the more abundant environments of the Pacific Northwest, tribal communities placed paramount value on giving, sharing, reciprocity, and responsibility. For example, the Potlatch ceremony of the Tlingit and Kwakiutl tribes, which encompassed a massive distribution of personal property, was a means of redistributing wealth among the less fortunate and enhancing the personal reputations of the givers. Thus the ethics of reciprocity and balance transcend social obligations to guide human interaction with the natural world.

RECIPROCITY AND BALANCE AS GUIDING ETHICS

The interrelationship of people and land, combined with the deeply rooted ethics of reciprocity and balance, leads to a long-term view of ecological stability or, in contemporary terms, a concern with sustainability. Traditionally, the relationships between indigenous peoples and their traditional lands were largely seen as permanent and stable. This perception has only intensified with the diminishment of the land base through the reservation system. That sense of permanence is integrally related to the notion of sustainability. For Indian peoples, who traditionally interpreted their relationship with the land and future generations as holistic, cyclical, and permanent, sustainability was the natural result, if not the conscious goal, of deeply rooted environmental ethics and traditional land-based economies.

Although the indigenous understanding of sustainability is promoted by traditional land-based economies, the incorporation of Indian nations into the larger industrial and market economy of the United States, with its attendant value systems, has facilitated pressures to engage in commercial resource extraction and other nontraditional economic development. This has precipitated intratribal disputes over land use and resource development and has raised the question of whether nontraditional economic development will undermine the indigenous commitment to sustainability.

The influence of traditional ethics and environmental knowledge on contemporary tribal policy cannot be underestimated. There are many examples of successful implementation of traditional ethics in contemporary tribal environmental management. There are also many examples of tribal policy built on what appear to be Anglo-American norms, particularly in the case of industries such as mining and waste disposal, which also serve non-Indian interests. I will discuss both categories of tribal environmental policy and their implications for modern concerns over economic development.

Incorporation of Traditional Values into Environmental Policy

Winona LaDuke asserts that traditional knowledge represents “the clearest empirically based system for resource management and ecosystem protection in North America” and, in fact, is more effective for environmental planning than the dominant society’s scientific method.¹¹ The Ojibwa and Cree peoples base their environmental ethic on the concept of *Minobimaatisiwin*, or the good life, which encompasses the ideas of cyclical thinking and reciprocal relations

and responsibilities to the natural world: "Implicit in the concept of Minobimaatisiwin is a continuous inhabitation of place, an intimate understanding of the relationship between humans and the ecosystem, and the need to maintain that balance."¹² The Ojibwa believe that the goal of Minobimaatisiwin "cannot be achieved without the effective help and cooperation of *both* human and other-than-human persons, as well as by one's own personal efforts."¹³ These values and tenets enabled the Ojibwa people to "maintain economic, political, religious, and other institutions for generations in a manner that would today be characterized as sustainable."¹⁴

Clearly, aboriginal environmental ethics based on traditional knowledge survive and are implemented by indigenous communities in regulating traditional activities such as hunting, trapping, and fishing. However, the practice of such ethics takes place at the social or group level and requires social cohesion. Traditional management systems generally incorporate various unwritten rules and social norms and are perpetuated through social institutions. Moreover, enforcement of these norms depends on the actor being embedded in a social context. For example, many taboos regulate conduct between a hunter and the natural environment; breach of a taboo is thought to result in bad luck, illness, or even death to the hunter. Other means of enforcement could include ostracism or shame. Some indigenous groups have codified traditional environmental norms and practices, as did the Gitksan and Wet'suwet'en peoples in British Columbia with their traditional fishery management practices.

Indian nations face several challenges to the continuation of traditional social and economic institutions. In many cases traditional indigenous institutions must be reconciled with those organized by tribes under centralized governmental structures, based largely on norms and values imposed by federal legislation. Federal policy has, in some cases, incapacitated traditional indigenous property rights systems and undermined preexisting social norms. The reservation system severely impacted traditional land tenure systems by circumscribing the traditional land base, by removing tribes from their traditional lands, and by forcing Indian people to engage in nontraditional economic practices. Moreover, the allotment policy of the late nineteenth and early twentieth centuries, which was driven by the perception that Indian people did not possess property rights, privatized reservation lands among individuals and displaced existing property rights structures that were often

focused on kinship groups and had distinct usufruct rights attached. The allotment policy's failure has been attributed to the fact that it replaced earlier property institutions with a system that was fundamentally divergent from traditional norms. For example, the allotment policy foisted the ideal of the yeoman farmer on all tribes, even those without a former history of agriculturalism or individual property rights.

