

Establishing Intergovernmental Cooperation
on
Tribal Judicial Systems

by

Rudolph C. Rýser

ANACA# 90NA1101/01 AA11301



National Indian Policy Center
Washington, D.C.
May 11, 1992

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A new government to government framework needed



A new tribal intergovernmental system of cooperation and assistance is needed to improve tribal law and justice systems. A new government to government framework for U.S. funding assistance directly to tribal government judicial systems is also needed. The present U.S. government funding levels for tribal judicial systems are inadequate. The current U.S. government/Tribal government relationship for funding tribal judicial systems endangers tribal sovereignty and undermines the independence of tribal courts. While Substitute Senate Bill 1752 (Indian Tribal Courts Act of 1991) proposes to increase U.S. funding for tribal court systems (considered desirable by tribal officials), it also contains measures to establish a Tribal Judicial Conference under the authority of the Secretary of the Interior. Neither the BIA judicial program nor the proposed Senate legislation strengthens tribal sovereignty or ensures the accountability of tribal judicial systems to Indian tribes.

A MODERATE ALTERNATIVE TO THE EXTREMES

The BIA controlled contract approach to assisting Indian tribes and Substitute Bill 1752 both claim to promote tribal sovereignty and tribal judicial system flexibility. Each is actually an extreme approach which takes authority from tribes and gives authority to the U.S. Department of the

Interior. A moderate alternative to the two extremes is the establishment of a Tribal Judicial Conference designed to provide shared assistance to tribes. Chartered through a mutual government to government agreement between tribes (See Appendix for draft accord), as an intergovernmental mechanism, the Conference would be accountable directly to Tribes. An alternative to the contract funding regime now used by the BIA, and the pass-through formula funding plan of S. 1752 is a government-to-government agreement between the United States government and each Indian government. This negotiated agreement approach will send funding directly to each tribal judicial system.

A government to government framework between Indian tribes and the United States does not now exist on matters related to judicial systems. This framework would be established through intergovernmental agreements for judicial system funding and the establishment of a Tribal Judicial Conference resulting from a negotiated government to government agreement between Indian governments. Tribal governments will be strengthened, and the means to expand funding support for tribal judicial systems will have been achieved. Tribal sovereignty will be reinforced.

This alternative for establishing a Tribal Judicial Conference and a sustained method for judicial system funding to tribal governments is explored in greater detail below.

TRIBAL JUDICIAL SYSTEMS ARE STILL EVOLVING.

There are 160 tribes which administer no fewer than 183 courts. Tribal judicial systems include single tribal court systems with one or more courts, and multi-tribal systems which link single courts to multi-tribe appellate courts. Tribal governments, relying on their own revenue sources, provide, in most cases, the majority of revenue necessary to support operation of these courts. The Bureau of Indian Affairs provides some assistance to 147 tribal courts through Public Law 93-638 contracts with tribal governments. The U.S. Administration proposes to spend \$13.06 million in support of tribal courts in FY '93. An additional \$1.983 million is proposed in the form of competitive grants and direct services to fund technical assistance, training, records management and office automation. After all of this, tribal officials and U.S. Congressional officials agree: The funding levels and amount of support directed at tribal judicial systems is simply inadequate.

Strengthening Tribal sovereignty through the enforcement of tribal laws is the crucial role judicial systems play in Indian nations. If judicial systems are not adequately funded, the ability of a tribe to exercise its sovereign powers is at risk. In the view of tribal political leaders and tribal judicial authorities alike, tribal sovereignty is endangered not only when tribal governments are weakened, but when the U.S. government or neighboring state governments act in ways that encroach on tribal sovereign powers. Tribal sovereignty is endangered when the U.S. government or neighboring state government powers are substituted for tribal government powers.

The way tribal governments receive funding assistance for their judicial systems, then, is not only a matter of subsidizing tribal courts, but it is also a matter of ensuring the tribe's sovereignty. The relationship between an Indian government and the U.S. government in connection with support

for a tribal judicial system critically affects whether a tribe's sovereignty is strengthened or weakened. Tribal government relations with the United States government can ensure stronger tribal sovereignty if those relations are carried out within a government to government framework. Tribal government political leaders and tribal judicial authorities agree: The present relationship through which tribal judicial funding comes to Indian tribes is inconsistent with a framework for balanced government to government relations; and potentially threatens the flexibility and independence of tribal court systems and the sovereign interests of tribal governments.

