Settlement Colonialism:
ANCSA, the Willow Project, and Colonial-Capitalism in Alaska’s North Slope.

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I. Introduction

The Willow Oil project is a recently-approved oil development project on the North Slope of Alaska. The project exists on a large piece of land settlers refer to as “the National Petroleum Reserve,” which is for-now owned by the federal government, after the US unrightfully dispossessed the land that we now understand to be Alaska from Alaska Native peoples who have occupied that land for thousands of years.

President Joe Biden’s approval of the Willow Oil Project in March of 2023 drew the concern and outrage of settler environmental and Indigenous activists, both in the Lower 48 and in Alaska. Notably, criticism of the project has gone viral on social media, with the most popular posts under the hashtag “#StopWillow” drawing millions of likes and views. In late March of 2023, I picked up my phone and scrolled through the #StopWillow hashtag on the short form video social media app, TikTok. As I briefly surveyed the top videos, two things were striking: the high level of engagement these videos generated, and the distinct lack of Native voices and analysis of Native issues. In materials that did address Native issues, settler environmentalists rightfully highlighted concerns about how Willow will cause pollution and disrupt subsistence practices that the members of the Native tribal government of Nuiqsut, and Inupiat environmental activists have raised. However, there is hardly any acknowledgment that many Inupiat support the development, and why they do. The absence of Native voices in settler climate discourses about the Willow Project indicate that settler environmental activists are concerned about the harm that the climate crisis can cause Indigenous people, but are ignorant of the ways that environmental regulation and energy transition by the colonial state can harm Indigenous people as well. Moreover, absent in these discussions are the realities that Indigenous peoples and livelihoods can also be caught up in extractive economies. This observation raises a number of questions: In what ways do American settler environmentalist discourses selectively invoke Native people and their struggles? What do these selective invocations achieve, and what

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1 Though I use the term ‘settler’ environmentalist, the term could be seen as misleading, as not all environmentalists I discuss are settlers on Alaska Native land, but rather settlers in the Lower 48. Further, given the broad audience of social media platforms, I’ve even seen non-settler Europeans reproduce these discourses. I use the term ‘settler’ to note reproduction of settler-colonial discourses about Alaska Natives’ relationships to land and ways of life.
is the potential for these discourses to reproduce harm or bad relations with Indigenous peoples? How have historical and ongoing forms of coloniality shaped a complicated scenario like the Willow Project? How do the forms and structure of the Alaska Native Claims Settlement Act drive controversy between Alaska Natives?

In this paper, I argue that popular settler environmentalist discourses criticizing the recent approval of the Willow Project in Northern Alaska by the Biden administration reproduce colonial relations by leaving Alaska Native voices out of their materials, and by failing to address the forces of colonial-capitalism that have put many Inupiat in the position to support oil development on their ancestral lands. I will demonstrate that, to criticize the Willow Project with good relations, one must understand it within the greater context of Alaska Native land and resource issues since the Alaska Native Claims Settlement Act.

I organize my paper in three sections. First, I will provide background, including an overview of ANCSA, and an overview of what the Willow Project is, and how it might affect Inupiat. Then, I will analyze popular settler environmentalist discourses about the Willow Project circulated on social media and contextualize these within the broader historical tendency of settler environmentalists reinforcing colonial relations. I argue that criticism of the Willow Project must be situated in a critique of colonial-capitalism to understand how corporate structures and resource developments in Alaska simultaneously threaten and enable Alaska Native ways of being with the land. Finally, I will critically analyze ANCSA and relate it back to the Willow Project to demonstrate the sort of analysis that is missing from settler environmental discourses. I argue that the Willow Oil development is a colonial project that was enabled by ANCSA, which I theorize as a vehicle of colonial-capitalist dispossession. The mission of ANCSA was to bind Alaska Native futurity to capitalist development, through asymmetric colonial power relations. I attempt to untangle how Alaska Natives are simultaneously empowered and limited by ANCSA through the case of the Willow Project, and to illuminate the causes of controversy between Inupiat on the topic of oil development.

ANCSA and Alaska Native issues more broadly remain undertheorized in the fields of critical human, economic geography, and Native American and Indigenous Studies. Though work has been done demonstrating how settler environmentalists and settler state environmental policy have often harmed Indigenous peoples rights to self-determination, little recent work has been done in examining settler environmentalist discourses and Alaska Native issues in the
context of ANCSA. The purpose of this paper is not to determine the Willow Project or ANCSA as ‘good’ or ‘bad,’ or to prescribe a particular strategy, framework of analysis, or plan of action to Alaska Native peoples (though I am personally certainly against oil development). As a white settler student from the Lower 48, to do so would be an exercise of bad relations. Instead, in my final section, I gesture towards a theory of colonial-capitalism that I have done my best to develop learning from the work of Indigenous scholars. I recognize the inherent limitations of work produced in the Western academy to understand the conditions of colonialism, and echo the voices of Indigenous thinkers and activists who propose a resurgence of Indigenous theories, political structures, legal frameworks, and educational institutions as a way of destroying colonial institutions and social relations. With that said, I hope this paper can be useful to settler environmental activists in thinking about their orientation towards Indigenous peoples. I hope that this paper can be useful to both settler and Indigenous activists thinking through the entanglements of colonial and capitalist relations in the case of ANCSA and in the Willow Project.

