

**STATEMENT
OF
SENATOR DANIEL K. INOUE
CHAIRMAN
COMMITTEE ON INDIAN AFFAIRS
BEFORE THE
JULY 18, 2001
HEARING
ON
TRIBAL GOOD GOVERNANCE PRACTICES
AS THEY RELATE TO
ECONOMIC DEVELOPMENT**

The committee meets this morning to receive testimony on the governmental practices that foster the potential for economic development in Indian country.

I am pleased to know that the academic research conducted by the Harvard university project on economic development has documented that the fundamental cornerstone of good governance is sovereignty.

Without sovereignty, in all likelihood, Indian people would have long ago been assimilated into the dominant society and would no longer have any lands or communities that you have made your own.

Your children would not know their culture, their traditions, their language or the great contributions their ancestors have made to America.

All of this would have been wiped out over time, because American law draws a sharp distinction between those who have a government-to-government relationship with the United States and those people who are defined by reference to their race or ethnicity.

Although there are still many Americans who don't seem to understand this distinction –

- That which makes the indigenous, native people of this country unique –
- The members of this committee do understand this most fundamental of all principles, and

- We know that it is on this basis that the treaties with Indian Nations were entered into, and
- That it is on this basis that the congress has, for over two hundred years, enacted legislation to address conditions in Indian country. But when we speak of good governance, we must be much more careful that we are not calling upon Indian governments to be a mirror reflection of other governments.

As the Navajo Nation supreme court expresses so effectively, your traditional laws have governed the relations amongst people in your communities for hundreds of years before this country was ever founded.

You have customs and mores and ways of resolving disputes that have proven effective over time, and have stood the test of time.

So the dominant society must not rush to judgment if your governmental mechanisms may differ a little or even a lot from those they are accustomed to.

Having said that, I believe the Harvard project has tried to examine those governance practices that are the most effective from the vantage point of what works in Indian communities because those practices have the greatest degree of acceptance from the citizens of the Tribal Government – and thereby, the consent of the governed.

Indian Nations that are strong and healthy will be those in the best position to shape the future of Indian country.

And those of us on this Committee who are dedicated to your cause want to do everything we can to assist you in building and maintaining governance structures that will serve your children and your grandchildren well.