Since 1973, the National American Indian Court Judges Association (NAICJA) has served as a mechanism to promote the development and improvement of Tribal judicial systems. It has also served as an important voice in the political dialogue between Indian nations and the United States government. It has promoted increased U.S. funding for tribal judicial systems and for the establishment of "full faith and credit," or comity between tribal courts and the courts of the federal and state governments. As an association of judicial authorities, a non-governmental organization, the NAICJA has played a constructive role.

There does not exist a tribal intergovernmental mechanism which can facilitate direct cooperation between tribal governments for the general improvement and development of tribal judicial systems. Informal cooperation between individual judges and individual tribal political officials has long been the substitute for formal intergovernmental cooperation between Indian governments. This has been also true in intertribal relations connected to the development of tribal judicial systems. Without formal intergovernmental cooperation between tribes on law and justice issues involving all tribes with judicial systems, mutual assistance and cooperation remains hampered. Furthermore, actions to institute a framework for government to government relations with the U.S. government on law and justice questions have

not gone forward because of a lack of consensus among tribal governments. A formal tribal intergovernmental mechanism would contribute to building a consensus between tribal governments.

Tribal Law & Justice: Affirming Tribal Sovereignty

The success of any healthy society is measured by how well it is governed. Flexibility, simplicity, adaptability and imaginative-problem-solving have historically been the hallmarks of the most successful. Rigidity and complexity have typically characterized those nations which fail to survive the tests of time. Tribal peoples have long demanded that tribal institutions be flexible, simple and imaginative. To the extent members of various tribes have made such demands tribal government institutions have developed in the least complicated ways. When tribal government tends toward rigidity and complexity, members of a tribe often cause a reversal.

This tendency toward getting a job done for a tribal society in the simplest and most direct manner is reflected in the history of evolving tribal law and justice systems. While Indian tribes maintained law and justice systems throughout the millennia, what has become the modern tribal law and justice systems now draw toward the end of their first one hundred years.

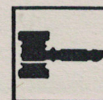
Over many thousands of years tribal law and justice systems had developed to reflect highly diverse cultures all across what is now the United States. Each system of laws had its roots in the relationship between the people and the territory in which they lived. So, the law and justice systems were as varied as the different nations and the different countries each nation ruled.

The introduction of peoples from many nations around the world into the countries of many Indian nations dramatically changed Indian Country. Economic, social and political relations between Indian nations and growing settlements of foreign populations placed enormous strains on tribal governments. Wars with countries from

across the oceans and then with the United States of America further undermine tribal governmental systems. By the middle 1860's many tribal governments were in near total collapse. Not because they were the victims of conquering militaries, but because their economic systems, the systems for feeding people and distributing wealth had been seriously disrupted or utterly destroyed by death, resource destruction and constant conflict. While many Indian tribes west of the Mississippi River retained viable law and justice systems, many tribal law and justice systems had become scattered and often dysfunctional.

It was in the latter third of the 19th century that three social and political factors in U.S. society merged to force the creation of new law and justice systems for Indian tribes. Between 1873 and 1890, a struggle between U.S. civilian and military authorities, each seeking control over Indian reservations contributed to the establishment of new tribal police and court systems. Among U.S. friends of Indian tribes there was a great push to establish "law and order" on Indian reservations to promote the "civilizing of Indians." Finally, Indian Agents and the Commissioner of Indian Affairs believed they could erode and undercut the remaining power and authority of traditional tribal leaders through the establishment of BIA controlled police and courts on each reservation. As then Commissioner of Indian Affairs Price wrote in 1881, the newly created law and justice systems would become "... a power entirely independent of the Chiefs. It weakens, and will finally destroy, the power of tribes and bands."