II. Background

A. History and Functions of the Alaska Native Claims Settlement Act

In subsection II-D, I will explain details of the Willow Project, and more specifically what it means for Alaska Native peoples. Yet, to understand the Willow Project and its impact for Alaska Native peoples, one must first understand the contours of the Alaska Native Claims Settlement Act, or ANCSA passed in 1971. Alaska was not colonized under the same historical or geographic circumstances under which Indigenous peoples and lands in the Lower 48 experienced colonization. Thus, the Federal government has treated Alaska Native legal relations as distinct from Native relations in the continental United States (Chaffee 2008 p 112). Notably, colonization and settlement in Alaska didn’t take place primarily through warfare and conquest like in the Lower 48, though military warfare is not entirely absent, nor is the use of similar assimilation tactics and the use of Native boarding schools, and other unique oppressive histories like Jim Crow in Alaska. Part of this diverging mode of colonialism in Alaska can be explained by Alaska’s vast and difficult terrain, and the fact that early settlers were often more motivated...
by extraction Alaska’s resources rather than permanent settlement on Native lands. As such, Alaska Native governments did not sign treaties with the colonial state and some Alaska Native peoples thus understand Alaska to have never been ceded (See Hensley 2009, Peters 2009). Alaska was ‘purchased’ by the United States from Russia in 1871 through the Treaty of Cession. Emperor Paul I of Russia claimed Alaska in 1799, although Russians mostly only came into contact with the south shores of Alaska, and made little contact with Alaska's interior, West, and North coasts. Alaska Native governments were not invited to take any part in the Treaty of Cessation, leading to assertions of Native land claims immediately after the ‘sale’ of Alaska in 1867 (Huhndorf & Huhndorf 2011). Treaties like those made between Native nations and the federal government in the contiguous US, though coercive tools of land dispossession, provide a legal basis for tribal status, recognition of sovereign government, treaty rights, among other governmental structures for Native tribes in the Lower 48 that Alaska Native tribes lack or remain juridically undetermined/unsettled (Huhndorf & Hundorf 2011 p 388).

In 1958, the United States congress passed the Alaska Statehood Act, which marked a turning point in Native organization against the colonial state (Williams 2009a p 206). Though the Statehood Act recognized aboriginal land rights, there were no provisions within the Statehood Act to protect those land rights, and the State of Alaska began selecting state lands that included entire Alaska Native villages (Williams 2009a). Alaska Natives subsequently organized and mounted pressure on the federal government to freeze state land selections until a land claims had been settled. In 1966, the Secretary of the Interior, Steward Udall, issued a land freeze until Congress negotiated a land claims settlement. Landreth & Doughrtey (2011) argue that three major events in the late 1960s led to the Alaska Native Claims Settlement Act “(1) the discovery of oil on the North Slope, (2) the nation's energy crisis, and (3) the Alaska Federation of Natives leadership's strong advocacy for settlement” (p. 322). Indeed, the potential liabilities posed by litigation and aboriginal land titles aligned oil companies with Alaska Natives in pushing for land claims settlement—and often resulted with antagonism with settler

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2 Though many Alaska Native villages, especially in Alaska’s interior, experienced relatively little contact with white settlers (citation needed) prior to the mid 20th century, this is certainly not to suggest that Alaska natives didn’t experience and engage in struggle against racist and assimilationist policies. See Huhndorf & Hundorf (2011) and Williams (2009a) for descriptions of Alaska Native resistance to genocidal and assimilationist practices.
environmentalists. Alaska Native land and resource issues have been, and continue to be tightly bound with oil development and extraction.

In 1971, the Federal government passed the Alaska Native Claims Settlement Act, the largest Native land settlement in United States history. Alaska Natives received forty-four million acres of land, and $962.5 million in exchange for the extinguishment of further land title. Unlike Native land ownership arrangements in the Lower 48, where the federal government holds reservation lands in trust for Native tribal governments, ANCSA required Alaska Natives to establish for-profit Alaska Native Corporations, or ANCs, as vehicles for the management and ownership of settled lands and funds (Chaffee 2008, Berger 1985 p 20). ANCSA established twelve Alaska Native regional corporations and over two hundred Alaska Native village corporations, however the Act extinguished Native rights to hunt and fish on lands outside of their lands. Though federally recognized tribal governments still exist in Alaska, they do not legally own any lands through the settlement. This scenario has led some to argue that ANCSA effectively diminished Alaska Native tribal sovereignty because tribes lack any land base or jurisdiction (Landreth & Doughtrey 2011 p 321). Any land base that tribal governments or organizations currently own is a result of their own initiatives, not through the original functions of ANCSA. Alaska Native Corporations are expected to occupy a peculiar role that doesn’t fit neatly into either the roles of a normal profit-seeking corporation, or a Native tribal government. As Berger (1985) observes:

“Native corporations were created by a reversal of the usual process, whereby some individuals notice an economic opportunity, then organize to exploit it by forming a corporation and looking for capital. The Native corporations were not formed to meet a particular need in an established market. ANCSA required natives to organize corporations, provided them with capital, then urged them to find or create opportunities. They had to formulate their business purposes after the fact” (p. 28).

Indeed, ANCs are unusual structures because they are given the (often conflicting) responsibilities to both preserve cultural identity, and to make a profit.

There are several features that distinguish the roles of village corporations from the larger regional corporations. Of note is the fact that village corporations only have the surface rights to the land allotted through ANCSA, while regional corporations own the subsurface rights to the land. This subdivision of land is one of a number of provisions in ANCSA, along with the
mandated profit structure, that make it clear that ANCSA was drafted with the purpose of extraction of oil resources on Indigenous lands. As Tuck (2014) observes, “the need to differentiate between surface estates and subsurface estates draws from the potential for profits from oil drilling and mining, and the pressure from fossil fuel companies to gain access” (Tuck 2014 p. 251).

These divisions of ownership and roles have also led to division between Alaska Natives (Berger 1985 p 31). Alaska is the largest state in the US, and is home to a diversity of Native peoples as it has been for tens of thousands of years. There are over twenty Native languages spoken in Alaska, and roughly eight broad cultural groups (Williams 2009b). These Native groups have unique histories, cultures, politics, and land relations. It wasn’t until the 20th century that different Indigenous societies in Alaska united politically under the term ‘Alaska Native’ based on their shared experiences with colonial oppression and dispossession (Williams 2009a). ANCSA is distinct from other relations between the settler state and Indigenous people because of the sweeping nature of its purview. Unlike treaties in the continental US made between one or a sometimes a confederation of tribal groups, ANCSA is a blanket policy over every Native polity in the state. The totalizing nature of ANCSA can lead to conflicts (as it does in the case of Willow) where Alaska Natives have both economic interests and a political voice in developing lands that might not be as immediate to them, or their exact ancestral homelands, as they are to another Native Village. For example, ANCs often represent more than one tribe, and development can benefit one tribe represented by the ANC, even if that tribe's lands aren’t as immediately affected as the land of another tribe’s.