A fundamental issue is whether traditional environmental ethics, which are often broad and general, can offer indigenous people practical guidance for contemporary economic development. The concept of Minobimaatisiwin undoubtedly makes sense in land-based traditional economies, such as that of the Ojibwa and Cree, which focused on hunting, harvesting, and gardening. However, Minobimaatisiwin may have more dubious value as an ethic to guide nontraditional enterprises, such as mining or commercial timber harvesting. Traditionally, the people participating in the economic structure were largely participants in a closed system based on a consensual understanding of community norms and a collective decision-making process. Today the economic structure is tied to the larger market economy of the United States, and the participants in economic enterprise on the reservation often include non-Indian corporations with responsibilities to outside parties such as corporate shareholders. Thus a broader range of stakeholders influences contemporary tribal economic and environmental policy.

There are several examples of indigenous communities successfully applying traditional norms and values to community development projects. For example, the Zuni Pueblo instituted a comprehensive agricultural project that restores community control over food production and implements traditional methods consistent with the Zuni's unique environment such as field rooting and dry farming. Similarly, among the Ojibwa and Cree people, several programs are in place that aim to restore both indigenous control over aboriginal lands and traditional resource management schemes. In Canada, traditional activities such as harvesting wild rice and blueberries have led indigenous nations to engage in organic crop development and marketing. The Menominee tribe of Wisconsin has used indigenous management practices and harvesting techniques to achieve a successful and sustainable forestry enterprise. The confederated Salish and Kootenai tribes of the Flathead reservation in Montana have developed a comprehensive environmental regulatory and land use management. The Northern Cheyenne tribe is another example of an Indian

nation that has applied traditional norms both to overcome the detrimental impacts of previous federal policies and to set a more positive direction for future policies. The Northern Cheyenne reservation sits over the Fort Union coal formation, which stretches from northern Colorado to Canada and houses an estimated 5 billion tons of coal worth approximately \$400 billion. A significant number of the Northern Cheyenne tribe are committed to maintaining traditional values and have resisted efforts to strip-mine the vast coal reserves, even though tribal unemployment rates continue to hover at 50 percent. During the 1970s, the Bureau of Indian Affairs (BIA) leased more than half of the Cheyenne reservation in Montana for coal mining. The leases provided for minimal lease royalties (seventeen cents per ton) and had no environmental safeguards. After the tribe brought its first lawsuit, federal legislation canceling the leases was enacted in 1980. The Northern Cheyenne tribe's resistance to coal mining provides a sharp contrast to the neighboring Crow tribe, which is heavily engaged in coal mining and has opposed attempts by the Northern Cheyenne tribe to secure enhanced protection for air quality. The need for pristine air quality was a means of perpetuating the Northern Cheyenne commitment to the holistic preservation of the Cheyenne environment, culture, and religion. These cases illustrate that for many tribes it is important to incorporate traditional values when developing contemporary regulatory schemes and economic development plans. This may be essential to realizing environmental self-determination.

What happens when a tribe's reservation does not possess the type of area or resources necessary to facilitate a diversified economy that allows traditional land-based economies to coexist with other types of development? Alternatively, what happens when a tribe decides to undertake a land use that may potentially limit or preclude traditional land uses from continuing? These issues raise another category of cases: tribal environmental policy that departs, or appears to depart, from traditional norms.

Tribal Environmental Policy That Departs from Traditional Norms

There are several categories of land use that appear to be inconsistent with the traditional environmental norms, including coal strip-mining, uranium mining, and siting solid, hazardous, or nuclear waste repositories on tribal land. Both the mining industry and the waste industry carry the potential of severe environmental degradation and consequently would appear to be dia-

metrically opposed to traditional indigenous land ethics. Yet both industries have found homes on some Indian reservations. Why?

The decisions of individual tribal councils to engage in such economic development depend heavily on the unique circumstances of each tribe, its history and socioeconomic characteristics. Yet there are certain facts that appear to be uniformly true and may illuminate the *possible* reasons for such decision making.