While these forces external to Indian tribes worked to establish new law and justice systems on the reservations for their different reasons, the tribal police and courts became "new mechanisms for tribal governance which would eventually evolve, albeit contrary to the motives of the creators, into institutions for the maintenance of tribal sovereignty." (AIPRC, Jurisdiction Task Force, 1976:122)



Tribal Sovereignty and Intertribal Cooperation

Since 1944 when the National Congress of American Indians was first established, literally scores of intertribal organizations, associations, centers and councils have been formed. When incorporated, virtually all of these organizations have been established under the laws of a state government or under the authority of the United States government. While the intention has often been to establish organizations to promote or conduct the business of tribal governments, tribal intergovernmental organizations rarely if ever depended on the sovereign powers of tribal governments.

When not established under the laws of various states, intertribal organizations, councils and associations have been established under the authority of the Secretary of the Interior, the authority of the U.S. Congress or the authority of the President of the United States. Again, tribal intergovernmental organizations relied on the sovereign powers of an other government to empower the joint decision-making of tribal officials.

Each time tribal governments organize their intergovernmental business under the sovereignty of the federal government or state government, they weaken the sovereign power of tribal governments. The alternative is to organize tribal intergovernmental bodies under the authority of tribal governments themselves. By so doing, tribal authorities expand and enhance tribal sovereignty.

Some examples of intertribal organizations are listed below.

AFFILIATED TRIBES OF NORTHWEST INDIANS (1968)

The Affiliated Tribes of Northwest Indians is a tribal intergovernmental organization chartered by tribal governments to formulate joint, and cooperative Indian Affairs policy within the Northwest United

States, operating within the administrative boundaries of the BIA's Portland Area Office.

AMERICAN INDIAN COURT JUDGES ASSOCIATION (1973)

The National American Indian Court Judges Association was established as an association of tribal judges, a non-governmental organization designed to advocate the development and improvement of tribal judicial systems and support of tribal judicial systems with funds from the United States government.

NATIONAL CONGRESS OF AMERICAN INDIANS (1944)

The National Congress of American Indians has since its formation in 1944 remained the model for forming intertribal organizations. Incorporated under the state laws of Oklahoma, and formed with the active involvement of the Bureau of Indian Affairs, the National Congress of American Indians operates as a non-governmental education and lobbying organization most of the time during each year. On three occasions during a year, this non-governmental organization temporarily transforms into a tribal intergovernmental organization. When ever NCAI convenes its Executive Council, made up of formally delegated officials from tribal governments (delegated by resolution), the National Congress of American Indians becomes an assembly of Indian government representatives. When these Indian government representatives make a decision, they are acting on behalf of their governments. At all other times when NCAI is in operation, it is a non-governmental organization (with non-profit status operating under state



government authority) established to advocate Indian rights and a favorable disposition of Indian Affairs in the U.S. government.

NATIONAL COUNCIL ON INDIAN OPPORTUNITY (1967)

Created by Executive Order of President Lyndon Johnson to coordinate federal programs authorized to severe federally recognized tribes, the National Council on Indian Opportunity included Indian members who considered themselves representatives of Indian interests. The Council is incorporated under state law.

NATIONAL TRIBAL CHAIRMEN'S ASSOCIATION (1971)

Formed under the authority of the Secretary of the Interior, the National Tribal Chairmen Association was primarily funded by the Department of the Interior. The Interior Secretary established NTCA, with a membership of Tribal Chairman only, as an organization to "directly advise the Secretary" on the interests of Indian Tribes. The Association was established under the Federal Advisory Committee Act.

COALITION OF ENERGY RESOURCE TRIBES (1976)

The Coalition of Energy Resource Tribes was chartered by tribal governments to coordinate an Indian role in energy resource decision-making in relation to U.S. government policy.

INTER-TRIBAL TIMBER COUNCIL (1979)

The Inter-Tribal Timber Council was chartered by tribal governments to coordinate intertribal technical assistance to develop and improve tribal management of tribal forests.

NORTHWEST INDIAN FISHERIES COMMISSION (1979)

The Northwest Indian Fisheries Commission was chartered by tribal governments to coordinate intertribal technical assistance to develop tribal fisheries management and regulatory capabilities. The Commission is authorized to operate as a federal government instrumentality.

Conference would not operate under the authority of state government.

Due to its "governmental character" the Tribal Judicial Conference would perform judicial training, technical assistance, research, and education activities and provide grants to member tribal governments in accord with rules agreed to among the representatives.