Just as ANCSA attempted to transform tribes into corporations, so too did it attempt to transform tribal membership into shareholder status (Tuck 2014). Alaska Natives born before December 18th, 1971, and who could demonstrate to the state that they had at least one-quarter Native blood were eligible to receive shares in their ANCs. Most Alaska Native villagers received shares in both their regional and village corporations (Berger 1985). ANCSA, as it was originally written, though later amended, included alienability restrictions whereby shares couldn’t be sold until 1991. After 1991, under the original, later amended text of the Act, the alienability restrictions would then be lifted and non-Natives would be eligible to become shareholders in ANCs. In the late 1980s, Alaska Natives organized and lobbied to amend ANCSA so that ANCs had the choice to vote to lift alienability restrictions. For most
corporations, the only way for Alaska Natives born after December 18th, 1971, is for them to receive the shares through gift or inheritance. As Schneider (2022) observes “the result [of the shareholder structure] is that cultural, economic, and identity decisions must be resolved in the cauldron of a challenging Western economic and legal framework” (p. 13). This observation resonates with the ways various provisions of ANCSA affect Alaska Native politics more broadly, such as for subsistence—a key dimension of much Alaska Native life.

A central part of Alaska Native life that sits uncomfortably with the multiple roles ANCs must hold and deliver upon is the reality of subsistence livelihoods. Subsistence is a term that broadly refers to a diversity of ways of Alaska Native being and knowing with the land. It’s worth noting, however, that although subsistence is a term that many Alaska Natives use today, Alaska Natives didn’t always use the term to describe their ways of living. In his report, Village Journey, Berger (1985) records the testimony of a diversity of Alaska Native villagers. A Native villager from Gwichyaa Zheh (called Fort Yukon by settlers) testified:

“When we talk about subsistence in the areas, we should be talking about Native culture and their land. I never heard the word subsistence until 1971 under the Native land claims act. Before that time, when I was brought up in the culture of my people, it’s always been “our culture” and “our land.” You cannot break out subsistence or the meaning of subsistence or try to identify it, and you can’t break it out of the culture. The culture and the life of my Native people are the subsistence way of life. And that’s what we always used, the subsistence way of life. It goes hand in hand with our own culture, our own language, and all our activities.” (testimony found in Berger 1985, p. 52).

This quote demonstrates that what are known as ‘subsistence’ activities, what is typically understood by settlers and the colonial state as merely hunting and fishing activities, are actually embedded in deeper webs of legal and cultural relations with the land and more-than-human entities. ANCSA extinguished Alaska Native claim to hunt and fish on ancestral lands under the settler juridical system, though contradictorily the Act declared to protect Alaska Native subsistence rights (Allaway & Mallott 2005). The extinguishment hadn’t stopped Alaska Natives from still practicing their traditional ways of being with the land, and often put Natives at risk of police violence from settler state institutions like Wildlife enforcement (Berger 1985). In 1980 the Alaska National Interest Land Conservation Act, or ANILCA, attempted to address subsistence issues by allowing all Alaska rural residents, Native and non-Native, to use federal land for subsistence activities. ANILCA includes no unique protections for Alaska Natives, and
excludes urban Natives, and has thus failed to protect and proliferate Native subsistence ways of life, because what the colonial state calls ‘subsistence activities’ are inseparable from Alaska Native legal and cultural ideas and practices (Berardi 2005).

Now that I’ve highlighted some of the broad provisions and unresolved issues of ANCSA, I will describe how these abstract structures and provisions manifest themselves in a specific region of Alaska, the North Slope Borough.

B. Geography of the North Slope Borough

The Willow Project is being developed in the North Slope Borough on the oil-rich North shore of Alaska. The North Slope has been home to Iñupiat for thousands of years. Alaska Natives don’t currently have certain sovereign powers like levying taxes, which were diminished under ANCSA (Landreth & Doughtrey 2011). However, the formation of the North Slope Borough allowed Alaska Natives living in the North Slope to cultivate and exercise political and economic power such as the ability to issue taxes and build public amenities. The North Slope Borough was created in 1972 after the people of eight Native villages organized and voted for its formation. Plans to organize a borough came about in response to oil discovery in the North Slope in 1968, in the midst of the land claims movement, as “with borough powers of taxation and regulation, North Slope Natives could both capture substantial resource wealth for local use and help protect their subsistence resource environment” (Morehouse & Knapp 1991 p 304). Morehouse & Knapp (1991) argue that the formation of the North Slope borough in 1972 marked a “second settlement,” as taxing oil development companies yielded tens of millions for the North Slope Borough and allowed for the development of schools, roads, public health programs, water and sanitation facilities, and jobs for Alaska Native people. As the government of the North Slope Borough has relied on oil development for its many infrastructural and social projects, it is perhaps unsurprising that the government of the North Slope Borough has signed onto statements supporting the development of the Willow Project.

