

Beyond Reservations: Institutional Lessons from the Persian Gulf for Native American Energy Development

Tanner Kropf
Executive Research Intern

Tribal Energy Consortium¹

¹ The Tribal Energy Consortium is a Native American-founded 501(c)(3) non-profit organization that drives market development and public policy to advance Tribal Energy. www.ndnenergy.org

TABLE OF CONTENTS

I. Introduction	3
II. Lessons from the Persian Gulf	4
A. The OPEC Model	4
B. Council of Energy Resource Tribes Comparison	4
C. The Strategic Construction of Saudi Aramco as a National Oil Company	5
III. The Current State of Tribal Energy Development	6
A. From Resource Potential to Project Development	6
B. Section 106 Tribal Consultation Regulations	7
IV. The Future of Tribal Energy Development	8
A. Strategic Energy Potential of Native American Nations	8
B. Building Institutional Capacity to Reach TERA Agreements	9
C. The Southern Ute Tribe TERA Engagement	10
V. Policy Considerations	11
A. Prioritize Institutional Preparedness	11
B. Invest in Self-Governance	11
C. Pursue Strategic Partnerships that Build Tribal Capacity	11
D. Treat Tribal Energy Resource Agreements like a Long-Term Energy Goal	12
E. Strive to Create Intertribal Institutions for Collective Strength and Capacity	12
VI. Conclusion	13
VII. References	14

I. Introduction

A saying that often circulates in politics is *weakness invites the wolves*. Global competition for energy has recently emerged into a new era. No longer defined solely by access to oil, today's intense energy battle is also shaped by the bustling race to gain security over critical minerals, implement resilient supply chains, establish renewable energy sources, and develop advanced energy technologies. Governments around the world are strategizing to meet these competitive challenges and recognizing that self-governance in the energy field has become inseparably linked to economic competitiveness and effective national security. As countries are seeking reliable partners capable of supplying resources, attracting investment, and developing energy infrastructure, institutions that are developed organically and holistically have consistently proven to be the model of enduring, healthy success in the energy field.

Native American tribes currently stand in a unique position within the United States' evolving energy landscape, where their potential for energy strength can ultimately deter the *wolves* standing between them and their sovereignty. As sovereign governments recognized under federal law, many tribes possess remarkable reserves of oil, natural gas, coal, uranium, critical minerals, and renewable energy resources. Despite these advantages, Native American nations remain largely underrepresented in larger-scale domestic and international energy relationships, with nominal participation as long term players in the global energy economy. Surprisingly, this disparity is not the byproduct of a lack of sovereignty or basic access to resources. Instead, it reflects broader challenges on a fundamental level. Although federal policy has increasingly supported tribal energy development, many tribes continue to face challenges in accessing capital, technical expertise, project financing, and organizational capacity, while federal trust responsibilities and complex regulatory processes further complicate and prolong large scale development from launching. As a result, tribal participation has typically remained limited to smaller scale energy projects to meet short-term energy goals, rather than growing into an enduring and strategic economic energy system.

This paper argues that the initial barrier most tribes experience that prevent them from creating long term advancement in the global energy economy is the absence of durable, educated institutions capable of transforming their existing sovereign authority and natural resource reserves into greater, generational economic growth.

Referencing the early development of large Persian Gulf energy producers, this paper further asserts that long term success does not solely depend on resource abundance but is also reliant upon building the organizational capabilities necessary to compete in the rapidly evolving global energy market. The proposed considerations detailed here are a means by which Native American nations can strengthen their institutional capabilities. Furthermore, these considerations will allow Native American tribes to expand their net of opportunities for strategically navigating the evolving domestic and global energy economy, while still continuing to preserve (or likely even enhance) their tribal sovereignty for future generations.

II. Lessons from the Persian Gulf

The rise of national oil companies in the Persian Gulf states (“Gulf”) offers an example to Native American tribes of how governments can convert natural resource wealth into longer term economic and political areas of strength. While Native American Tribes and Gulf states differ greatly in their history, legal systems, and religious/political structures, they share an important starting point. Both possessed valuable natural resources but initially lacked the financial and institutional capacity to fully develop and manage them. Commonly in the Middle East, foreign companies supplied much of the capital, technology, and overall technical abilities needed to extract and make use of those resources. Tribes in the United States share a comparable situation to the Gulf countries’ early development in the oil industry. The Gulf region’s experience is a prime example that long-term success was not simply dependent on owning valuable resources alone but further depended on building the institutions necessary to govern them effectively.