For its operation funds (estimated at \$2.5 million annually), the Tribal Judicial Conference, once established by tribal governments, would undertake to negotiate with the United States

government a funding transfer agreement. This intergovernmental agreement could also serve as the means for transferring \$5 million to the Tribal Judicial Conference as funds which would be awarded to tribal governments, researchers and other entities to provide judicial training, technical assistance, judicial systems research and public education.

By way of the intergovernmental agreement transfer \$7.5 million from the U.S. government to the Tribal Judicial Conference, the United States

Establishing a Tribal Judicial Conference

A Tribal Judicial Conference should be chartered under the collective sovereignty of tribal governments - having the same standing of any tribal governmental body. As a tribal intergovernmental body, a Tribal Judicial Conference would be established as a result of tribal government representatives negotiating an "intergovernmental compact." Such a compact, when ratified by each of the negotiating governments would charter the Tribal Judicial Conference as an intergovernmental organization authorized to perform certain tribal governmental functions for the benefit of member tribal governments.

In a manner similar to the Executive Council of the National Congress of American Indians, representatives of each member tribal government would advocate the interests of their respective governments on matters related to judicial policy. Unlike the NCAI Executive Council, the Tribal Judicial

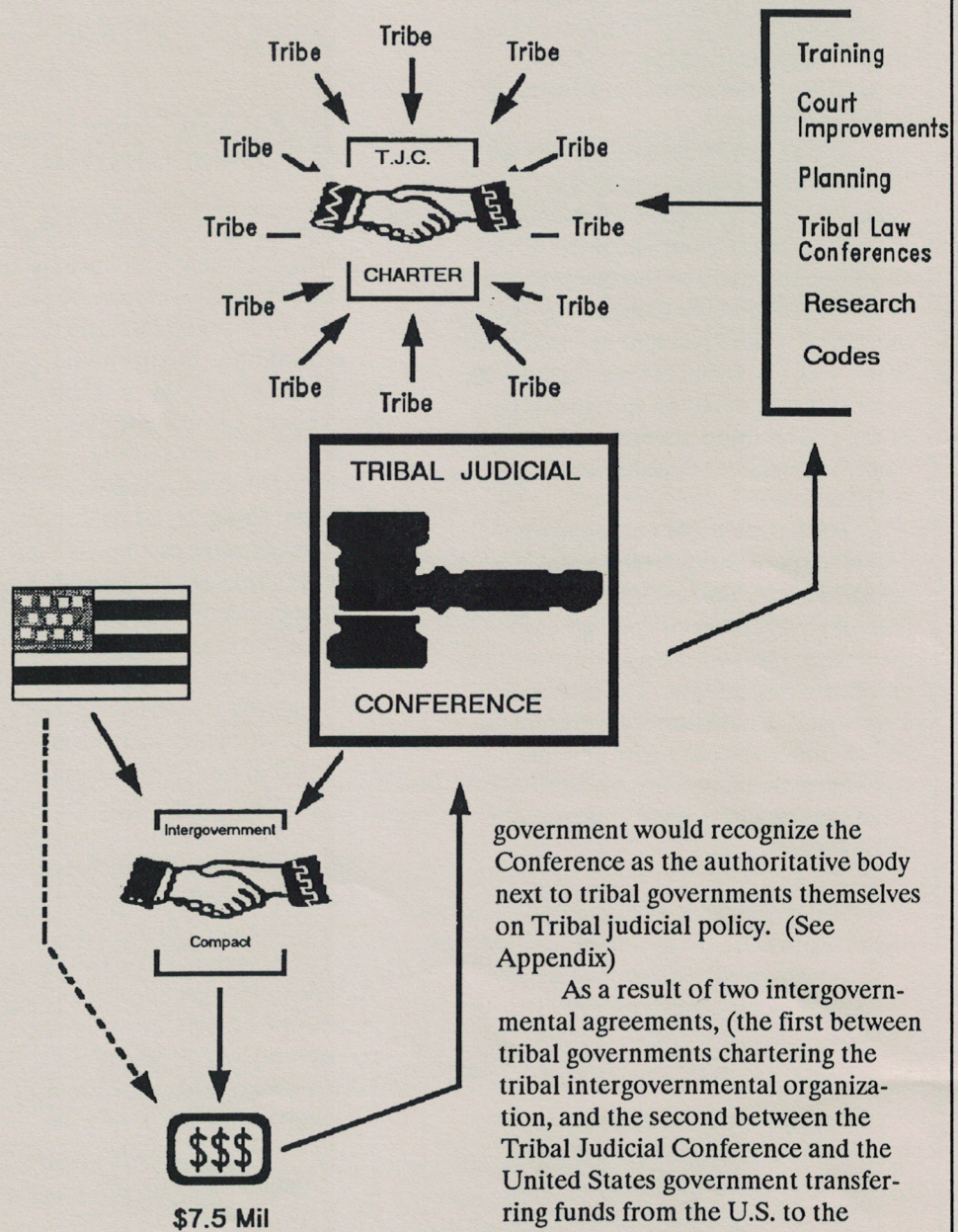


Chart 1: Establishing a Tribal Judicial Conference intergovernmentally.

