Indigenous Social and Economic Levels Strongly Tied to Self-Determination

One of the best things federal governments can do to improve social and economic conditions in indigenous communities is to encourage the autonomy of indigenous societies over their own affairs.

In a forthcoming report on the links between poverty and self-determination among indigenous peoples in Australia, Canada, New Zealand, and the United States, University of Arizona sociologist and Udall Center director, Stephen Cornell, cites strong evidence from systematic research carried out by the Udall Center’s Native Nations Institute and the Harvard Project on American Indian Economic Development.

Social well-being and autonomy
The research suggests that the most dramatic improvements in social and economic conditions among American Indian nations have come as a result of self-determination.

“There is substantial evidence that self-determination has been critical in the improvement of socioeconomic conditions on American Indian reservations,” said Cornell.

Where Indian nations are in the driver’s seat in their own affairs and have backed up decisionmaking power with capable and culturally compatible governments, we have seen significant progress not only in economic conditions but in the resolution of longstanding social problems,” he added.

Strategies of federal governments
This conclusion challenges prevailing policy orientations in at least three of the four countries.

Despite the demands of indigenous peoples for more control over their lands, resources, local governing institutions, and development strategies, central governments in Australia, Canada, and New Zealand have been much more concerned with overcoming indigenous social and economic disadvantage than with self-governance.

In Australia, for example, federal indigenous policy has been focused primarily on improving the delivery of services to Aboriginal communities and raising standards of living.

In New Zealand, despite Maori calls for more autonomous institutions and more substantive self-governance, the central government has been preoccupied with a policy called “Closing the Gaps.”

In Canada, federal policymakers have been far more willing to discuss matters of inequality than matters of self-determination.

What if improvements in indigenous socioeconomic well-being are likely to come about only where central governments support indigenous self-determination?

But what if the two are connected? But what if improvements in indigenous socioeconomic well-being are likely to come about only where central governments support indigenous self-determination? Cornell argues that, in the United States at least, robust research evidence shows such a connection.

SOURCE
Study Cites Benefits of Tribal Divorce-Settlement Processes

When it comes to handling matrimonial real-property disputes, citizens of Native nations, whether in the United States or Canada, more likely are better off if their nations have developed their own rules and adjudication mechanisms to handle such disputes.

In a recent issue of the Canadian journal Atlantis, Miriam Jorgensen, the Native Nations Institute’s associate director for research, and her co-authors, Joseph Flies-Away and Carrie Garrow, report these results from a study on the division of matrimonial real property on American Indian reservations.

The research, commissioned by the Canadian Department of Indian Affairs and Northern Development, sought to understand how the experiences of American Indian nations with this issue might inform policymaking for First Nations in Canada.

“In Canada, a large number of disputes over the disposition of reserve-based matrimonial real property are resolved in the absence of clear policy,” said Jorgensen.

“As a result, there are concerns that families, particularly women and children, suffer from the property-division outcomes,” she said. “By contrast, among U.S.-based Native nations, such concerns are mitigated. The research question and important point of comparison is ‘why?’”

Through interviews and site visits, and by examining written documents, especially legal cases, the researchers looked at a range of situations among four American Indian nations with differing legal regimes:

- Navajo Nation, where decisions are governed by formal tribal law
- Hopi Tribe, where decisions are largely governed by informal/customary tribal law
- Luiseño Indian Nations of California, where decisions are governed by state law
- Native Village of Barrow, Alaska, where the legal regime and rules governing division of matrimonial real property are unclear

“What we found were two situations,” said Jorgensen. “One in which tribal law, often a mix of formal law and custom, tends to dominate, and then another with a combination of state law and tribal responsibility.”

While the researchers found that the resolution of real-property disputes under tribal law and by tribal courts has been more successful than dispute resolution under the alternative regime, they also found that it is important to have both rules and dispute resolution mechanisms.

“Native nations with one, but not the other, cannot offer the same advantages in the disposition of matrimonial real property in divorce,” said Jorgensen.

The study also found that if external bodies must rule in real-property disputes, the participation of judges and lawyers familiar with tribal affairs tends to improve outcomes.

