

**The Evergreen State College
Masters of Public Administration Program
Winter, 2013 – Tribal Concentration
Intergovernmental Relations
Intensive Format: Feb 22-24: March 8-10**

SEM II C1105

Faculty

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INTERGOVERNMENTAL RELATIONS

Many legal and political terminologies have almost become cliché. We often hear “Government-to-Government”, “collaboration”, and “mutual respect” when discussing the relationship between Indian and Non-Indian governments. What do these terms actually mean in real life, and in everyday interaction between the governments?

This course will include readings, lectures and assignments which will cover the historical, legal, theoretical and practical aspects of intergovernmental relations using the framework of the three major functions of government: regulatory, fiscal/taxation and service provisions. Particular focus will be on development of governmental agreements rather, as well as litigation, between tribes and the federal government and states, as well as between tribes and local governments. We will discuss efforts to coordinate “Indian” policy within the executive branch, the development of government-to-government consultation processes for tribal governments within different agencies and the role of intergovernmental agreement-making-processes by different federal agencies. We will also explore state-tribal relations with states and local governments with a focus on assessing the impacts, benefits and limitations of different types of intergovernmental agreements. Students will explore models for agreements in areas such as co-management of fisheries, land use/zoning, land management, law enforcement, tobacco tax/gaming, and social service provision.

Reading List

1. “Government to Government,” National Conference of State Legislators, (NCSL), Denver, (will be posted to Moodle)
2. Barrow, John, “Recovering Canada”*
3. Hayward, Janine, “The Treaty of Waitangi,” 2002. ISBN 0820 8501-6

(paperback)

4. Ostrom, Eleanor, "Governing the Commons: The Evolution of Institutions for Collective Action," any version 1997-2010, Cambridge University Press, N.Y., 280 pp. ISBN 0-521-40599-8 (paperback).
5. Sam Deloria's 1995 paper on Consultation in Indian Affairs.
6. Federal examples: Consultation documents. (will be posted to Moodle)
7. U.S. Apology Resolution Public Law 103-150 <http://www.hawaii-nation.org/publawall.html>
8. <http://nativecases.evergreen.edu/collection/themes/intergovernmental-relations.html>

Learning Objectives: In meeting the major learning objectives for the winter-quarter tribal concentration course, students will:

1. Gain an understanding of the historical evolution of intergovernmental relationships.
2. Understand the functions of tribal government in the context of intergovernmental relationships both internally and on the international level.
3. Develop a broad knowledge of the unique nature of intergovernmental relations from the perspective of tribal nations with an emphasis on multiple components and overlapping jurisdictions.
4. Develop the capacity to analyze the benefits and impacts of various types of agreements and to negotiate and construct such agreements within relevant historical and legal frameworks.
5. Gain a working knowledge of the principles and processes for intergovernmental consultation.
6. Improve skills in critical thinking, writing, speaking, and working effectively in teams.

Expectations

Students

1. Attend every class; be on time. Participation includes speaking in class, listening to others, taking notes, completing class interactive exercises, and listening to and dialoging with the guest speakers. If an absence is unavoidable, seminar faculty must be notified prior to a class and/or seminar absence. After one absence per quarter, make-up work may be assigned at faculty discretion, on a case-by-case basis. Makeup work must be completed by the end of the quarter in question to ensure full receipt of course credit.
2. Comply with TESC Student Conduct Code:
3. Writing is expected to be of the highest quality, clear with accurate grammar and spelling. Students are encouraged, and may be required, to work with the Graduate Writing Assistant.
4. Students will receive 4 graduate credits at the completion of each quarter if all course requirements have been satisfactorily completed to meet course objectives. No partial credit will be awarded. Incompletes will only be offered at the discretion of seminar faculty. Credit denial decisions will be made by the faculty team. Denial of credit for two terms of core may result in expulsion from the MPA program. Plagiarism (i.e., using other peoples' work as your own), failing to complete one or more assignments,

completing one or more assignments late (without having made arrangements *before* the due date), or multiple absences may constitute denial of total credit. Unexcused absences or lack of academic work may result in no credit at the discretion of the faculty. Students will also be evaluated based upon their progress towards the learning goals that will be assessed from classroom, seminar, and assignment performance. The faculty team makes decisions for no credit when necessary, based on absence or failure to meet academic course requirements.

5. Topics we discuss may be controversial, with people holding different opinions on respective subjects. Therefore, having respect for others is fundamental to having open, educational dialogue.

6. Written self-evaluations and seminar faculty evaluations are required for credit, at the end of each quarter, and will be discussed along with faculty evaluations of students at the evaluation conference. (Students may elect to submit faculty evaluations to Program Secretaries Amanda Lehr and Tamara Pinero, Lab II, 2257)

7. Reflect upon, integrate, and demonstrate learning in class participation and in assignments.

8. Hard copies of all assignments must be submitted on respective due dates.

9. Students are expected to take advantage of College resources to maintain academic standards.

Technology

1. As a result of technological advances students have at their fingertips, in class, tremendous resources...and distractions. Because this, and all classes at Evergreen, rely greatly on interaction and the participation of all class members, the use technology (i.e., laptops, smart phones, tablets, etc) is limited **ONLY** to that which is necessary and directly indispensable to current class activities. The mutual respect and courtesy of all students is requested, and expected.

2. Students are required to have an Evergreen e-mail account for communication about class work and to participate in program list serves and Moodle.

3. Computer and Internet access are required to complete course work outside of class.

Faculty

1. Faculty members are expected to conform to the expectations above, as appropriate, be prepared for class, responsive to student questions, and to promptly return student work.

2. Faculty members can be expected to be reasonably available to students.

ASSIGNMENTS

1. Locate two consultation policy statements for two different federal agencies. If you are not sure of where to find such statement, we suggest that you start by searching the references identified on the "Internet Resources for Tribes" link in the Northwest Applied Research Institute web site. Based on your reading of Sam Deloria's 1995 paper on Consultation in Indian Affairs, (see reading list, above), compare the two policies, note similarities and differences in their definition of consultation and critically analyze the

process that they provide for implementing consultation, both implicitly and explicitly. (4-5 pages, due Feb. 20)

2. Write a brief case history, (5-7 pages, due Feb. 22), on the development and implementation of an intergovernmental agreement that you select. Your case study should not be one of the agreements analyzed in the reading materials assigned above. However, it may be an agreement that is simply referred to but not described and analyzed. Include the following sections:
 - a. Describe the problem or issue that the intergovernmental agreement was designed to resolve.
 - b. Describe the partners to the agreement and their incentives for negotiating the agreement.
 - c. Discuss the components or elements of the agreement, the contribution made by each of the participating parties and their plan for its enforcement and/or implementation.
 - d. If the agreement has been in place for a period of time, analyze the track record of its implementation. (i.e. whether it has been successful or not, why, how?)
 - e. Make recommendations for changes and/or identify especially effective areas or mechanisms of the agreement. (10-12 pages, due March 8)

Second class session papers:

March 6: Seminar Papers based on State-Tribal relations NCSL readings

March 7: Agreements paper case history (5-7 pages, complete in class)

March 8: Research Paper on Intergovernmental agreements with your own recommendations for change/improvements (10-12 pages)