government would recognize the Conference as the authoritative body next to tribal governments themselves on Tribal judicial policy. (See Appendix)

As a result of two intergovernmental agreements, (the first between tribal governments chartering the tribal intergovernmental organization, and the second between the Tribal Judicial Conference and the United States government transferring funds from the U.S. to the Conference) a working intergovernmental framework for government to government relations on Judicial

Systems policy will have been established. (See Chart 1) The intergovernmental agreement approach will ensure accountability to tribal governments, and "Tribal governments are in control, not a federal entity," in the words of Judge Elbridge Coochise. The sovereignty of tribal governments is affirmed and not diminished.

Beyond PL 93-638: Funding Judicial Systems under Intergovernmental Agreements.

After 1975, the Indian Self-Determination and Education Assistance Act provided the next logical step beyond BIA direct control over tribal governments by establishing a system of indirect control through vendor contracts. In 1977, the American Indian Policy Review Commission Task Force on Federal, State, and Tribal Jurisdiction made the following recommendations to the Commission:

1. Congress should appropriate significant additional moneys for the maintenance and development of tribal justice systems.
 - a. Funding should be channeled directly to tribes.
 - b. Funding should specifically provide for making tribal courts, courts of record.
 - c. This funding should provide tribes with the opportunity to revise existing systems in order to develop systems of their own choosing.
2. Congress should provide for development of tribal appellate