The Mining Industry and Indian Reservations

Indian nations have been subjected to successive federal policies encouraging the exploitation of mineral resources on Indian lands. In the late nineteenth century and early twentieth century, Indian treaty lands were often removed from Indian ownership and trust status to facilitate mineral exploitation. For example, the Crow reservation once encompassed 39 million acres, including vast stores of coal, oil, and natural gas. After several land cessions, the Crow reservation now encompasses only 2.2 million acres, although the tribe has reserved mineral rights in some ceded lands. Other lands remained in tribal ownership but were leased out for mineral development by BIA officials convinced, as was Commissioner of Indian Affairs Cato Sells in 1914, that it is "an economic and social crime . . . to permit thousands of acres of fertile land belonging to the Indians and capable of great industrial development to lie in unproductive idleness."

By the time the New Deal was implemented and the IRA enacted to promote tribal self-government, tribal councils were organized largely to rubber-stamp the BIA's approval of mineral leasing on the reservation. Tribal councils were not asked to examine their traditional value systems and determine whether mineral exploitation was compatible. They were asked to sign off on an economic development policy that U.S. officials felt was in their best interest. Without direct policy control over mineral development, Indian nations were exploited financially and their lands and people were subjected to severe environmental contamination. By the 1970s, the beginning of the era of "self-determination," Indian nations could only hope to control the damage by renegotiating lease terms that practically gave away their mineral resources and by seeking remediation for the environmental degradation. These efforts gained strength with the formation of the Council of Energy Resource Tribes (CERT), an intertribal organization dedicated to achieving economic parity for tribes

with energy resources. Significantly, however, CERT's agenda was to maximize the ability of Indian nations to profit from resource development. Thus, although CERT's efforts were directed at enhancing tribal self-determination, its guiding ethic appeared to be rooted in the utilitarian norms of Anglo-American society rather than in the traditional environmental ethics of its various member tribes.

After nearly a century of mineral exploitation, there was no realistic opportunity to go back to a pristine natural world that would enable a traditional land-based economy to flourish. The traditional land bases had been badly eroded, open mines and mineral tailings were located throughout many reservations, and many tribal members depended on jobs with the local mines, changing local economies from agriculture to mining. The best that many of these tribes could do was to gain control over existing resource exploitation and attempt to make it financially productive and environmentally safe.

Economic dependence on mineral revenues gives the impression that federal policy treats Indian reservations as resource "colonies" open to exploitation by energy corporations. Although Indian nations have entered an era of "self-determination," it may be that the colonial past of mineral development on Indian lands has set up permanent inequities for reservation economies. Furthermore, the mineral industry, with its long and checkered past, can be compared to the waste industry, a relatively recent arrival to reservation economic development.

The Waste Industry and Indian Reservations

The not-in-my-backyard movement among urban environmentalists and concerned citizens and increasingly stringent state environmental regulations have promoted the recent trend of waste disposal companies approaching tribal governments. The quasi-sovereign trust status of Indian lands has long exempted them from many types of state regulation, and the remote locations of many reservations appeal to the waste industry. From 1990 to 1992, many tribes were approached by waste disposal companies with proposals to site hazardous and solid waste repositories on tribal lands. In some cases, such as the Campo case, these proposals have been enthusiastically accepted by tribal leaders as providing economic hope to desperately impoverished reservations. In other cases the proposals have been greeted by community outrage. As one

Navajo leader commented, it is often hard to tell whether such a project represents "economic development or genocide."¹⁵

In 1989, for example, officials from High Tech Recycling and Waste Tech, Inc., of Colorado arrived in the community of Dilkon on the Navajo reservation, proposing to lease 100 acres of land for a hazardous waste disposal plant that would include an incinerator and landfill. At the time, the community had an unemployment rate of 75 percent. The company offered to invest \$35 million, build a new hospital, and create 175 jobs. Local tribal officials initially approved the project, but other community leaders formed a chapter of Diné CARE ("Citizens Against Ruining Our Environment"), a grassroots environmentalist movement. Diné CARE educated the community about the dangers of the project—not an easy task, as one Navajo activist noted, when "there are no words in the Navajo language to describe the kind of poisons that technology has enabled man to produce."¹⁶ The community eventually defeated the proposal.