“The message for First Nations is that divorce and property-settlement solutions designed by non-Natives could be a poor fit and create more problems than processes based on or including indigenous customs,” said Jorgensen.

For more information, contact Miriam Jorgensen at (314) 454-9454 or miriam_jorgensen@harvard.edu.

SOURCE

Divorce and Division of Real Property on American Indian Reservations: Four Case Studies

<table>
<thead>
<tr>
<th>Community</th>
<th>Size</th>
<th>Legal Regime</th>
<th>Comments</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Navajo Nation (Arizona)</td>
<td>240,000 citizens on or near 16.2-million acre reservation</td>
<td>Formal tribal law</td>
<td>• Consensus-oriented judicial procedures (now based on traditional law)</td>
<td>• Peacemakers help resolve civil disputes</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Emphasis on equity, well-being of divorcing parties and their families and clans</td>
<td></td>
</tr>
<tr>
<td>Hopi Tribe (Arizona)</td>
<td>7600 citizens in 12 confederated villages</td>
<td>Partially informal-customary tribal law</td>
<td>• Affected village has original jurisdiction</td>
<td>• Incentives to create equitable and peace-producing resolution</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Emphasis on equitable or appropriate use of property, rather than ownership</td>
<td></td>
</tr>
<tr>
<td>Luiseño Indian Nations of California</td>
<td>Average of 650 members for each of seven nations</td>
<td>California state law</td>
<td>• Tribal members allowed to divorce in state or tribal courts (but the latter is nonexistent)</td>
<td>• State court unfamiliarity with trust property can lead to inequitable outcomes</td>
</tr>
<tr>
<td>Native Village of Barrow (Alaska)</td>
<td>About 300 persons; one of about 200 Native villages in Alaska</td>
<td>Unclear</td>
<td>• State court hears divorce cases</td>
<td>• Decisions about trust properties must be made outside state system, but no process for doing this</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Active informal process for distributing trust properties</td>
<td>• Divorce and property issues are complicated</td>
</tr>
</tbody>
</table>
The Udall Center convened a group of international scientists in Guayaquil, Ecuador, to consider the adaptation and application of a climate-and-water vulnerability index to identify, measure, and highlight areas where the availability of water resources is most vulnerable to climatic changes.

The index under discussion was developed by researchers Caroline Sullivan and Jeremy Meigh at the Centre for Ecology and Hydrology in Wallingford, U.K.

“Most parts of the world, and especially in developing countries, climate variability and resulting water-related problems limit economic growth and social well-being,” said Robert Varady, deputy director of the Udall Center and organizer of the workshop on Options for Use of a Climate Vulnerability Index (CVI).

Varady suggests that a technique to locate more precisely areas that are particularly vulnerable to water scarcity, flooding, and other climate-induced phenomena could provide policymakers and managers with a tool to intervene or forestall potential problems.

With funding from UNESCO’s International Hydrological Programme and its HELP (Hydrology for the Environment, Life and Policy) Initiative, the March 21-23, 2005, meeting was hosted by Dr. M. Pilar Cornejo de Grunauer of the Facultad de Ingeniería Marítima y Ciencias del Mar and Escuela Superior Politécnica del Litoral in Guayaquil.

“Effecting changes in water-resources management requires that collaborators have power in the water resource arena from the start,” Browning-Aiken said.

The researchers hope to develop and compare the CVI across the Americas, in such areas as the Yuna Basin (Dominican Republic), São Francisco Verdadeiro (Brazil), Limari River Basin (Chile), Chaguana River Basin (Ecuador), Upper San Pedro River Basin (Mexico/U.S.), and other watersheds.

For more information, contact Robert Varady at (520) 626-4393 or rvarady@email.arizona.edu.

Watershed Groups Assume Key Roles for Basin Resources

In a recent study of watershed groups in Arizona, researchers at the University of Arizona (UA) found that a group’s success depends on its capacity to identify water-basin problems, implement projects, garner stakeholder involvement, interpret and use scientific information, manage conflicts, and recruit financial and political support.