U.S./Tribal Intergovernmental Compacts

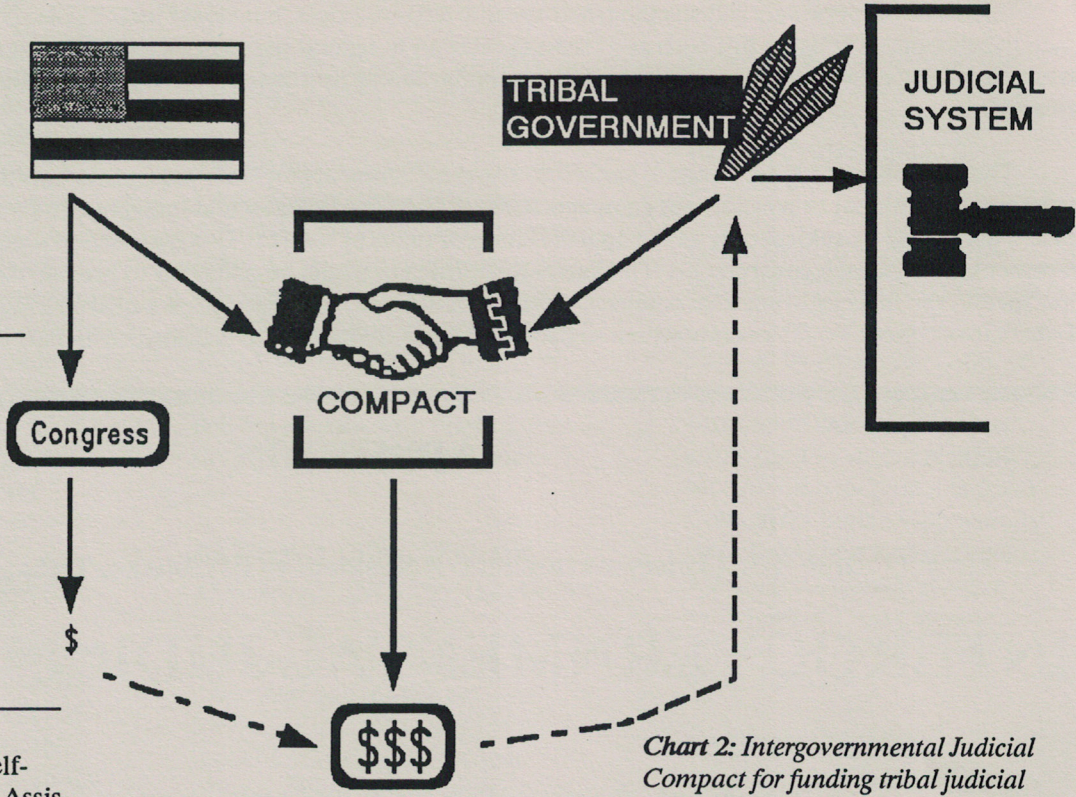


Chart 2: Intergovernmental Judicial Compact for funding tribal judicial systems directly.

- court systems.
- a. Appellate systems will vary from tribe to tribe and region to region.
 - b. The development of appellate systems will require tribal experimentation and time.
 - c. Congress should, by statute, recognize such appellate systems as court systems separate from State and Federal systems.
 3. Tribal court decisions should be entitled to "full faith and credit" by State and Federal courts.
 4. When tribal appellate systems - be they by individual tribes or multitribal - are firmly operative, the Federal court's role in review of their decisions should be limited exclusively to "writs of habeas corpus."

(AIPRC - Jurisdiction Task Force 1976: 149)

Expressing views consistent with the AIPRC Recommendations of more than fifteen years ago, Judge Elbridge Coochise stated to the Senate Select Committee on Indian Affairs in April 1992:

"Funding should be administered in a manner that encourages flexibility and innovation by Tribal Judicial Systems and avoids encroachment on tribal traditions. * * * It is important that funding for Tribal judicial systems be with minimal Federal and administrative costs."

"We support the notion of base funding for each Tribal Judicial System, based on their needs determined by the Tribal governments with their judiciaries." (Judge Elbridge Coochise, NAICJA, April 7, 1992)

All of these recommendations reflect a desire to ensure maximum flexibility for tribal governments in the organization of their judicial systems. The limitations of the 638 process prohibit the achievement of these

important requirements of tribal judicial systems. The alternative of negotiated intergovernmental compacts for the transfer of judicial system funds from the U.S. government to each Indian government seems clearly more appropriate. (See Chart 2)

Each compact not only reflects the tribal-specific circumstances, but would include the specific conditions under which each tribal court establishes full faith and credit in relation to federal courts. Once this element is incorporated into the bi-lateral intergovernmental compact, the basis for a similar intergovernmental agreement on comity with a neighboring state is established.

The flexibility and independence desired by tribal governments for their judicial systems becomes fully achievable through bi-lateral government to government compacts between the United States and individual Indian tribes. Transfers of funds to each tribe should be subject only to the appropriation of funds by the U.S. Congress and to adjustments negotiated between the representatives of each government. The Secretary of Interior would be obligated to provide each tribe the total amount specified in the intergovernmental compact. Funds would be paid to the tribe on a quarterly basis. Implicit in the agreement, a Tribal Government would be empowered to distribute funds according to its priorities and needs for Judicial system activities.

APPENDIX

Draft Outline Tribal Intergovernmental Agreement to Establish a Tribal Judicial Conference

INTERGOVERNMENTAL JUDICIAL ACCORD

Mutual Assistance and Cooperation Accord

ARTICLE I: DECLARATION OF PURPOSE

Indian Nations signatory to this Mutual Assistance and Cooperation Accord, exercising their inherent sovereign powers, declare their mutual respect and these covenants to charter a multi-tribal intergovernmental agency to aid and advise member governments in the further development and improvement of their Legal and Judicial systems - American Indian Judicial Conference.

ARTICLE II: PRINCIPLES

With respect toward the sovereign powers of each tribal government and intention to formalize a government to government framework between Indian tribes, signator governments declare these principles to undergird the spirit of this Compact and guide the conduct of intergovernmental relations.

