



# USET

SOVEREIGNTY PROTECTION FUND

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## USET SPF Resolution No. 2023 SPF:005

### UPHOLDING THE DIPLOMATIC RELATIONSHIP BETWEEN TRIBAL NATIONS AND THE UNITED STATES

- WHEREAS,** United South and Eastern Tribes Sovereignty Protection Fund (USET SPF) is an intertribal organization comprised of thirty-three (33) federally recognized Tribal Nations; and
- WHEREAS,** the actions taken by the USET SPF Board of Directors officially represent the intentions of each member Tribal Nation, as the Board of Directors comprises delegates from the member Tribal Nations' leadership; and
- WHEREAS,** the United States (U.S.) Government and each federally recognized Tribal Nation have a government-to-government, Nation-to-Nation, sovereign-to-sovereign diplomatic relationship grounded in recognition of inherent Tribal sovereignty, as well as numerous historical, political, legal, moral, and ethical considerations; and
- WHEREAS,** an essential aspect of this relationship is the federal obligation to consult with Tribal Nations on the development of federal policies and actions that have direct or indirect implications to our self-determination and sovereignty, cultures, lands, social and economic resources, and public health and safety; and
- WHEREAS,** despite existing policies and agreements, including Executive Order 13175, consultation with Tribal Nations is not consistently undertaken or applied, nor is it codified in law and, as a result, Tribal Nations continue to experience inconsistencies in consultation policies, the violation of consultation policies, and mere notification of federal action as opposed to a solicitation of input; and
- WHEREAS,** federal accountability is required to ensure Tribal consultation is meaningful and results in corresponding federal efforts to honor Tribal input, mitigate any concerns, and uphold trust and treaty obligations; and
- WHEREAS,** Tribal consultation must occur on a Nation-to-Nation, leader-to-leader basis, and consultation practices cannot be assumed or conducted by third-party non-governmental entities; and
- WHEREAS,** recent legislative and executive branch efforts have sought to improve and codify federal consultation, concepts that USET SPF fully supports; and
- WHEREAS,** many of these same efforts have inappropriately incorporated non-governmental entities as consultative parties;
- WHEREAS,** in an era where Indian Country is working to bring greater clarity to an often chaotic and confusing space due to various policy eras and an inconsistent approach to U.S.-Tribal

Nation relations, the inclusion of for-profit Alaska Native Corporations (ANCs) serves to further complicate and confuse, rather than helping to clarify and reinforce the government-to-government relationship; and

**WHEREAS,** while USET SPF fully supports and affirms the governmental status of Alaska Native Tribal Nations and villages, ANCs do not share the same diplomatic status as federally recognized Tribal Nations and do not enjoy a consultative relationship with the U.S. government—a sacred relationship that is founded in the mutual recognition of governmental status between consulting parties and the trust obligation to Tribal Nations; and

**WHEREAS,** though the federal government may have valid interest in seeking the input of ANCs on issues relevant to its roles and responsibilities, to do so through consultation is an affront to our Tribal sovereignty and stands in violation of our Nation-to-Nation relationship with the United States.

**WHEREAS,** in December 2010, the United States recognized the rights of its First Peoples through its support of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), whose provisions and principles support and promote the purposes of this resolution; therefore, be it

**RESOLVED** that USET SPF strongly supports the codification of consultation requirements for all federal agencies and departments, including a right of action to seek judicial review of consultation when the federal government has failed to engage, communicate, and consult appropriately; and be it further

**RESOLVED** federal consultation policies and laws must fully and solely recognize the Nation-to-Nation, government-to-government, diplomatic relationship by limiting consultation to the U.S. and Tribal Nations only.

### CERTIFICATION

This resolution was duly passed at the USET SPF Impact Week Meeting held in Arlington, VA at which a quorum was present on February 7, 2023.



Chief Kirk E. Francis, Sr., President  
United South and Eastern Tribes  
Sovereignty Protection Fund



Vice Chairwoman Sarah Harris, Secretary  
United South and Eastern Tribes  
Sovereignty Protection Fund

*Because there is Strength in Unity*