C. The Willow Project and the Alaska Native Village of Nuiqsut

Oil development is not new in the areas surrounding the Native Village of Nuiqsut, the closest village to Willow Project developments. Nuiqsut lies on the perimeter of the National
Petroleum Reserve - Alaska, a 23.5 million acre tract of land held by the federal government and managed by the Bureau of Land Management. The National Petroleum Reserve - Alaska, or NPR-A, was, until relatively recently, characterized as the largest tract of public land undisturbed by development, and is incredibly ecologically significant for migratory birds among other relations (Canby 2005). Native villagers in Nuiqsut feed their community primarily through subsistence practices like fishing and hunting caribou and whales. The Willow Project drilling sites are planned to be erected between Nuiqsut and Teshekpuk Lake. As Rosemary Ahtuangaruak, the mayor of Nuiqsut, explained in her testimony at a public meeting held by Alaska’s Bureau of Land Management on August 16th, 2022:

“The risk for our community is about survival. Whether or not we get the caribou coming from the south is very important for our community because they come into this area for renewal and they move further north. They need to come back to us through that narrow portion of the northeast corner of Teshekpuk Lake. Making sure that those animals come to us through that corner is very important because the lake is very large. If they don't go through that corner, the lake is going to disrupt them coming to our village in July and August, which are very important times for our village to harvest. The animals are in good condition and they get better as the season continues. But they're coming to us in hundreds of numbers, and so that is when we concentrate our harvest efforts. When the migrations move away from our community, we do not have access to them during the year -- the rest of the year as when they're moving during the migration. So this is very important for our village. It’s about survivability of our community. We're very concerned.” (Bureau of Land Management 2022. p. 13-14)

Oil development doesn’t primarily threaten Alaska Natives subsistence practices through incidental takes of caribou, but rather, roads and surveying equipment have the potential to disrupt the movements of caribou into Native Villagers’ hunting lands altogether. Kuupik, the Alaska Native village corporation for Nuiqsut, believes that the approved ‘Alternative E’ plan is a compromise that strikes a balance between developing oil and protecting subsistence activities because it reduced the number of drilling sites, changed the locations of certain activities, and changed certain practices to be less impactful to animal populations with whom Alaska Natives
practice subsistence. The Tribal Government of Nuiqsut, however, remains concerned about the effects that pollution and development activities will have on the health and distribution of these animal populations (Graham 2023, Bureau of Land Management 2022).

In a public meeting held in Nuiqsut on August 16th, 2022, about the Willow Oil Project, the commenters were divided on whether to support development. However, they agreed on these underlying points: (1) that oil extraction has supported investment in amenities like the school, public buildings, natural gas, infrastructure in Nuiqsut, and these amenities and community institutions are essential to maintain, and (2) that subsistence activities are important for the survivability of the village of Nuiqsut. Commenters were divided on to what degree, if any, oil development would actually affect the health of Nuiqsut residents and the health of the caribou and fish. Some residents pointed to the fact that they experienced breathing problems, and that caribou and fish were sick with unknown illness, while others doubted that health ailments were the results of oil development. One commenter, a life-long subsistence hunter from the North Slope named Samuel Kunaknana, criticized the Fish and Wildlife Management’s methodologies for evaluating pollution baselines because these baselines ignore the ways pollution has visible effects on the environment, and because it seems that baselines often change with different projects.

“And I'd like to know, what is the definition of your guys' baseline, because Wildlife -- North Slope Borough Fish and Wildlife Management, their flier said a new baseline. For what? For the Willow Project? Does Each project have a different baseline? Baseline should be traditional knowledge of our elders that have been talking about this area, because if it wasn't for the elders, we wouldn't be here. Traditional knowledge should be the baseline for all of this. That's something the state really didn't like about us talking baseline. Earlier, you know, for our elders, they don't understand things about contaminants and stuff like that. They don't. Traditional knowledge, if you see a sick fish, throw it away. But now traditional knowledge, you see healthy fish, is it healthy? Is it healthy to eat? Are we being slowly poisoned to the point where we're going to be getting cancer?” (Bureau of Land Management 2022).
Through this comment, we can see that in developments like Willow, Western measurements of pollution can reproduce colonial relations by undermining Indigenous Traditional Ecological Knowledges of the Land.

ANC SA placed different Native groups within totalizing structures, where some Native groups stand to benefit more from development than others even if they inhabit the same ANC. This can be seen in the case of Willow, where the ANCs that represent Nuiqsut stand to benefit from the Willow Project development even though drilling isn't affecting their homelands as immediately as the Project affects Nuiqsut’s homelands. This has caused the Alaska Native Village of Nuiqsut, a federally recognized tribal government, to oppose development, even as the Alaska Native Corporations that are supposed to represent Nuiqsut support development.

D. Alaska Native Support for the Willow Project.

There are a number of Alaska Native individuals and groups that support the Willow Oil development. These groups include Kuupik (the Village corporation for Nuiqsut), the Arctic Slope Regional Corporation (the Regional corporation for the North Slope Borough), the government of the North Slope Borough, and the Inupiat Community of the Arctic Slope (the federally recognized tribal government for Alaska Natives in the North Slope). In a joint statement between the Inupiat Community of the Arctic Slope (ICAS), the Arctic Slope Regional Corporation (the ASRC), and the government of the North Slope Borough thank the Biden administration for approving the project. The groups stress what they see as the importance of the Willow Project for Inupiat futurity:

“As the [Record of Decision] recognizes, for the North Slope, the Willow Project represents a new opportunity to ensure our indigenous, Alaska Native communities’ ten thousand years of history has a viable future. Willow is set to provide a generational investment in our people and communities, expected to generate $1.25 billion for the North Slope Borough and $2.5 billion to the NPR-A Impact Mitigation Grant Program—funding that will provide basic services like education, fire protection, law enforcement, subsistence wildlife research, and more. The project will employ hundreds of Alaskans directly and will generate thousands of construction jobs.” (ASRC, ICAS & NSB 2023).
Because ANCSA transferred lands to corporations with a mandate to make a profit, Alaska Natives find themselves in a difficult position in choosing lands that are culturally significant but don’t have opportunity for development. If the ANCs didn’t make a profit, however, they were at risk of their lands getting attached by creditors, meaning they’d be compelled through settler legal channels to sell their lands to creditors because of bankruptcy (Berger 1985). Thus, the structure of ANCSA has historically required Alaska Native Corporations to walk a difficult line between development and cultural preservation so that they can maintain access to their lands at all. This situation creates a double bind in many cases, where if Alaska Native Corporations succeed, it would be through the development and sale of land, which would put land and resources that Alaska Natives depend on into the circulation of the capitalist economy. If ANCs fail, then the land could be taken by creditors, which would put land and resources that Alaska Natives depend on into the circulation of the capitalist economy.