1. All Indian Nations and peoples have the right to self-determination, by virtue of which they have the right to whatever degree of self-government they choose. This includes the right to freely determine their political status, define their own form of government, freely pursue their own economic, social, religious and cultural development, and determine their own membership and/or citizenship, without external interference.
2. No State or Nation shall assert any jurisdiction over an Indian Nation or people, or its territory, except in accordance with the freely expressed wishes of the Nation and people concerned.
3. Indian Nations and peoples are entitled to the permanent control and enjoyment of their aboriginal ancestral- historical and or reserved territories sufficient to their needs and wants. This includes air space, surface and sub surface rights, inland and coastal waters, sea ice, renewable and non-renewable resources, and the economies based on these resources.
4. The laws and customs of Indian Nations and peoples shall be recognized by other Nations' legislative, administrative and judicial institutions and, in case of conflicts with State laws, shall take precedence in Indian Country.

5. Indian Nations and peoples own and have the right to control their material culture, including archaeological, historical and sacred sites, artifacts, designs, knowledge, and works of art. They have the right to regain items of cultural significance and, in all cases, to the return of human remains of their ancestors for burial in accord with their traditions and customs.

6. Indian Nations and peoples have the right to education, and the control of education, and to conduct business with States and other nations in their own languages, and to establish their own educational institutions.

7. Treaties and other agreements freely made by and between Indian Nations or peoples shall be recognized and applied in the same manner and according to the same international laws and principles as treaties and agreements entered into by and between States.

8. Indian Nations and peoples may engage in self-defense against externally initiated encroachments and aggressions in conflict with their right to freely exercise self-determination.

ARTICLE III: COMMON OBJECTIVES

In accordance with the purpose and principles of this Mutual Assistance and Cooperation Agreement, the signatory governments jointly seek to achieve the following objectives in :

A. Jointly initiate and conduct research and analysis of about tribal law and justice systems to illuminate potential areas for further system development or improvement.

B. Jointly initiate and deliver law and justice technical assistance to Indian government members of the Tribal Judicial Conference.

C. Award grants to member Indian governments for the development and improvement of law and justice systems.

D. Award grants to member Indian governments for the development and improvement of tribal judicial office and records Automated Data Processing.

E. Award grants to member tribal governments for Legal Code development.

ARTICLE IV: MUTUAL COVENANTS

The tribal parties do bind their governments in united commitment to provide mutual assistance and cooperation for collective benefit subject to reservations and/or understandings made at the time of ratification. In particular tribal parties hereby Charter the Tribal Judicial Conference which will operate in accord with the principles and objectives of this Accord.

para. [a] Official name of Intergovernmental Agency

para. [b] Purpose

para. [c] Authorities and Powers

para. [d] Organization

para. [e] Employees

para. [f] Funds and Accounting

para. [g] Location of Facilities in Indian Country

Section I: MUTUAL ASSISTANCE

Para. [a] Exchange of Research Data

Para. [b] Exchange Federal Judicial Systems Information

Para. [c] Exchange of Tribal Judicial Systems Analysis

Para. [d] Exchange State Judicial Systems Information

Para. [e] Sharing Technical Capabilities

Section II: MUTUAL COOPERA-

TION

Para. [a] Development of "Full Faith And Credit" Federal/State

Para. [b] Development of Public Information on Tribal Systems

Para. [c] Establishment of Inter-Tribal Telecommunications Network to share Judicial Information

Para. [d] Strategic Planning Cooperation in relations with U.S.

Para. [f] Joint Initiative Funding Cooperation

When Signatory Nations deem it to be in their common interest and to their common benefit, they may seek to establish specific projects which require technical capabilities not available within any nation. Each Nation seeking the benefits of a project shall contribute funds in equal amount within the framework of a joint contract or grant.

ARTICLE V. TRIBAL GOVERNMENT TO GOVERNMENT PROCEDURES

Section I: OFFICIAL POLICY COMMUNICATIONS

To ensure consistent and authoritative communication of official policy between Signatory Nations, such communications shall always contain the seal of the sending government and the signature of the Head of Government.