“We were interested in understanding how these groups move from being merely a collection of interests to collaborative managers of water resources,” said Anne Browning-Aiken at the Udall Center and the study’s lead investigator. Her co-authors are J.E. de Steiguer and Deborah Young, both at the UA.

The researchers interviewed members of watershed organizations and other knowledgeable persons in the Verde, Upper San Pedro, and Santa Cruz River Basins in Arizona.

The researchers found that if watershed groups are to become a new form of water management, then they must have access to the power to make decisions crucial to collaboration, including the authority to implement projects and programs.

“Effecting changes in water-resources management requires that collaborators have power in the water resource arena from the start,” Browning-Aiken said.

The study was funded by the UA Water Resources Research Center.

For more information, contact Anne Browning-Aiken at (520) 626-4393 or browning@u.arizona.edu.

SOURCE
With support from more than 120 golfers, dozens of sponsors and contributors, and a dedicated team of organizers, the Fourth Annual Native Nations Institute/Roger Willie Charity Golf Tournament, held April 8, 2005, at the Starr Pass Golf Resort in Tucson, exceeded its goals.

“We had our largest turnout ever,” said Joan Timeche, assistant director of the Native Nations Institute (NNI) and the tournament manager. Timeche said the event raised more than $20,000 for the NNI/Roger Willie Nation-Building Endowment Fund at the University of Arizona.

The fund was established by NNI and artist and actor Roger Willie, a citizen of the Navajo Nation. Willie appeared in the 2002 film, “Windtalkers,” as a WWII Navajo “code talker.”

The winning teams of this year’s tournament were: Delmar Jones, Al Nez, Kevin Quannie, and J.C. Wright (first place); Ferlin Clark, Harris Toya, Benny Shendo, and Mo Smith (second place); and Thomas Beauty, Manuel Guzman, Gabriel Jackson, and John Smith (third place).

A. Keller George (left), President of the United Southern and Eastern Tribes (USET), teams up with Manley Begay, director of NNI.

B. The Starr Pass Golf Course is situated below the JW Marriott Starr Pass Resort and Spa in the southern Tucson Mountains.

C. Teeing off is Michelle Hale, a graduate research associate for NNI and a doctoral student at the University of Arizona (UA).

D. Ferlin Clark (left), President of Diné College, served as master of ceremonies for the charity raffle and auction. Here, Roger Willie displays for bid a jersey donated by UA basketball player, Channing Frye.

E. Golfers Brent Bluehouse (left) and Roger Willie at one of the holes.

F. Roger Willie (center) with Gilbert Perez (right) and David Carrasco. Perez and Carrasco played on a team sponsored by the Pascua Yaqui Tribe.

G. Miss Native America UA, Amanda Cheromiah (left), and her First Attendant, Kassondra Yaiva (far right), with members of the second-place golf team (left to right) Mo Smith, Benny Shendo, Harris Toya, and Ferlin Clark, who received framed artwork by Roger Willie.

Photo credits: Raymond Naito (A, B, C, and E) and Rose Chischillie (D, F, and G)
ECOSTART II Connects the San Pedro River to the Classroom

ECOSTART II, the second phase of a multi-year, environmental-education training program for teachers in the Upper San Pedro River Basin, concludes this summer – beyond the bounds of its original design – with workshops in Cananea and other locations along the Arizona-Sonora border.

“The purpose of ECOSTART II has been to help teachers teach elementary and secondary students about water conservation, basic ecology, and bird and fish habitats along the San Pedro,” said Anne Browning-Aiken, a program manager at the Udall Center and the project’s principal investigator.

The initial plan for ECOSTART II – a partnership between the University of Arizona, Arizona-Sonora Desert Museum, Tucson Audubon Society, and Arizona Project WET (Water Education for Teachers) and supported by the U.S. Environmental Protection Agency – was to focus on teachers in the community of Sierra Vista, Ariz.

“After several successful workshops last year,” said Browning-Aiken, “the program soon caught the attention of other groups who wanted to sponsor similar workshops in Sonora.”