It’s also not simple to suggest that the alternative is for the Government to implement some kind of tribal government system analogous to the system in the Lower 48. Alaska Native leaders sought an alternative to wardship and the reservation system when negotiating ANCSA. Many understood how this system failed Native peoples in the contiguous US by rendering Tribal governments dependent on the federal government (Hensley 2009). This remains true for how many Alaska Natives feel about the Willow Project. Nagruk Harcharek, the president of an advocacy group called Voice of the Arctic Iñupiat said in an interview with CNN: “Willow presents an opportunity to continue that investment in the communities. Without that money and revenue stream, we’re reliant on the state and the feds” (Nilsen 2023). In voicing her frustration with the ways that Alaska Natives were erased from the debate, Representative Mary Peltola, Alaska’s sole House representative, who is Yup’ik, said in an interview with NewsWeek “Alaska is not an empty snow globe—people live here, and we have needs” (Philipps 2023). As I will demonstrate, however, this assertion of Alaska Native existence has gone ignored by many settler environmentalists. Settler environmentalist organizations propose to halt development without proposing realistic alternatives to support Alaska Native livelihood. The phrase “Just Transition” is sometimes floated, although the infrastructure to implement a Just Transition do not currently immediately exist in the case of the Willow Project. To uncritically suggest the state should play a larger role in supporting Alaska Natives by other means is to ignore the fact that this solution would only leave Native peoples reliant on different colonial relationships.
III. Settler Environmentalism and the Willow Project

A. Settler Environmentalism & Bad Relations

In this section I will discuss how settler environmentalist discourses about the Willow Project fail to consider the full depth of colonial-capitalist forces in the context of the Willow Project. I argue that while settler environmentalists might understand the potential harm posed by Willow Oil development to Inupiat subsistence activities, they fail to capture how economic development since ANCSA has also provided the means for Alaska Native peoples to continue to pursue subsistence activities in spite of highly asymmetric power relations with settlers and the colonial state. I suggest that the failure of these discourses to consider why many Inupiat support oil development flows from a settler imaginary dichotomy whereby ‘traditional’ subsistence practices are getting encroached upon by ‘modern’ technologies, and economic systems.

Why do settler environmentalist discourses on social media matter? The rise in popularity of social media in recent decades has paved the way for new kinds of social activism. Because social media activism demands relatively low engagement, a large volume of political activity takes place on social media. Further, colonialism is a sinister project that reproduces itself at the scale of broad social, economic, and governmental structures, but also embeds itself in everyday practices. While I do not suggest that settler environmentalist discourses are the primary forces of colonial-capitalist injustice at play in the case of the Willow Project, I argue that settler environmentalist discourses accept certain underlying logics of colonial relations that, at best erect further barriers to solidarity between settler environmentalists and Indigenous people, and at worst have the potential to reproduce material and economic hardship for Indigenous people. These social media posts portray a certain image (or absence of image) of Alaska Native life to an audience of Westerners and settlers who are likely otherwise unfamiliar with Alaska Native issues. As Max Liboiron (2021) reminds us: “colonial relations are reproduced through even well-intentioned environmental science and activism” (p. 7).
I find Liboiron’s (2021) language of ‘good relations’ and ‘bad relations’ useful in thinking about how settler activists orient their work with Indigenous peoples. Terms like ‘colonial relations’ and ‘capitalist relations’ stress one’s material ownership, alignment and entanglement within broader social/economic entities and structures (like ownership of the means of production, or citizenship in the colonial state). These metrics emphasize the role of historical change and class relationships, at the expense of de-emphasizing agency, everyday practice, and interpersonal relationships. While the former analytics are especially useful in theorizing the nature of colonial and capitalist oppression throughout history, and dispelling liberal myths of benevolent, well-intentioned settlers or capitalist philanthropists, I find that these analytics fall short at theorizing how settler activists might orient themselves in solidarity with Indigenous peoples’ struggle. I argue that while the material relationships to colonial and capitalist structures must always remain in mind for settler activists, these material relationships must also not be treated as forces that inevitably foreclose on possibilities for solidarity, or serve to de-emphasize the person-to-person responsibilities that activists have to one another. I find that the terms ‘good relations,’ and ‘bad relations,’ as Liboiron (2021) uses them, stress the agency and the importance of personal responsibility to resist colonial injustice, while simultaneously invoking our historical and material relations to colonial-capitalist structures and social processes. While I believe the stress on morals and personal responsibility in this analysis leaves something to be desired at best, and risks being co-opted in liberal discourses at worst, I nevertheless argue that an understanding of agency and practicing good relations in the everyday is a needed intervention in the face of settler colonial forces that portray Indigenous disappearance as inevitable.

In this section I will go on to argue that American settler environmentalists reproduce bad relations with Indigenous people in the case of the Willow Project, but this is by no means unique to the Willow Oil controversy. The American settler environmental movement has a long history of reproducing colonial relations. Gilo-Whitaker (2019) traces the colonial origins of the environmental movement and demonstrates how throughout history settler environmentalists have been at-odds with Indigenous peoples and their relations with the land. Settler environmentalists have historically envisioned ‘nature’ as empty and free from any human relations, including Indigenous stewardship. There are many historical cases where this conception of nature caused settler environmentalists to oppose any Indigenous uses of their
ancestral lands for hunting, fishing, and stewardship, not to mention undermining self-determination and sovereignty. Ironically, Gilo-Whitaker explains, the ‘natural’ landscapes that early settlers witnessed were often products of careful cultivation and stewardship by Indigenous peoples, and after Indigenous peoples were limited from practicing cultural land relations, the land became less healthy and abundant (Gilo-Whitaker 2019).

