SOLID WASTE MANAGEMENT IN INDIAN COUNTRY:
MULTIPLE SOVEREIGNS AND MULTIPLE RELATIONSHIPS AT THE NEXUS OF
FEDERALISM AND TRIBAL GOVERNANCE

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(ABSTRACT)

Despite the many models of American federalism in the literature, the principal model of American federalism is one of relationships between two distinct sovereigns - the federal and state governments. Yet, a third sovereign exists, the many Alaska Native and American Indian tribes in this nation. Tribes are sovereigns, having their own governance structures, and are dealt with on a government-to-government relationship by the United States. At the nexus or intersection where federalism and tribal governance meet, numerous relationships often occur between these sovereigns and other entities, some of which may be cooperative or conflicting in scope. Under the federal Resource Conservation and Recovery Act of 1976, the issue of solid waste management in what is known as Indian country is used as a lens to examine the multiple relationships among these multiple sovereigns.

Interviews were conducted with forty-five key informants from tribes, tribal organizations, federal/state/local agencies, and universities. Specific information about tribal solid waste management programs was obtained from thirty-five tribes, tribal organizations and other sources. Analysis of the research data revealed three patterns of relationships that emerged: (1) uncooperative, (2) cooperative formal, and (3) cooperative informal. These patterns of relationships point to tribal sovereignty as an embedded theme for solid waste management by Indian tribes because of its emphasis on the rights and responsibilities of their members to participate in decisions affecting the community as a whole. Finally, the study advocates better relationships among all sovereigns not only in solid waste management but also for public policy in general.