

Why Tribes should not be referred to as Stakeholders

1. Tribes Are Sovereign Governments, Not Stakeholder Groups

Tribes are self-governing sovereign Nations with inherent authority that predates the United States. Their political status is recognized through:

- The U.S. Constitution
- Treaties
- Federal Indian law
- Court decisions
- Executive orders
- State-level statutes (including New Mexico's State Tribal Collaboration Act)

Because of this, Tribes hold the same governmental status in intergovernmental relations as states and the federal government—not the same status as organizations or interest groups.

Stakeholders provide input.

Sovereigns share authority.

2. Sovereignty Creates a Government-to-Government Relationship

Tribes and the State do not interact as “stakeholders”; they interact as:

- Governments
- Political authorities
- Parties with jurisdictional and legal responsibilities
- Entities with defined rights under federal and state law

This relationship requires consultation, coordination, and negotiation, not “engagement sessions” or “feedback.”

3. “Stakeholder” Implies Equal Standing With Non-Government Entities

Labeling Tribes as stakeholders groups them with:

- Nonprofits
- Businesses
- Local advocacy groups
- Private citizens
- Service providers

This is inappropriate and inaccurate because:

- These entities do not possess sovereignty.
- These entities do not have trust and treaty rights.
- These entities cannot exercise governmental powers.
- These entities do not govern land, citizens, or jurisdictions.

Tribal Nations hold legal and political rights that far exceed stakeholder status.

4. Federal Trust and Treaty Responsibilities Require a Higher Standard

The U.S. government—and by extension, states that serve Tribal citizens—have:

- Trust obligations
- Treaty responsibilities
- Statutory duties

These obligations cannot be met by treating Tribes as one stakeholder among many.

Trust responsibilities require:

- Early consultation
- Shared decision-making
- Recognition of Tribal authority
- Respect for Tribal data, jurisdiction, health systems, and laws

Stakeholder outreach does not meet these standards.

5. Decisions Affecting Tribal Citizens or Lands Have Legal Implications

Any policy, program, or data collection involving Tribal citizens or occurring on or near Tribal lands may trigger:

- Jurisdictional requirements
- Data sharing agreements
- Sovereign consent
- State–Tribal consultation laws (e.g., STCA)
- Federal obligations (e.g., ISDEAA, IHCA, PL 93-638)

Stakeholders do not have such legal standing.

6. “Stakeholder” Language Erases History and Undermines Rights

Referring to Tribes as stakeholders:

- Reduces sovereign Nations to community interest groups
- Erases colonization, treaty history, and government obligations
- Undermines legal rights to consultation and co-governance
- Reinforces patterns of state overreach and marginalization

This is harmful because it signals that Tribal voices can be considered—but not necessarily respected, honored, or acted upon.

Short, Direct Statement (For Policy or Communication Use)

Tribes are not stakeholders. They are sovereign governments with inherent authority, legal rights, and a government-to-government relationship with the State of New Mexico. Stakeholders provide input; sovereign Nations must be consulted, engaged as equal governmental partners, and included in decision-making processes that affect their citizens, lands, or data.