



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #SAC-12-036

TITLE: Support for a Strong Nation-To-Nation Relationship and Effective, Meaningful Consultation

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WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, the Tribal Nations of the United States are recognized by numerous Treaties, the United States Constitution, the Declaration on the Rights of Indigenous Peoples, numerous statutes and U.S. Supreme Court decisions as separate sovereigns which requires a Nation-to-Nation relationship with the United States, often referred to as a government-to-government relationship; and

WHEREAS, Executive Order 13175, *Consultation and Coordination With Indian Tribal Governments*, has required since 2000 that the agencies of the U.S. government subject to the President's control should consult with Tribal Nations on a government-to-government basis on proposed actions or policies of those agencies which could have an impact on one or more Tribal Nations or their citizens; and

WHEREAS, President Obama's Executive Memorandum on Tribal Consultation issued on November 5, 2009 directs each agency to develop a detailed plan of actions that the agency will take to implement the policies and directives of Executive Order 13175; and

WHEREAS, the U.S. has endorsed the United Nations Declaration on the Rights of Indigenous Peoples and should live up to the principles contained therein, including Article 19, which states that "States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them; and

WHEREAS, a critical part of this consultation process is that it take place in a manner that allows the Tribal Nations to have substantial and meaningful input in the policy making process before such policies or actions are carried out; and

WHEREAS, not all of the agencies under the control of the President have yet developed the government-to-government consultation policies required of them under Executive Order 13175 and President Obama's Executive Memorandum of November 5, 2009.

NOW THEREFORE BE IT RESOLVED, that the NCAI calls upon the President of the United States to continue supporting a strong Nation-to-Nation relationship with tribal governments; and

BE IT FURTHER RESOLVED, that the NCAI urges all agencies of the executive branch that have not yet adopted formal tribal consultation policies to do so immediately in coordination with tribes and in a manner that is consistent with Treaties, the U.S. Constitution, Presidential orders and directives, and the UN Declaration on the Rights of Indigenous Peoples; and

BE IT FURTHER RESOLVED, that the National Congress of American Indians supports the continued administration-wide implementation of such consultation policies and the processes which they initiate; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2012 Annual Session of the National Congress of American Indians, held at the Sacramento Convention Center from October 21-26, 2012 in Sacramento, California, with a quorum present.



President

ATTEST:



Recording Secretary