

# Week – OUTLINE

## Readings:

### Texts:

[SNN] Harvard Project on American Indian Economic Development. *The State of Native Nations. Conditions Under U.S. Policies of Self-Determination*. New York: Oxford University Press. 2008.

[RC] Miller, Robert J. *Reservation "Capitalism." Economic Development in Indian Country*. Lincoln: University of Nebraska Press. 2012.

## Readings:

SNN Ch. 5 / RC Ch. 6

### Chapter 5 SNN– international relations

1. This Chapter deals mostly with the United Nations. THE US DOES NOT PARTICPATE in the United Nations effort for International laws and rights for indigenous communities. SO the point this chapter is making is uncertain.
2. One thing you can take from this is their arguments on participating in the UN for indigenous communities.
  - a. Although the US does not participate, the UN has influence on companies that work abroad. SO, if a country that participates within some of the indigenous rights programs that the UN has THEN that influences the company to conform to mandates of the UN.
  - b. (Pg. 84) International Labor Org./UN has developed some international law that protects workers and their environment in third world countries.
    - i. US Companies who work in these countries are then forced to comply with these laws.
    - ii. THE ONLY QUESTION is, can native Tribes utilize this influence in support of these international laws to have it applied here? More likely is that they cannot.

### Chapter 6 RC– Attracting Investments

1. There are a lot of issues that prevent Tribal investment from the outside non-native community. The books points to three points but there are a few more:
  - a. Poor communities are risky for business investment. (top of pg. 94)
    - i. They lack human capital, in other words, you have to deeply develop and train people and the cost benefit to a commercial company may be too much.
    - ii. Most Tribes have poverty levels that have them as designated TANF program qualified
  - b. Tribes have no true collateral for loans.
    - i. Lands owned by feds, Tribes are caretakers (pg. 94)
  - c. Tribal agreements have a lot of bureaucracy and therefore there is a lack of understanding on how to work with Tribes from agreement viewpoint. (pg. 95)
  - d. Tribal Sovereign Immunity, Tribes cannot be sued, so companies lose monies if fault is on Tribal side.
    - i. The answer could be waiver of sovereign immunity (pg. 97)
    - ii. This of course should be done on a contract to contract basis (each contract should be examined to determine if waiver is fair).
    - iii. You don't want to waive all the time or Tribe could be bankrupt.
  - e. Political Instability: Sometimes Tribal people have governments that are corrupt or disagree to a point that outside investment by companies will not work with the Tribe.
    - i. The rotation of tribal leadership and then change in working agreements based on political change is bad.
      1. ANSWER: separation of powers.
        - a. One would say this is not how Tribal governments should work
        - b. IF you want investment then you need to give outside companies something concrete that is stable and legitimate and fair.
  - f. Tribal Courts need to be fair
    - i. No outside influence from Tribal Government.
    - ii. This will keep them as a legitimate means preside over incidents between Tribes and outside companies who invest.