In July 2004 the program’s two-day workshop reached 23 teachers in Sierra Vista. An October 2004 workshop focused on pollinators, and an ongoing course this spring provided instruction in the use of global positioning system (GPS) technology. Combined, the teachers educate nearly 750 students.

The program in Sonora, supported by the Sierra Vista Rotary Club and its counterpart in Cananea, organized a one-day workshop this past January for 25 teachers from 18 schools in Cananea and included presentations based on the Spanish-language version of the Project WET workbook, ¡Encaucemos el Agua! The workshop also included demonstrations of two environmental models, Enviroscape and a groundwater-flow model from the Sierra Vista Project WET office.

The workshops to be held in Sonora this coming July will have a similar design and content.

In addition to instruction and practice in using hands-on learning activities, the ECOSTART II workshops provide teachers with handbooks and other materials to use in the classroom (videotapes on the water cycle and water conservation for teachers in primary schools, water-testing kits and simple GPS units for those in secondary schools).

Besides Browning-Aiken, the investigators for ECOSTART II include Denisse Fisher de Leon, graduate research assistant, at the Udall Center; Yajaira Gray, educational outreach coordinator from the Arizona-Sonora Desert Museum; and Floyd Gray, research geologist with the UA Department of Geosciences.

Additional support for the project has come from the Morris K. Udall Foundation and the UA Center for the Sustainability of semi-Arid Hydrology and Riparian Areas (SAHRA).

For more information, contact Anne Browning-Aiken at (520) 626-4393 or browning@u.arizona.edu.

Environmental Board Issues Border Water Report

As a member of the Good Neighbor Environmental Board, Robert Varady, deputy director of the Udall Center, joined with other board members in Tucson on March 8 to present the board’s latest report, Water Resources Management on the U.S.-Mexico Border: Eighth Report to the President and Congress of the United States.

The Good Neighbor Environmental Board (GNEB), comprising representatives from diverse institutions within the public and private sectors, advises the President and the Congress about environmental and infrastructure issues and needs within the states contiguous to Mexico.

“The board operates by consensus,” said Varady, “and this report reflects the views of multiple perspectives about how we should use and manage water resources in the borderlands.”

In summary, the GNEB recommends that the U.S. government:

- clarify current responsibilities of border institutions that manage water resources in the region and identify jurisdictional gaps and overlaps and other inconsistencies
- develop and sign formal binational agreements to collect, analyze, and share water resources data to support the needs of a wide range of users
- implement a five-year, binational planning process for water resources in the region, using a stakeholder-driven watershed approach, addressing immediate concerns in critical areas while pursuing collaborative longer-term strategies

The 60-page report, in English and Spanish, is available from the U.S. Environmental Protection Agency by contacting the board’s designated federal officer, Elaine Koerner, at (202) 233-0069 or by e-mail at koerner.elaine@epa.gov.

www.epa.gov/ocem/gneblgneb_president_reports.htm
Native Nations Institute International Advisory Council

The Native Nations Institute consults regularly with an International Advisory Council (IAC) composed of twenty-three indigenous leaders from the United States and Canada, appointed by the President of the University of Arizona. While the council has neither fiduciary responsibility nor legal authority over NNI activities, it meets twice a year to review NNI programs and plans. And NNI seeks advice from IAC members less formally between meetings. The IAC has played a key role in shaping NNI priorities and is a critical source of support in Indian Country and among First Nations in Canada. We present here the complete list of IAC members and, in future issues of Update, we’ll feature individual members. The next IAC meeting will be July 8-9, 2005.

COUNCIL CO-CHAIRS

Denny Hurtado (Skokomish)
Program Supervisor, Office of Superintendent of Public Instruction, State of Washington; Past Chairman, Skokomish Indian Tribe
Olympia, Wash.

Sophie Pierre (Kootenay)
Chief, St. Mary’s First Nation; Tribal Administrator, Ktunaxa/Kinbasket Tribal Council
Cranbrook, B.C., Canada

COUNCIL MEMBERS

John A. ‘Rocky’ Barrett (Potawatomi)
Chairman, Citizen Potawatomi Nation
Shawnee, Okla.