Section II: JOINT POLICY AUTHORIZATIONS

When and where it becomes necessary to formalize policy having an effect on the interests of two or more Signatory Nations, Heads of Government shall conduct formal meetings at a time and place mutually agreed to provided that adequate notice has been given and sufficient documentation is prepared. Where physical meetings are not possible, Heads of Government shall convene Conference Telephone

Calls at a time mutually agreed to provided that adequate notice has been given and sufficient documentation is prepared. Joint Policy shall be authorized only upon agreement by Unanimous Consent. Non-participating Heads of Government shall be given an opportunity to indicate consent or non-consent. In the event that non-consent is indicated, it shall be publicly known that the Joint Policy applies only to those Nations which indicated consent at the formal session.

Section III: TECHNICAL STAFF COMMUNICATIONS

Para. [a] Formation of Joint Working Groups

To executive the purpose and objectives of this Agreement, there shall be five Working Groups made up of Professional Staff:

Para. [b] Professional Staff Roles and Identification

Signatory Nations shall identify technical staff who perform duties solely concerned with internal affairs, technical staff who perform duties solely concerned with external affairs, and technical staff who perform duties concerned with both internal and external affairs within the framework of this Agreement. Each Nation shall be informed of the identity, duties and role of all technical staff through a document compiled by the Senior Professional Staff Coordinator. This document shall contain references to Official Title, Name, Duty, Internal/External/Both, Address, Office Telephone. Each government shall indicate one, but not more than two Technical Staff who shall serve as Primary and Secondary Internal Staff Contact, and Primary and Secondary External Staff Contact.

Section IV: INTER-TRIBAL DISPUTE RESOLUTION

Para. [a] Political and Strategic

All matters of dispute concerning political, policy and strategic concern between two or more Signatory Nations

shall be placed on the agenda of a meeting of the Heads of Government during a Session duly called. A non-disputing Head of Government shall be appointed to mediate between the disputing parties and seek an amicable and mutually agreed end of the dispute. Where mediation is unlikely to succeed, or is not deemed appropriate, the matter of dispute will be taken up and resolved among the Heads of Government.

ARTICLE VI. PROCEDURES FOR AGREEMENT COMING INTO FORCE

Section I: HEADS OF GOVERNMENT INITIALING

Para. [a] Thirty-day provisional Agreement

The provisions and covenants contained in this Mutual Assistance and Cooperation Agreement shall be provisionally binding on all parties whose representative applies initials on behalf of participating governments for a term of thirty-days after the date of initialing.

Section II: GOVERNMENT RATIFICATIONS

Para. [a] Coming into Force

This Mutual Assistance and Cooperation Agreement shall come into force when twenty or more Nations formally ratify its provisions according to their customary or constitutional processes. The Mutual Assistance and Cooperation Agreement shall be open for consideration and ratification for a period of thirty days following the date of initialing, and no later than (Date).

Para. [b] Reservations and Understandings

Each Nation which ratifies this Agreement may place conditions on its participation through reservations and understandings. A Statement of Reservations shall indicate specific provisions of this Agreement which shall apply to the ratifying Nation under specified conditions. Each ratifying

Nation may attach explanations or clarifications expressing different meanings associated with provisions through a Statement of Understandings. These Reservations or Understandings shall become a part of this Agreement and receive full respect by other ratifying Nations.

ARTICLE VII: MODIFICATIONS AND AMENDMENTS

This Mutual Assistance and Cooperative Agreement may be modified or amended after coming into force by request of any ratifying party upon due consideration of all ratifying Nations at a special conference called for the purpose of modification or amendment. All amendments shall be subject to ratification by the customary or constitutional processes of each Signatory Nation. Unanimous Consent is required for modification or amendment.

ARTICLE VIII: REPOSITORY

This Mutual Assistance and Cooperation Agreement shall be referred to now and in the future as the Tribal Judicial Conference Charter, Agreed to in Principle on (date) in (place), .

One copy of the Accord shall be deposited with _____ by each

ratifying Government upon duly initiating ratification procedures according customary or constitutional procedures. The Repository shall record the name of the government, ratification date, reservations and/or understandings upon receipt of each duly ratified agreement and immediately report the status of ratifications to all signatory nations in (date).

Ratifying Governments

Tribe

Signed: _____

Signed: _____

Date: ___/___/___
(judg3brf.d25 525-050592)