A similar situation occurred on the Rosebud Sioux reservation in South Dakota where a Connecticut waste company convinced the tribal council to approve a landfill. The landfill project was defeated when other tribal members found out about the approval and organized an opposition movement. The defeat, however, came at the cost of "a protracted, painful struggle that split families and the community over issues of economics and environment."¹⁷ Opposition to the waste projects in both the Rosebud and Dilkon communities united Indian traditionalists and community activists, leading to Protecting Mother Earth conferences in Dilkon (1990) and in South Dakota (1991). The conferences brought together Indian people from across the United States in an effort to educate other communities about what activists view as the environmental desecration of Indian lands and peoples. In addition to workshops and training on community organizing, fund-raising, and planning, the participants were instructed by traditional elders who offered spiritual guidance and perspectives.

Not all tribes agree that the waste business imperils Indian lands and communities. The Salt River Pima-Maricopa Community in Arizona has opened a second phase of its solid-waste landfill, established in the early 1980s. The Campo band in California is proceeding with its landfill project after a heated battle with local non-Indians who opposed the project. Interestingly, by 1993, all members of the Campo band supported the waste project and its only

opposition has been from non-Indian residents of the adjacent community. Why was the sentiment at Campo different from Dilkon, Rosebud, or the Los Coyotes reservation, also located in Southern California, where tribal members rescinded the tribal council's approval of a waste facility?

Poverty is obviously a factor in Campo's decision, but it is a factor that Campo shares with the tribes that have defeated such proposals. In 1987, when Campo first started considering the landfill proposal, the tribal unemployment rate was 79 percent, and more than half of those who were employed earned less than \$7,000 per year. By 1992, tribal unemployment had fallen to 30 percent and the tribe was taking in revenues of \$700,000 per year, all as a result of funding provided by the waste company. Campo's deal enabled the tribe to start getting revenues even before the waste facility was operational, providing immediate financial relief to the impoverished tribe.

Another factor in Campo's decision was that the tribe's relatively small, remote, and arid reservation offered no other realistic opportunities for economic development. In the late 1800s, the tribe was removed from its arable traditional lands to an area that a BIA official described as worthless for farming. In the ensuing century, the tribe's only revenue came from sand mining and leasing lands for cattle grazing. Neither was particularly successful: The sand business was limited by a remote location and high transportation costs; the lease revenues from cattle grazing were low due to the poor quality of the lands (requiring several acres per head). The reservation's remote location also made it a poor candidate for Indian gaming—several reservations were much closer to the San Diego area where the consumers (the gamblers) were located. Moreover, every other enterprise that the tribe suggested, such as a cement plant or honey production, was vetoed by the tribe's non-Indian neighbors concerned about the impacts on their property values and enjoyment of the land. The waste industry was a potentially viable business for the Campos, partly because the reservation was strategically located for urban markets seeking to export their waste to remote areas. However, remote location and lack of alternative economic development opportunities are factors that other reservations possess as well.

Although the history behind the waste industry differs from that of the mining industry, some Indian people believe that the two industries share important links. Lori Goodman, a member of Diné CARE, observes, "Native people [have] sacrificed more for America than any other group. The energy

companies had come to Navajo land years ago to mine coal which would fuel power plants for Las Vegas, Nevada, and Southern California. This created smog, destroyed ceremonial herbs, desecrated sacred sites, depleted and polluted groundwater."¹⁸

Goodman draws a parallel with uranium mining on the Navajo reservation, which enabled the creation of the atomic bomb but left the Navajo people with a devastating legacy of "abandoned and unreclaimed open-pit and underground uranium mines"¹⁹ and the attendant high cancer and birth defect rates caused by radioactive contamination. "To add insult to injury, we [are] now expected to welcome the chemical as well as radioactive waste of mass society. To us, it was morally wrong to saddle our people with more waste. We could not stand by and allow corporate America to poison us further."²⁰

Her comments demonstrate that the underlying norms of tribes who engage in nontraditional economic development may be similar to the traditional model. Tribal governments who depart from traditional norms to engage in nontraditional economic development are responding to a complex history and set of realities. These departures may be caused by a lengthy history of competing values imposed by federal policy, by values formulated as a protective response to ensure the continuation of tribal sovereignty, by values stemming from economic dependence on earlier development decisions, and by the cultural loss that has become endemic to many reservations as a result of loss of traditional lands, resources, and a certain measure of sovereignty. These harsh realities may be encompassed to some extent within what I call values colonialism—the systematic displacement of traditional values by those of the majority society.

Colonialism has left a devastating legacy for many tribal lands and traditional economies, and contemporary tribal leaders face compelling challenges. Nevertheless, it is apparent that resource use can cause environmental impacts across jurisdictional boundaries. Thus, the problems that confront tribal leaders are problems for the majority society as well, and the reverse is also true.

