

Millennium Agreement

between the
Federally Recognized
Sovereign Tribes of Alaska
and the State of Alaska

I. PREAMBLE

1. Tribes exist in Alaska. Since time immemorial, indigenous peoples have lived on their land in organized societies and distinct traditional cultures with their own forms of autonomous sovereign government that predate the United States and the State of Alaska.
2. This AGREEMENT, dated April 11, 2001, is executed between each of the federally recognized sovereign Tribes of Alaska that are signatory to this AGREEMENT (hereinafter the "Tribes"), through their Tribal Governments, and the State of Alaska, through its Governor, in order to better achieve mutual goals through an improved relationship between their governments. This AGREEMENT provides a framework for the establishment of lasting government-to-government relationships and an implementation procedure to assure that such relationships are constructive and meaningful and further enhance cooperation between the parties.
3. Each party to this AGREEMENT acknowledges the sovereignty of the others. The parties share particular respect for the values and cultures of Alaska's indigenous peoples. Further, the parties share a desire for an agreement between the State of Alaska and the Tribes that reflects full government-to-government relationships.
4. The parties desire that this AGREEMENT between the Tribes and the State of Alaska be strong enough to withstand the test of time and ensure fair treatment of both the Tribes and the State of Alaska.

II. PARTIES

5. The parties to this AGREEMENT are the State of Alaska and the signatory Tribes.
6. As of the date of this AGREEMENT, there are 229 federally recognized Tribes in the State of Alaska. Each Tribe is a unique government with different management and decision-making structures and distinct customs, traditions, practices, and values.

7. The State of Alaska is organized into three branches of government: executive, legislative, and judicial. The executive branch is divided into principal departments under the authority of the Governor.

III. GUIDING PRINCIPLES

8. The following guiding principles shall facilitate the development of government-to-government relationships between the Tribes and the State of Alaska:
 - (a) The Tribes have the right to self-governance and self-determination. The Tribes have the right to determine their own political structures and to select their Tribal representatives in accordance with their respective Tribal constitutions, customs, traditions, and laws.
 - (b) The government-to-government relationships between the State of Alaska and the Tribes shall be predicated on equal dignity, mutual respect, and free and informed consent.
 - (c) As a matter of courtesy between governments, the State of Alaska and the Tribes agree to inform one another, at the earliest opportunity, of matters or proposed actions that may significantly affect the other.
 - (d) The parties have the right to determine their own relationships in a spirit of peaceful co-existence, mutual respect, and understanding.
 - (e) In the exercise of their respective political authority, the parties will respect fundamental human rights and freedoms.

IV. PURPOSES

9. This AGREEMENT confirms the commitment by the parties to overcome any and all impediments to a more constructive dialogue and to implement government-to-government relationships. The objectives of this AGREEMENT include (1) enhancing and improving communication between the parties, (2) facilitating the resolution of issues to avoid potentially adverse effects on any party, and (3) working toward greater public recognition, respect, and support for Tribal self-governance and self-determination.
10. This AGREEMENT is intended to build confidence among the parties in the government-to-government relationships by outlining a process for its implementation. It is also intended to solidify such relationships within the respective political structures of the parties. The parties will strive to reinforce the government-to-government relationships through consultation and agreement on matters of mutual concern. This AGREEMENT does not, in itself, address substantive issues.
11. The parties commit to the full implementation, effectiveness, and permanence of this AGREEMENT. The parties further commit, through these government-to-government relationships, to provide more efficient, improved, and beneficial services to all Alaskans and, in particular, to Tribal members/citizens. This AGREEMENT provides the foundation and framework for further and more specific agreements between two or more of the parties outlining methods, mechanisms, and policies to address and resolve matters of concern to the Tribes.
12. In furthering the objective of positive government-to-government relationships, the State of Alaska acknowledges that:

- (a) Each Tribe has its own independent form of government and exercises inherent sovereign authority;
- (b) Actions undertaken by the State of Alaska in relation to the Tribes must be implemented in an informed and sensitive manner, respectful of Tribal sovereignty and Alaska Native traditional and cultural values, beliefs, and principles; and
- (c) The development of strong, reliable government-to-government relationships between the State of Alaska and the Tribes will be beneficial to all Alaskans.