George Bennett (Ottawa and Chippewa)
Tribal Councilor and Past Chairman, Grand Traverse Band of Ottawa and Chippewa Indians
Suttons Bay, Mich.

Gregory Cajete (Santa Clara Pueblo)
Director, American Indian Studies, University of New Mexico (Albuquerque)

Duane Champagne (Turtle Mountain Chippewa)
Professor of Sociology, University of California, Los Angeles (UCLA)

Raymond Cross (Mandan-Hidatsa)
Professor of Law, University of Montana Missoula, Mont.

Dalee Sambo Dorough (Inupiat)
Inuit Circumpolar Conference Advisory Committee on United Nations Issues
Anchorage, Alaska

Hermina "Minnie" Frias (Yaqui)
Chairwoman, Pascua Yaqui Tribal Council
Tucson, Ariz.

David Gipp (Lakota)
President, United Tribes Technical College
Bismark, N.D.

Vernon James (Apache)
CEO & General Manager, San Carlos Telecommunications, San Carlos Apache Tribe
Bisbee, Ariz.

Vivian Juan-Saunders (Tohono O’odham)
Chairwoman, Tohono O’odham Nation
Tucson, Ariz.

Willie Kasayulie (Yup’ik)
President & CEO, Akiachak Limited
Akiachak, Alaska

Elsie Meeocks (Lakota)
Executive Director, First Nations Oweesta Corporation
Kyle, S.D.

Michael Mitchell (Mohawk)
Mohawk Council of Akwesasne
District of Kanesatake, Ont., Canada

Regis Pecos (Cochiti Pueblo)
Councilor and Past Governor, Cochiti Pueblo; Co-Director, New Mexico Leadership Institute; Senior Policy and Legislative Analyst to the Speaker, New Mexico House of Representatives
Santa Fe, N.M.

Jaime A. Pinkham (Ncz Perce)
Watershed Department Manager, Columbia River Inter-Tribal Fish Commission
Swept, Ore.

Gerald Sherman (Lakota)
Project Coordinator, Indian Land Tenure Foundation
Roscoe, Mont.

Steve Stevens (Crow)
President, Stevens Enterprises
Lodge Grass, Mont.

Karen Gayton Swisher (Standing Rock Sioux)
President, Haskell Indian Nations University
Lawrence, Kan.

Wayne Taylor, Jr. (Hopi)
Chairman, Hopi Tribe
Kykotsmovi, Ariz.

Peterson Zah (Navajo)
Advisor to the President, Arizona State University; Past President and Chairman, Navajo Nation
Tempe, Ariz.

Patricia Zell (Arapaho/Navajo)
Democratic Staff Director/Chief Counsel, Senate Committee on Indian Affairs
Washington, D.C.

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udall center update

Udall Scholars
Through a highly competitive review-and-selection process, 81 students have been selected as 2005 Udall Scholars. The scholars, juniors and seniors from 64 colleges and universities across the United States, intend to pursue careers related to the environment, tribal public policy, or tribal health care. Each scholar receives up to $5,000 for one year. The scholars will assemble August 10-14, 2005 in Tucson, Ariz.

Dissertation Fellows
Two Ph.D. candidates, Brinda Sarathy of the University of California at Berkeley and David Konisky at the Massachusetts Institute of Technology, have been selected as 2005 Udall Dissertation Fellows. The fellowships are awarded to outstanding doctoral candidates entering the final year of writing the dissertation on a topic related to environmental public policy or environmental conflict resolution. The award covers expenses up to $24,000 for the year.

For more information about the foundation’s awards programs contact Jane Curlin at (520) 670-5609 or curlin@udall.gov www.udall.gov

Native American Interns
Twelve students from eight tribes and ten universities have been selected as 2005 Native American Congressional Interns. The interns will complete an intensive, ten-week internship in Washington, D.C., this summer, where they will work full-time in congressional offices or federal agencies and observe the federal legislative process first-hand. Since its inception in 1996, 114 students from 78 tribes have participated in the program.