The Implications of Tribal Environmental Policy on Regional and Global Management

The global community faces common resource issues but is composed of distinct (and sometimes overlapping) spheres of sovereignty: foreign nations,

Indian nations, the U.S. government, and the various state governments. How do these governments come together on mutual issues when they generate such diverse normative responses to environmental policy? More importantly, can parallel legal systems and value systems governing environmental use even coexist within a common geographical region? For example, is the indigenous notion of sustainability compatible with an emerging international notion? And what special role should Indian nations have in making resource decisions? Should this role be based on their status as indigenous peoples, as governments, or as "nongovernmental organizations"?

It could be argued that Indian people should have *greater* rights to decide what use will be made of land in a certain region, based on their long-standing relationship to the land. Likewise, traditional indigenous knowledge is the best way to understand the ecological complexities of a given geographical region. But do concepts such as conservation, stewardship, and sustainability hold different meanings for indigenous peoples and nonindigenous peoples? Conservation for indigenous peoples is the natural result of traditional worldviews that stress reciprocity and kinship with other living things and counsel avoidance of waste or misuse of natural resources. Indigenous worldviews emphasize the intrinsic value of the natural world and the place of human beings as part of the earth. Conservation in the utilitarian sense of U.S. environmental policy, however, merely means the prudent exploitation of natural resources. Natural resources have no value independent of their role in serving human needs. To many Americans, conservation may mean only that the environment is to be exploited at a slower pace, while the underlying economic forces encouraging development remain constant.

Even if the underlying conservation goals are similar among indigenous peoples and the majority society, what should be the outcome if indigenous knowledge and scientific knowledge lead to contradictory results? A case in point is the conflict over Inupiat harvesting of the bowhead whale and the national and international efforts to protect the whale as an endangered species. The Inupiat, a group of Inuit people who inhabit portions of Alaska's North Slope, traditionally harvested the bowhead whale. The Inupiat in fact refer to themselves as the People of the Whale, and the whale is the center of their culture. To the Inupiat, the whale is more than a means of subsistence; it is a symbol of the people and their unique lifestyle. Intensive European commercial whaling from 1848 to 1910 severely decimated the bowhead whale stocks. As

of 1946, attempts to regulate commercial whaling had failed; fourteen of the commercial whaling nations responded by negotiating a treaty to regulate whaling. The International Convention for Regulation of Whaling set up the International Whaling Commission (IWC) to enact specific regulations to conserve the whale resource. The IWC was largely ineffective in conserving whales until the 1970s, when U.S. leadership implemented true "conservation" goals. The IWC established stringent quotas on whale harvesting by gathering scientific data on the number of available whale stocks. Although the IWC had permitted an Inupiat exemption to the quota restrictions until 1977, in that year IWC scientists called for a "zero harvest" and sought to abolish the Inupiat exemption. The Inupiat protest to this development was not merely premised on a subsistence issue. As several cultural anthropologists observed, the zero harvest rule would not only pose a subsistence problem for the Inupiat (which ostensibly could be mitigated by issuing rations), it would endanger their culture and their very existence as a people. In a coordinated response to the bowhead whale issue, whaling captains from each of the Inupiat villages formed the Alaska Eskimo Whaling Commission (AEWC). The AEWC advocated for Inupiat interests in both the domestic and international arenas. Eventually the AEWC entered into a cooperative agreement with the National Oceanic and Atmospheric Administration to manage the bowhead harvest. Significantly, the AEWC management plan rested on both customary Inupiat whaling laws, which encompass traditional environmental knowledge, and the use of modern technology and scientific methods.

A particularly significant development was the Pacific Salmon Treaty of 1985 between the United States and Canada, the result of joint efforts by tribal, state, and federal officials. The treaty established an administrative mechanism in which the tribes have a strong voice for cooperative management and protection of each nation's fish. Significantly, the commission sees part of its mission as "promoting respect for traditional tribal values about water and the environment." Thus, although the members of the commission are confronted with distinctly contemporary issues of water quality and endangered fish resources, they have developed solutions based on modern science, technology, and traditional value systems.