13. In furthering the objective of positive government-to-government relationships, the Tribes acknowledge that:

- (a) The State of Alaska operates under the authority given by the United States Constitution, the Alaska Constitution, and state laws and regulations;
- (b) The State of Alaska has a major responsibility to provide for the health, safety, and welfare of all Alaskans;
- (c) Actions taken by the Tribes that affect or may affect non-Tribal members must be implemented in an informed and sensitive manner, respectful of individual rights; and
- (d) The development of strong, reliable government-to-government relationships between the Tribes and the State of Alaska will benefit all Alaskans.

14. The parties recognize that implementation of this AGREEMENT requires a comprehensive educational effort to promote understanding of the government-to-government relationships within their own governmental organizations and with the general public.

V. IMPLEMENTATION PROCESS AND RESPONSIBILITIES

15. This AGREEMENT commits the parties to the following tasks:

A. Accountability, Education, and Consultation

16. The parties shall ensure that officials working to resolve issues of mutual concern will act in a manner consistent with the spirit, intent, and purposes of this AGREEMENT. Each Tribe and the State shall develop an effective process to permit representatives of the other to provide meaningful and timely input on matters that significantly or uniquely affect that government. Consultations carried on in application of this AGREEMENT shall be undertaken in good faith and in a form appropriate to the circumstances. In working to resolve these issues of mutual concern, the parties will strive to achieve consensus, agreement, or mutual consent.
17. The Governor has designated his chief of staff to be responsible and accountable for the State of Alaska's implementation of this AGREEMENT, including interdepartmental coordination. State department heads are accountable to the Governor through the chief of staff for the related services and activities of their respective departments.
18. The Office of the Governor will assist the chief of staff in implementing this AGREEMENT by providing State department heads with information to educate their employees and constituent groups about the requirements of, and principles for, upholding the government-to-government relationships.

19. Each Tribe also recognizes that a system of responsibility and accountability within its governmental departments is essential to successful implementation of this AGREEMENT, and each Tribe will designate an official to be responsible and accountable for its own implementation of this AGREEMENT.
20. As a component of the system of responsibility and accountability within the State and Tribal governments, the parties will review and evaluate the implementation of the provisions of this AGREEMENT at the annual meeting of the State-Tribal Forum, described in Paragraph 21 below. Authors selected by both the Tribes and the State of Alaska will prepare a management report summarizing this evaluation; the report will include mutually acceptable strategies and agreements to outline tasks, overcome obstacles, and achieve specific goals.

B. State-Tribal Forum

21. The parties recognize the need for ongoing dialogue, at the highest level, between the Tribes and the State of Alaska. Therefore, a permanent State-Tribal Forum will be established to initiate and maintain such dialogue. The State-Tribal Forum shall include Tribal government political leaders or their designees and the Governor or his designee and appropriate cabinet officials. The Governor will invite the participation of representatives from the legislative and judicial branches of state government to enhance their participation in the process of creating government-to-government relationships between the State of Alaska and the Tribes. The State-Tribal Forum shall be held at least once annually.
22. The parties to this AGREEMENT will set a date for the first State-Tribal Forum within 60 days of the initial signing of this AGREEMENT.
23. At the first State-Tribal Forum following execution of this AGREEMENT, the parties shall establish "working groups" in order to facilitate interdepartmental dialogue and coordination with Tribal government representatives on issues that are relevant to more than one State department or agency. The working groups shall meet at least twice a year and report annually to the Governor and the Tribes at the State-Tribal Forum.

C. Oversight Office, Council, or Commission

24. The parties recognize the need for a centralized office, council, or commission to oversee Tribal-State relations. The functions of this body shall include, but not be limited to, the following:
 - (a) Review, monitor, and recommend policies on issues related to Tribal-State relations;
 - (b) Work toward greater understanding, tolerance, sensitivity, and awareness among Alaska's peoples and between Tribal and State government officials and representatives;
 - (c) Compile and disseminate information about Tribal and State government services;
 - (d) Develop and sponsor programs to inform Tribal members/citizens and non-Tribal citizens of the services available to them and to make Tribal needs and concerns known to the public and private agencies whose programs and activities serve or affect them;
 - (e) Encourage and support public and private agencies to expand and improve their services for Tribal members/citizens;

- (f) Assess effects of state programs on Tribes and Tribal members/citizens and make recommendations to the appropriate agencies, as well as periodic follow-up of such agencies and programs;
- (g) Promote increased participation by Tribal members/citizens in State government affairs; and
- (h) Report to the Tribes, the Governor, and the Alaska State Legislature on all matters of concern under the AGREEMENT.