Settler society has historically produced racist depictions of Indigenous peoples as ‘noble savages’ and ‘ecological Indians,’ where Indigenous peoples are depicted as ‘primitive,’ ‘exotic,’ and ‘one with nature’ (Grande 1999). These stereotypes continue to be reproduced today in the environmental movement, with characterizations of Indigenous peoples as “the original environmentalists” being one example (Gilio-Whitaker 2017). These depictions reduce Indigenous land relations into narrow Western concepts of being with the land, when Indigenous land relations are often qualitatively different from Western land relations, and cannot be easily described using Western ways of knowing. Further, ‘ecological Indian’ stereotypes produce an impossible image for Indigenous people to fulfill – because Indigenous people are culturally ‘one with nature’ that they must be happy with the settler imaginary of meager ‘subsistence’ lifestyles (imagined as static and fixed in the temporal past). “Ecological Indian” stereotypes have been, and continue to be, deployed by settlers to disrupt Tribal sovereignty and self-determination, and these stereotypes materially and politically interfere with Indigenous land relations. Indigenous Tribes who develop lands and sell resources in order to regain some power and self-determination are held up against a fabricated image of an ‘authentic,’ ‘ecological Indian.’ The same settler environmentalist movement that produced this stereotype interferes with Tribal sovereignty juridically and politically through the channels of the colonial state by suing Indigenous governments who wish to develop their lands and by lobbying lawmakers to erect barriers to Indigenous development (Gilio-Whitaker 2019)

B. #StopWillow

It’s with this in mind that I argue that settler environmentalist discourses about the Willow Project on social media exercise bad relations with Indigenous peoples by failing to consider the full breadth and depth of colonial-capitalist forces at play under the Willow Project.
I want to be clear that I do not suggest that criticizing oil development is an exercise of bad relations. Burning oil contributes to the climate crisis, which not only affects Alaska Native villagers in the North Slope Borough, but people worldwide. I argue, however, that failing to consider the way that colonial capitalist forces have put many Inupiat in a position of supporting oil development. Inupiat make intentional choices and decisions under challenging circumstances to be able to stay on their land. Ignoring that complexity risks reinscribing discourses that can reproduce harm to Indigenous people, and fails to address the underlying, structural problems that Indigenous communities face.

When I searched the Willow Project on TikTok in late March and early April of 2023, the top post was a video of pristine, empty arctic landscapes shot by drone footage. Charismatic megafauna like whales, seals, penguins, foxes, and polar bears are shown walking and swimming across the frozen landscape. A disembodied male voice read:

“Stop Willow. The Willow oil project is an 8 billion dollar proposed oil and gas project in Alaska. It would open up around 629 million barrels of oil and produce 287 million metric tons of Co2 over 30 years. If the plan goes through, it’s game over. It will cause the earth irreversible damage. Ecosystems gone. Global warming? Unstoppable. Animals being wiped out at an uncontrollable pace. Some things are worth saving. We only have until next month to stop Biden.” (TikTok user @livin.luvly 3/14/2023)

At the end of the video, the viewer is asked to sign a letter to the Biden administration asking to halt the approval of the Willow Project. This post, which has 3.4 million likes at the time I’m writing, is similar to the majority of top posts under #StopWillow. These posts, of which there are hundreds, contain empty arctic landscapes, cute animals, and rhetoric that suggests that the Willow Project must be stopped or climate change will be irreversible. The post paints a picture of Northern Alaska as empty and untouched by humans. This not only fails to consider the needs of Indigenous people from consideration in the conversation about the Willow Project, but also discursively erases Indigenous peoples as humans that occupy the landscape, historically and in ongoing, complex formations. The Western environmentalist tendency to paint landscapes as empty is not unique to the response to the Willow Project. Dina Gilio-Whitaker demonstrates that ideas of untouched, ‘natural’ wilderness was foundational to the settler environmentalist
movement, and these ideas justified the expulsion of Indigenous peoples from their lands in order to create national parks (Gilio-Whitaker 2019). The Arctic, too, is problematically represented as blank, barren, and empty of social relations.

Other posts do recognize the impact that the Willow Project will have on Indigenous subsistence activities. A popular post by TikTok user @alex.haraus presents research into the ways in which the Willow Project threatens Nuiqsut’s subsistence food sources like caribou and whales in ways that aren’t captured by statements presented by ConocoPhillips that only consider how the wells themselves impact caribou population, without considering roads or prospecting equipment might disrupt caribou movement. Still, however, the user doesn’t mention the fact that many Inupiat themselves support the development, and why. While I believe that the user is well intentioned and the information provided is useful to Indigenous people, I argue that they fail to acknowledge Inupiat agency by including no discussion of why many Inupiat and the villagers living in Nuiqsut support the development. To their credit, the change.org petition that garnered the most attention, with over 5 million signatures, nods to the fact that many Inupiat support the Willow Project but doesn’t go into why. After detailing the ways the Willow development will harm Native subsistence they write:

“While the majority of Iñupiat are in support of this project, there are still many Iñupiat and Arctic Indigenous people that recognize this is the time for a Just Transition away from fossil fuels. It's time that we think for a safe and livable environment for future generations and lay the first steps to renewable energy.” (Ahk on Change.org, 2023)

While this statement does recognize that Alaska Natives are not a monolithic group, but rather a politically and socially diverse group of people with a variety of aspirations, needs, wants, desires, and relations, it fails to explain why many Alaska Natives support oil development. The statement is correct in saying that there are many Inupiat and Alaska Natives that support moving away from oil development on their lands. Alaska Just Transition, for example, is a coalition of Alaska Natives who base proposals for a Just Transition on Indigenous knowledge systems and land stewardship. Alaska Just Transition, along with Alaska Native groups like the Sovereign Iñupiat for a Living Arctic, also support halting development on the Willow Project, and their critique is grounded in the colonial relations of extractive industries. This analysis of
colonial power structures, however, is overwhelmingly absent from settler environmentalist materials on the Willow Project. I argue that the context of a long history of colonial-capitalist relations is needed so that ‘ecological Indian’ stereotype isn’t simply replaced by an opposite stereotype that portrays Natives as people who wish to pollute and extract resources from their lands for the pursuit of capitalist economic growth. The broader, material relations of colonialism and capitalism in the context of Alaska are needed to show why many Alaska Natives strategically engage in resource extraction on their lands. The subtext of selectively invoking how Alaska Native’s subsistence practices will be harmed by the development without examining the political and economic powers and resources that Alaska Natives have been afforded by oil development, is that ‘modern’ ‘western’ ways of life encroach on Alaska Native’s ‘primitive’ ‘subsistence’ ways of life, and that Alaska Natives should be able to live the same way today as they did a hundred years ago before oil development. In other words, suggesting that Alaska Natives can get by without any sort of development and the infrastructure that development enables, is to envision a static, unchanging idea of subsistence and Alaska Native ways of life that do not exist in the contemporary era. Invoking Indigenous land relations to resist developments that many Indigenous peoples themselves support places unrealistic expectations on Indigenous communities and subtly reproduces stereotypes of Alaska Natives peoples as ‘ecological Indians.’