A final issue relating to the use of traditional indigenous knowledge in formulating tribal environmental law and policy is how to protect the peoples' rights to this knowledge against exploitation. For example, Western scientists

and commercial interests now perceive "bioprospecting" of natural resources traditionally used by native peoples as a conservation tool. Such prospecting raises serious ethical issues for indigenous peoples regarding access to traditional spiritual knowledge and exploitation of such knowledge by non-Indians for commercial ventures. For example, the Zunis have for generations worked to develop seed stocks of corn that can withstand the harsh environment of New Mexico. However, the Zunis believe that control over Zuni crops and seed stocks is part of the spiritual legacy given to the Zuni people by the Creator and that, if they shared this knowledge with non-Zunis, the potential misuse of sacred resources could destroy part of Zuni culture.

It is difficult to reconcile indigenous claims for protection of sacred knowledge and resources with European and American beliefs that the "earth's biotic wealth" is a common resource. The commercialization of natural resources, while seen as a social good by many Europeans and Americans in part because it is so lucrative, is, at the same time, perceived as cultural desecration by many indigenous peoples. Although intellectual property attorneys are currently concerned with the contractual issues surrounding "biodiversity prospecting," the ethical issues are not yet fully understood. Biodiversity prospecting is another example of a value conflict that has not been resolved because Westerners fail to appreciate the significance of indigenous claims and accord them appropriate respect. Biodiversity prospecting clearly has both cultural and economic implications for indigenous peoples and thus raises the issue of how tribal environmental and economic development policies interface.

Issues of environmental protection are in many cases inseparable from issues of economic development. For Indian tribes and other "underdeveloped" nations attempting to achieve economic parity after generations of severe poverty, the balance between environmental preservation and economic development is particularly compelling. Moreover, for developing countries, as for Indian nations, sovereignty plays an important role in ensuring that the balance reflects governmental choice rather than the dictates of a colonial power. The question, however, is how to assert sovereignty in a society built on market norms and the demands and preferences of majority groups. Indian nations straddle two separate economic and cultural systems and must respond to the pressures of both.

NOTES

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1. Vine Deloria, *God Is Red* (Golden, Colo.: Fulcrum, 1972), 88.
2. Christopher Vecsey, "American Indian Environmental Religions," in *American Indian Environments: Ecological Issues in Native American History*, ed. Kai T. Erikson, Christopher Vecsey, Robert W. Venables (Syracuse: Syracuse University Press, 1980), 10–11.
3. Ronald Trosper, "Traditional American Indian Economic Policy," *American Indian Culture and Research Journal* 19, no. 1 (1995): 65–95.
4. John Fire Lame Deer and Richard Erdoes, *Lame Deer, Seeker of Visions* (New York: Touchstone, 1973), 17.
5. The concept of Wakan Tanka is complex, although Christian missionaries satisfied themselves that it was the Lakota name for "God." Elizabeth S. Grobsmith, *Lakota of the Rosebud: A Contemporary Ethnography* (New York: Harcourt Brace, 1981), 63–64.
6. Grobsmith, *Lakota of the Rosebud*.
7. J. Baird Callicott, "American Indian Land Wisdom," in *The Struggle for the Land: Indigenous Insight and Industrial Empire in the Semiarid World*, ed. Paul Olson (Lincoln: University of Nebraska Press, 1990), 265.
8. A. Irving Hallowell, "Ojibwa Ontology, Behavior, and Worldview," in *Teachings from the American Earth: Indian Religion and Philosophy*, ed. Dennis Tedlock and Barbara Tedlock (New York: Liveright, 1975), 144.
9. Callicott, "American Indian Land Wisdom," 189–90.
10. Deloria, *God Is Red*, 121.
11. Winona LaDuke, "Traditional Ecological Knowledge and Environmental Futures," 5 *Colo. J. Int'l Envtl. L. & Pol'y* 127 (1994).
12. SHORT, 128–29.
13. Hallowell, "Ojibwa Ontology, Behavior, and Worldview," 171.
14. LaDuke, "Traditional Ecological Knowledge," 128–29.
15. Valerie Taliman, "Native Americans and the Perils of Toxic Waste," *Navajo Times*, July 16, 1992, A12.
16. Taliman, "Native Americans and the Perils of Toxic Waste," A12.
17. Taliman, "Native Americans and the Perils of Toxic Waste," A12.
18. Lori Goodman, "Diné Citizens Against Ruining our Environment Want to Protect the Land," *Navajo-Hopi Observer*, June 3, 1992, 5.
19. Goodman, "Diné Citizens Against Ruining our Environment."
20. Goodman, "Diné Citizens Against Ruining our Environment."