American Congressional Interns. The interns will complete an intensive, ten-week internship in Washington, D.C., this summer, where they will work full-time in congressional offices or federal agencies and observe the federal legislative process first-hand. Since its inception in 1996, 114 students from 78 tribes have participated in the program.

The Morris K. Udall Foundation recently awarded nearly 100 internships, scholarships, and fellowships to students across the United States.

Connections
news from affiliated programs and organizations

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UDALL CENTER FELLOWS

The Udall Center has named four University of Arizona (UA) faculty members as Udall Center Fellows for 2005-06. The fellows will affiliate with the center and will engage in research on topics related to public policy.

This year, two fellows will receive stipend support from the College of Social and Behavioral Sciences, and two will receive support from the Institute for the Study of Planet Earth (ISPE) and College of Science, respectively.

The fellows, and their proposed research topics, are:

- **Kristin Kanthak**, assistant professor of political science. Kanthak will study the evolution of party loyalty related to committee service in the U.S. House of Representatives and its implications for environmental policy and legislation.

- **Lane Kenworthy**, associate professor of sociology. Kenworthy will analyze factors that have contributed to affluent countries’ success or failure in achieving high employment combined with low income inequality and will examine potential policy strategies that might promote such an outcome.

- **William McCallum**, professor of mathematics. McCallum will conceptualize and articulate an institution to promote discussions and interactions among mathematicians and educators to enhance the teaching of mathematics, primarily in elementary and secondary schools.

- **Edella Schlager**, associate professor of public administration and policy. As an ISPE-Udall Center Fellow, Schlager will examine different forms of collective-choice and conflict-resolution processes, particularly interstate river compacts, and how they influence the allocation and use of common-pool water resources.

Since the inception of the program in 1990, the center has named nearly 100 fellows from 32 departments at the UA. For more information, contact Kim Abraham at (520) 626-4393 or kabraham@u.arizona.edu.
When Anne Browning-Aiken looks at the Upper San Pedro River, she sees an educator’s delight.

“It’s an outdoor library, a living laboratory, and everything else a teacher might need to bring the real world into the classroom,” said Browning-Aiken, program manager for environmental policy and community collaboration at the Udall Center.

“There’s so much here to teach students about geography, history, and science,” she said, “and it’s all free and accessible to everyone.”

For the past four years, Browning-Aiken has managed a binational environmental-education program, ECOSTART, and its successor, ECOSTART II, to help teachers in the basin’s principal communities – Sierra Vista, Ariz., and Naco and Cananea, Sonora – bring the many facets of the river into their students’ lives (see related article on page 5).

The San Pedro River – which flows north from Sonora, Mexico, into Arizona – is one of the few remaining perennial streams in the region and one of North America’s major corridors for migrating birds.

“But the vitality of the river and its adjacent ecosystem is under potential threat from booming development and growth on the U.S. side and mining and agricultural activities in Mexico,” said Browning-Aiken.

A teacher for more than fifteen years in Michigan, North Carolina, and Greece, she also has been connected to the San Pedro River and its basin for more than a decade.

In the early 1990s, as a doctoral student studying the social and environmental history of Cananea, she spent a year living with a mining family in the community.

Today she facilitates meetings and discussions among the basin’s diverse stakeholders, coordinates a program of policy research at the Udall Center, and manages the ECOSTART program.

Over the years, she has interviewed dozens of educators, local officials, miners and union leaders, mine managers, ranchers and farmers, persons in the private sector, and others.

Through her work, and from these dialogues, she sees obvious connections between what’s happening on the two sides of the border.

As an individual, Browning-Aiken feels committed to preserving the integrity – the social and ecological value – of the river.

As a social scientist, she would like to see an active binational watershed alliance – a forum through which Mexican and U.S. citizens could meet openly, exchange information, and address their joint concerns together – working without borders to balance the diverse needs of the basin’s many stakeholders.

That’s where she thinks programs, such as ECOSTART, can play a big role, helping to connect the river and basin to the people who live there.

“Education provides an important link: from the river to teachers, teachers to students, and students to parents, relatives, and others in the community,” said Browning-Aiken. “And with that knowledge flows a sense of ownership and responsibility.”