25. In order to develop such an office, council, or commission, the parties shall establish a temporary committee for the sole purpose of researching and developing proposals or guidelines for how such a body may be constituted, structured, and governed. The committee will be comprised of no less than four State officials and four Tribal officials. The committee will complete its recommendations within 90 days of the initial signing of this AGREEMENT. The committee will seek public comment before finalizing its recommendations. The parties agree that efforts will be made to consult with State legislators in order to increase, improve, and enhance legislative participation in Tribal-State relations.

D. Procedures, Protocols, and Key Contacts

- 26. The parties recognize that there is a need to develop mechanisms for ongoing clear, consistent, and direct dialogue between the Tribes and State departments on a variety of issues in order to give full effect to the government-to-government relationships.
- 27. Cabinet officials, in consultation with Tribal Government leaders or their designees, will establish protocols and procedures within their respective agencies to implement this AGREEMENT. These protocols and procedures should ensure mutual consultation on matters that significantly affect concerned parties. Once these protocols and procedures have been adopted, all supervisory and management-level employees in State departments shall be informed of their provisions.
- 28. Tribal governments are encouraged to share their current tribal structures, methods of decision-making, procedures, and the names of relevant tribal personnel with the State.
- 29. Each party shall identify "key contacts" in its respective government for coordination between the State of Alaska and the Tribes to ensure the promotion of dialogue between State departments and the Tribes.

E. Coordination of AGREEMENT Implementation

- 30. The parties agree to work with the Alaska Inter-Tribal Council (AI-TC) to provide logistical support, coordination, and facilitation of meetings of the parties.

VI. SOVEREIGNTY AND DISCLAIMERS

- 31. In executing this AGREEMENT, no party waives any rights, including treaty rights, immunities, sovereign immunities, or jurisdiction it may possess. This AGREEMENT in no way diminishes any rights or protections afforded any persons or entities, whether parties or

not, under applicable tribal, state, federal, or international law. Through the provisions of this AGREEMENT the parties strengthen their collective ability to successfully address and resolve issues of mutual concern. This agreement is a policy directive and does not create legally binding or enforceable rights. By signing this AGREEMENT no party is making an admission, nor may this document be used in any court of law.

32. The government-to-government relationships between the Tribes and the State of Alaska shall in no way alter or diminish the unique relationship that Tribal governments have with the federal government or any other government.

VII. RESOLUTION OF DISPUTES AND AMENDMENTS

33. Conflicts or disputes between parties pertaining to the meaning, interpretation or methodology of this AGREEMENT will be brought before the State-Tribal Forum for resolution.
34. Each Tribe has the right to elevate an issue of importance to any executive decision-making authority of the State of Alaska. The State of Alaska has the right to elevate an issue of importance to any decision-making authority of the Tribe concerned.
35. Any signatory party may propose amendments to this AGREEMENT. Proposed amendments must be presented to the State-Tribal Forum at its next meeting for discussion before circulation to all parties. The party proposing the amendment is responsible for circulating the amendment to all signatories. Each party shall have ninety days from circulation to approve the proposed amendment by resolution or otherwise. The proposed amendment takes effect only if approved by all parties responding.

VIII. SIGNATORIES AND PARTICIPATION

36. The parties encourage Tribes that are not initial signatories to this AGREEMENT to join in as subsequent signatories with full rights of participation in its implementation.
37. A party may withdraw its participation from this AGREEMENT upon 90 days written notice to all other parties to the AGREEMENT.
38. All signatories shall promote respect for and full realization of the provisions of this AGREEMENT. The initial signatory parties have executed this AGREEMENT on this 11th day of April 2001, and have agreed to be duly bound by its commitments.