IV. ANCSA, Oil, Colonial-Capitalism

A. Colonialism and Capitalism.

In the previous section I criticized settler environmentalist discourses for failing to address the colonial-capitalist forces that put Alaska Natives in a position to support oil development in their criticisms of the Willow Project. In this section I will theorize the Willow Project and ANCSA situated in a critique of colonial-capitalism. I will go on to argue that the primary gesture of ANCSA was the attempt to bind Alaska Native political and economic success to resource extraction, and it was successful in that Native peoples were in many ways able to sustain their culture and ways of life by extracting and selling resources from their lands.
First, I believe it is important to clarify what I mean by terms like ‘colonialism’ and ‘capitalism’ and how I believe these social relations are entangled with one another.

I use the term colonial-capitalism to describe instances where colonial relations and capitalist relations are involved in co-producing one another. A lot of work theorizing capitalism and its relationship to colonialism in Indigenous studies is based on critique of Marx’s theory of capital. Many geographers think of both colonialism and capitalism in terms of social relations. Harvey (2017) explains that Marx prompts us not to think of capitalism as a ‘thing,’ but rather as a system of social relations between the means of production, laborers, the ownership class, rentiers, the state, and culture that facilitates the circulation of capital. Capital is defined by Marx as ‘value in motion,’ where value itself is not a material ‘thing,’ but the relationship between means of production, time, laborers, and consumers. Coulthard (2014) similarly describes settler colonialism as a set of relations:

“a settler-colonial relationship is one characterized by a particular form of domination; that is, it is a relationship where power…has been structured into a relatively secure or sedimented set of hierarchical social relations that continue to facilitate the dispossession of Indigenous peoples of their lands and self-determining authority” (Coulthard, 2014. p.19-20).

Liboiron (2021) reminds us that capitalism and colonialism are two different sets of relations, as “colonial quests for Land are different than capitalist goals for capital,” (p. 13) and that conflating the two terms misses out on critical relations, such as the unique relationships Indigenous peoples have to land, and the ways the colonial state can appropriate Indigenous lands for non-capitalist purposes.

Nevertheless, capitalist relations and colonial relations are often intimately connected, and to ignore this connection would be to ignore the unique modes of oppression that Indigenous peoples experience and resist under capitalism. One analytic that Indigenous scholars use to understand the relationship between capitalism and colonialism is dispossession, or the forced and coercive processes through which Indigenous lands are appropriated by settler state, society, and economies, often resulting in Indigenous peoples being unable to practice their cultural relations with those lands and resources. Marx’s theory of primitive accumulation argues that violent dispossession of land and resources laid necessary foundations for capitalism to emerge. Indigenous scholars have critiqued Marx’s theory for a diversity of different reasons, one of
which is for portraying primitive accumulation as a process that was fixed in a particular historical period prior to capitalism, rather than an on-going colonial relation necessary for capitalism to reproduce itself. Further, in Marx’s earlier works primitive accumulation is theorized as an inevitable developmentalist stage necessary for revolution. Coulthard (2014) criticizes Marx’s teleological formulation of primitive accumulation for having a eurocentric view of history, and for portraying primitive accumulation as something that will end up being beneficial to the people who face land dispossession (Coulthard 2014, Koshy et al 2022). Coulthard (2014) prompts us to think of capitalism as a colonial relation rather than a social relation in order to highlight the ways that capitalism dispossesses Indigenous peoples of their lands, which he argues is a more relevant issue in most Indigenous contexts than Western Marxist’s traditional focuses on production and proletarianization. Koshy et al (2022) quote scholar Robert Nichols, saying that “it is thus not (only) about the transfer of property but the transformation into property” (p. 5) to explain how colonial dispossession entails the transformation of Indigenous land relations from non-proprietary relations into proprietary relations. Thus, even though capitalist relations are in many ways distinct from colonial relations, the reproduction of capitalist relations and the circulation of capital depends on continuous colonial dispossession of Indigenous lands, resources, and knowledges. Now that I’ve discussed how colonial and capitalist relations are often entangled with one another, I will demonstrate how forces of colonialism and capitalism manifest themselves in the case of ANCSA.

B. ANCSA as a colonial project

Most scholarship on ANCSA comes from a legal studies approach, which evaluates the success of ANCSA on a technical basis. Critical Indigenous scholars have gone beyond understanding ANCSA’s success as a project of social engineering, and critique ANCSA based on its fundamental colonial relations. Eve Tuck (2014) identifies three settler colonial maneuvers in the case of ANCSA: “remaking land into property, remaking tribal membership into blood quantum, and [...] the corporate makeover of tribal land and life” (p. 244). Each of these maneuvers makes the dispossession of land possible through transformation of Indigenous relations into fragmented, individual, and alienable relations. For example, the notion of property is that it can be ‘owned,’ and ‘transferred,’ and therefore it can be dispossessed. The corporate makeover of tribal life, as Tuck explains, attempts to turn “the Indigenous collective into bits of
seizable capital (shares)” (p. 248). The transformation of land into property entails segmenting off parts of land with hard, fragmented borders, as opposed to viewing the land as continuous and interconnected.

