

Tribal Consultation Principles

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Federal agencies are charged with engaging in regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications. Consultation is a critical ingredient of a sound and productive Federal-tribal relationship. These principles were prepared by the Consultation Committee of the Interagency Working Group on Indian Affairs (IWGIA), an informal, government-wide group of Federal agency representatives who work with tribal governments. They summarize principles found in President Obama's Memorandum of November 5, 2009, and Executive Order 13175 signed by President Clinton November 6, 2000.

1. Respect Tribal Sovereignty

Federally recognized tribes are sovereign governments with inherent authority to set priorities and goals for the welfare of their citizens.

Understand that tribal governments are interested in everything that may affect their members e.g., natural and cultural resources, economic development, clean air and water, education, health.

2. Honor the Government-to-Government Relationship

There are distinct forms of tribal governance and decision-making. Learn how the tribal governments you are consulting with work.

Tribal governments often have constitutions modeled after the U.S. Constitution. They have their own laws, courts, police, and public safety systems. Tribal governments may include elected and appointed leaders. Traditional forms of rule-making and decision-making may operate alongside the modern tribal governments. Councils of elders, religious leaders, or dominant clans often must be consulted before new tribal policy moves forward.

3. Respect and Honor the Trust Responsibility

Be aware that government-to-government consultation may be tribally initiated and coordinated.

“the special relationship between the Indian tribes and the Federal government which arises ...from treaties and formal and informal...agreements continues to carry immense moral and legal force.” President Nixon, Special Message on Indian Affairs, July 8, 1970.¹

Protect cultural and natural resources.

4. Respect Tribal Self-Determination and Self-Governance

“It is long past time that the Indian policies of the Federal government began to recognize and build upon the capacities and insights of the Indian people...Indians will get better programs and ...public monies will be more effectively expended if the people who are most affected by these programs are responsible for operating them.” President Nixon, Special Message on Indian Affairs, July 8, 1970.

Promote tribal economic capacity building.

5. Consultation is a Process

Consultation should be carried out whenever policies, programs, or other activities may affect Indian tribes.

Meaningful consultation begins at the earliest stages of project or program planning and continues through each phase of activity and implementation.

¹ President Nixon’s Special Message on Indian Affairs of July 8, 1970, called for the end of the policy of termination and made recommendations to implement a new policy of tribal self-determination which called for tribal officials to assist in determining how federal assistance to Indian peoples be administered. Tribal self-determination is at the core of Federal Indian policy to this day.

5. Consultation is a Process (continued)

Develop mutually agreed upon protocols for timely communication, coordination, cooperation, collaboration and dispute resolution.

Recognize that tribal cultures are unique with their own history and traditions.

Ensure that you are consulting with all of the tribes that you should be consulting with, and with the official representatives of those tribes.

Coordinate with other agencies to comprehensively address all aspects of the policy, program, or regulation on which consultation is being conducted.

Alleviate impediments to full tribal participation in the consultation process.