

INDIAN GOVERNMENTS AND NEIGHBORING GOVERNMENTS:

SOVEREIGN EQUALITY AND STANDARDS OF CONDUCT WITHIN THE CONTEXT OF GOVERNMENT-TO-GOVERNMENT RELATIONS

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(Remarks before the Seminar on Government-to-Government Relations.
American Indian Opportunity. Renton Sheraton Hotel. February 25, 1985)

When nations live as neighbors, sharing as we do the same land mass, it is inevitable that there will be disputes which sometimes erupt into political conflict and even sometimes into violent conflict. During the last three hundred years, Indian Nations and European colonists and their descendants in the United States have engaged each other in all forms of conflict -- from bloody battles to intense political and legal disputes. To the present day our nations continue to conflict with one another.

In the beginning of our relationship, our grandfathers fought each other with weapons. Each defended a way of life that was directly opposed to the other. Our grandfathers met in wars until 1877 and from that year on our nations have met in small battles and skirmishes in the political arena of public opinion and in the halls of Congress and in the federal courts. Nations like my nation, the Quinault, continue to fight for a way of life that remains as different from our neighbors as when our grandfathers first met. In this world of uncertainty there is one thing of which I am deeply certain: My Nation and other Indian Nations will not disappear or melt into the society of the United States.

Like the peoples of the Hopi, Apache, Cheyenne, Lakota, Kiowa and Iroquois, the Quinault Nation will continue to defend Quinault values and the Quinault way of life. Our neighbors in the State of Washington and in the United States are equally committed to their values and way of life. The Quinault Nation shares with other Indian Nations one common desire: to live in peace and security with our neighbors while securing for our families the enduring values of our heritage and the prosperity to which we have a natural right.

This may seem like we have locked horns and there is no way to resolve the differences between Indian Governments and their neighbors. Well, there is a way. But the way out of this centuries-old confrontation, this clash between different worlds, will require some new and clearer thinking than has been typical over the years. We can begin that new and clearer thinking by first considering three ideas:

FIRST, Indian Nations and Tribes must come to accept that the United States and the various states will not simply fade away and disappear. Many of our people have held this view in their hearts throughout the generations. We must now accept that the United States and her people will remain on this continent as our neighbors.

SECONDLY, the United States and each of her states must accept that Indian Nations and Tribes will not fade away and disappear. Our Nations remain as permanent as the soil.

THIRDLY, everyone must recognize and understand that the establishment of the United States of America did not give the United States the right to claim or possess Indian Peoples and their territories. Indian Nations and Tribes did not become a part of the United States and they are not a part of the United States now. Though the United States made our people citizens, our peoples remain citizens of our own Nations, and our Nations remain as separate and distinct from the United States and her states which were created around our territories. Our Nations have become ISLANDS IN A SEA OF LAND on this continent where we and our neighbors must now coexist.

If we can come to accept these basic concepts, then we can take the next step to renew efforts begun more than two hundred and twelve years ago -- to establish a working process between our nations, between our governments, to resolve or at least lower the heat on our differences. Like the neighbors we are, we must agree first to talk and then we must agree to establish mutually acceptable methods for resolving our conflicts.

In the early part of this century, Indian governments called upon the United States to adopt and apply the principle of self-determination to her relations with Indian Nations and Tribes. The major elements of this principle requires that nations and states respect the equal rights of nations and their right to self-determination, THAT ALL PEOPLES ALWAYS HAVE THE RIGHT, IN FULL FREEDOM TO DETERMINE, WHEN AND AS THEY WISH, THEIR INTERNAL AND EXTERNAL POLITICAL STATUS, WITHOUT EXTERNAL INTERFERENCE, AND TO PURSUE AS THEY WISH THEIR POLITICAL, ECONOMIC, SOCIAL AND CULTURAL DEVELOPMENT.

On July 20, 1970 President Richard Nixon renounced United States efforts to liquidate Indian Nations and proclaimed the United States commitment to respect the self-determination of Indian Nations and Tribes. The United States commitment of 1970 later became a part of an international agreement in 1975 when the United States became a signator to the Helsinki Final Act. By 1979 the United States reaffirmed its earlier commitments under the Helsinki Accords by stating that it would deal with Indian Nations in accordance with Principle VIII of that international agreement. Under the Helsinki Final Act, the United States obligated itself to conduct relations with Indian Nations in accordance with international standards and norms for relations between nations. ONE OF THESE NORMS OBLIGATES THE UNITED

STATES **AND** INDIAN NATIONS TO CONDUCT RELATIONS ON A "GOVERNMENT-TO- GOVERNMENT" BASIS.

On at least twelve occasions, since the late 1940s, Indian Governments called for the establishment of formal government-to- government relations between Indian Nations and the United States based on mutual consent and mutual respect. In January 1983, in response to those appeals and in accord with the Helsinki Final Act, President Ronald Reagan formally announced the United States commitment to conduct government-to-government relations with Indian Nations and Tribes.

The conditions for conducting government-to-government relations between nations require first, that nations accept the principle of fundamental SOVEREIGN EQUALITY. Size of population or size of land mass or relative strengths or weaknesses do not enter into the principle of sovereign equality. Nations, large and small, must be respected as equals, and that what must apply to one nation also applies to the other. Just as neighbors living next to one another must respect the right of each other to rule within his own home and on his own land, nations must respect the fundamental right of neighboring nations to govern and control their internal affairs. Just as a neighbor must respect the right of his neighbor to conduct his business with the outside world without interference, so it is also true that nations must respect the right of neighboring nations to conduct their own external affairs.

When the internal or external actions of nations cause conflict with their neighbors, then it is necessary to conduct government-to-government relations to resolve any possible dispute. When nations enter into government-to-government relations they enter into THE ORDINARY PROCESS AND SYSTEMATIC PROCEDURES FOR THE CONDUCT OF MUTUALLY DESIRABLE RELATIONS BETWEEN NATIONS ON THE BASIS OF EQUALITY AND MUTUAL RESPECT THROUGH THE INSTRUMENTALITIES OF GOVERNMENT. And these are the major elements of government-to-government relations:

1. There exist at least two separate and distinct political entities which meet on the basis of political equality to discuss, negotiate, and mutually agree on:
 - A. Principles and procedures for dealing with one another,
 - B. And Agenda of issues and concerns which each party believes requires intergovernmental cooperation and action,
 - C. Mutually acceptable methods and procedures for implementing negotiated agreements, and
 - D. The idea that both parties accept the basic notion of mutual

respect, cooperation and compromise, sovereign equality and reciprocity.

2. The definition of government-to-government relations requires that each party accept the sovereignty of the other, unconditionally.
3. Internal interference is strictly prohibited by either party.
4. Good faith may serve as the foundation for agreement, but a third party observer or arbitrator may be necessary to ensure agreement compliance.
5. Government-to-government relations between Indian Governments and the U.S. Government or state governments are, by definition, bilateral unless multi-lateral relations or negotiations are first formalized.

If Indian Governments and neighboring governments are guided by normal international standards of self-determination and government-to-government relations, then we have a way to deal with our differences. What I have just described, I propose as THE HELSINKI FORMULA FOR GOVERNMENT-TO-GOVERNMENT RELATIONS between Indian Nations, the United States and the various states. The HELSINKI FORMULA contains all the elements for establishing good relations between neighbors: mutual respect, sovereign equality, mutual consent and coexistence. Without these, there can be no solution to our ongoing differences. Restructuring our political relations is the essential need. Conducting effective government-to-government relations based on principles of equality between nations and self-determination is the only way left to us to "unlock horns" and move toward peace, security and prosperity for our peoples.

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