Though I echo critiques of ANCSA as a colonial relation, it is important not to oversimplify and downplay Alaska Native agency. Curley and Lister (2020) argue “tribal institutions are complex and cannot be reduced to the function of colonial interests” (p. 253). The same is true for ANCs. Though the structures and ideologies of ANCSA, like the profit-mandate, the corporate ownership of land, and the shareholder structure mark what Tuck (2014) calls colonial “ideological invasions” on Alaska Native life, it would be reductive to call the work that Alaska Natives have done to preserve their culture through ANCs simply functions of colonial interests. Tuck (2014) uses Lyon’s theory of ‘x-mark’ to theorize how Alaska Natives have strategically engaged with colonial and capitalist structures in order to preserve cultural land relations. She finds that “as x-mark ANCSA represents (a) settler desire to alienate Native people from the land and (b) native desires for the proliferation of land and people” (Tuck, 2014. p. 262). ANCSA is a site of struggle that Alaska Natives engage with to fight for Indigenous futurity, despite the fact that structure of ANCSA, as it was written by settlers, attempts to facilitate settler futurity. I argue that a central process under ANCSA—a process that settler environmentalists critically miss in their critique of the Willow Project—is an attempt to bind Alaska Native cultural land relations to the success of the capitalist economy. In a situation of steeply asymmetric power relations with the colonial state, many Alaska Natives turn to development and extraction of the resources they have in order to remain on their lands. Curley & Lister (2020) critically highlight that although extractive industries are forces of colonialism that have historically put Indigenous peoples, their rights to self-determination, and their relationship with their lands at risk,

“extractive industries have [also] helped assuage some of the longstanding impacts of genocide, violent displacement, and forced assimilation. For generations, Indigenous peoples were able to survive on their lands through strategic engagement with extractive industries and capitalism. The legacies of these practices scar the landscape. They helped us survive on the land but also destroyed much of it in the process.” (p. 260).

We can see that the relations Curley & Lister describe present under ANCSA, particularly in the North Slope Borough. The Willow Project highlights how ANCSA created conditions where
subsistence interests conflict with development interests. Many Nuiqsut villagers oppose the Willow Project citing its threats to subsistence, while ANCs who stand to profit from Willow support the development. Huhndorf & Huhndorf (2011) argue that the issue isn’t so simple, however, as ANCs exert political power to lobby for subsistence protections, and they provide financial opportunities and support for Alaska Natives to stay on the land in the form of employment and shareholder dividends. Without this financial support, many Alaska Natives would have to move to urban centers and find employment in wage labor (Huhndorf & Huhndorf 2011. p. 395). Thus, as Curley & Lister describe, Alaska Natives are not only on the front lines of climate change, but also on the front lines of energy transition. This understanding is missing from settler environmentalist discourses that portray Alaska Natives as either non-existent, or as people who only stand to be harmed from oil development.

V. Conclusion

The settler environmentalist response to the Willow Oil development has ignored important relations for Alaska Natives. An understanding and critique of colonial-capitalist forces at play on either side of the Willow Project are important to understand how Alaska Natives are not only on the front lines of climate crisis, but also on the front lines of energy transition (Curley & Lister 2020). Particularly, this paper has examined how the structure of the Alaska Native Claims Settlement Act represents a series of maneuvers by the colonial state that attempt to bind the success of Alaska Native cultural and land relations to the success of capitalism. Critical Indigenous scholars critique these colonial relations, while also recognizing that Indigenous leaders have been able to preserve Native culture through critical and strategic political engagement with the colonial state. In the North Slope, Inupiaq leaders have sustained many of their cultural relations with the land through strategically using Alaska Native Corporations and the government of the North Slope Borough to facilitate oil development. This oil development funds essential projects that allow Alaska Natives to practice their cultural relations with the land in the first place.

ANCSA is a peculiar and complicated structure that was shaped by the struggles between Alaska Natives and settlers over Land and resources. The Settlement is, by nature, a manifestation of colonial relations. Though some Native groups and individuals were consulted while ANCSA was drafted, there were never any formal negotiations between Congress and
Alaska Native polities, and these negotiations took place under highly uneven power relations. However, Alaska Natives have secured many victories in preserving their Land relations through ANCs under exceedingly difficult circumstances, and in spite of the colonial-ideological provisions of ANCSA as it was written. Alaska Native leader Byron Mallott, in reflecting on the complicated legacy of ANCSA, recognizes that while measuring the success of ANCSA by terms of Western economic development goes against Native values, that economic prosperity is still important for any oppressed group in the United States to resist erasure and assimilation. He reflects on how many Alaska Native cultures now flourish with support of the ANC in spite of a long history of settler colonialism that attempts to erase Native cultures. However, he argues that “the status and success of the Alaska Native people has always been uncoupled from the success of the corporate institutions” (Allaway & Mallott 2005 p. 142). Indeed, Mallott argues that ANCSA is only one tool in supporting Alaska Native culture. Though Tuck (2014) critiques ANCSA for its attempted reformation of Alaska Native life, she also recognizes the ways in which settler impermanence leads to slippages and renegotiations that can preserve Native life and land relations. Thus, when considering the success of ANCSA and the politics of oil development in Alaska, we must consider the historical conditions that led to Alaska Native people benefitting from extractive industry, but also how Native peoples aren’t bound to or defined by extractive industries.

“What we have undergone is a logical step, given the way ANCSA was structured. But it is just a step, and we have many more steps to take [...][T]he notion of ANCSA as a living and evolving document, not just in terms of its statutory regime, but in terms of how we view it, is what gives me hope” (Allaway & Mallott 2005. p.141).

Mallott demonstrates that resilience and rootedness in Native culture, values, and Land relations are the engines driving Alaska Native success today, in spite of ANCSA’s colonial measures.

Recognizing ANCSA's complicated, on-going history is essential in understanding the colonial relations at play in the Willow Project. If settler environmentalists wish to stand in solidarity with Indigenous peoples, which they must if they wish to avert further climate crisis, then they must take meaningful action to ensure that Indigenous peoples will not only be harmed
by the threats of climate change, but also by the forces of colonial environmental and energy-transition policies.
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