A. The OPEC Model

One misconception about the Gulf’s early oil development is that foreign companies simply controlled the region’s resources. Gulf governments used those early partnerships with foreign oil companies to acquire assets and financial assistance to contribute toward launching them to become the countries they have evolved into today.¹ As domestic institutions across the Persian Gulf matured, governments renegotiated those relationship agreements from increasingly stronger positions primarily through formulating the Organization of Petroleum Exporting Countries (OPEC), which eventually allowed them to assume greater ownership and control over their oil within the region.²

The establishment of OPEC serves as an example of how independent nations with common economic goals can increase their combined power without compromising their individual autonomy. OPEC was founded in 1960 by Iran, Iraq, Kuwait, Saudi Arabia, and Venezuela in reaction to a petroleum industry that was dominated by Western oil companies, which controlled output, pricing, and access to international markets. Despite having the most lucrative oil reserves in the world, none of the individual Gulf state governments had much control over the business decisions that affected those resources.³ By establishing OPEC, these states established a unified platform for information sharing, strategy development, stronger negotiating positions, and increased control over the global oil market. Over time, coordinated policies in place for production and collective bargaining substantially increased both the economic returns and geopolitical influence of member states.⁴

B. Council of Energy Resource Tribes Comparison

Native American nations have already experimented with an interestingly similar concept. With the help of tribal leaders who realized that individual tribes frequently experienced many of the same difficulties as early petroleum-producing states, 25 energy-producing tribes founded the Council of Energy Resource Tribes (CERT) in 1975.⁵ Tribes often lacked technical proficiency, legal experience, financial resources, and negotiation strength to properly benefit from their substantial oil, natural gas, coal, uranium, and other mineral resources. CERT aimed to strengthen tribes via collaboration rather than try to control output or affect commodity prices like OPEC.

The group gave Tribes practical skills including training in resource management, policy education, leadership development, technical support, and a platform where Tribes could share information while protecting each nation's sovereign authority.⁶ The primary idea of Gulf state cooperation through OPEC is still instructive even though Native American nations function within a very different legal and political framework. Many tribes have substantial natural resources, just like the early OPEC members, yet they frequently negotiate on their own despite similar legal, financial, and technical obstacles.

Increased intertribal cooperation could boost tribal energy development without compromising national sovereignty. A valuable lesson from the creation of OPEC is that the organization recognized sovereign governments can achieve far greater influence by collaborating around shared interests than by acting individually. For Native American nations, building stronger partnerships intertribally, or even expanding the scope internationally, may represent one of the more practical steps toward increasing institutional capacity, accelerating energy development, and expanding tribal participation in both domestic and international energy markets.

C. The Strategic Construction of Saudi Aramco as a National Oil Company

Strategic alliances, as exemplified by OPEC, can act as the cornerstone of long-term national progress and leveraging strength, similarly demonstrated by the early development of Saudi Arabia's petroleum industry. Standard Oil of California (SoCal) and the Kingdom of Saudi Arabia entered into a concession agreement in 1933 that permitted SoCal to conduct oil exploration on Saudi Arabian territory and created the California Arabian Standard Oil Company (CASOC) to supervise such operations.⁷ The discovery of commercial oil at Dammam Well No. 7 (later called the "Prosperity Well") by CASOC five years later signaled the start of Saudi Arabia's rise as a significant oil producer.⁸ The business grew quickly over the following decades, and in 1944 it changed its name to the Arabian American Oil Company (Aramco).⁹ With the help of four significant American oil corporations, Aramco hired engineers and technical experts, funded exploration, built vital infrastructure like the Trans-Arabian Pipeline, and significantly increased oil output across the Kingdom.¹⁰

Observing the success of Venezuela's petroleum development in the 1940's under Juan Pablo Perez Alfonso by striking a 50/50 profit-share agreement, Saudi Arabia decided to similarly apply this strategy in 1950 and leverage a 50/50 profit-share agreement that granted them increased access to oil revenues extracted from their land.¹¹ Several years later following the discovery of the Safaniyah Field, the world's largest offshore oil field, Aramco relocated its headquarters from New York to Dhahran, reflecting the growing importance of Saudi Arabia as the center of its operations. However, when the Kingdom progressively gained possession of Aramco's assets during the 1970s and eventually attained complete ownership in 1980, the company's relationship with the Saudi government entered an entirely new phase.¹² the corporation changed its identity from a foreign-run oil production to the Saudi Arabian Oil corporation (Saudi Aramco), a nationally owned energy company that became essential to Saudi Arabia's long-term economic growth and worldwide energy influence.¹³

With collective learning and human expertise utilization, Saudi Arabia is a country that has revealed a path Native American tribes can learn from and apply to their own individual energy circumstances. Native American nations likewise should consider approaching partnerships with a long-term perspective. Considering intertribal relationships, or even relationships with entities such as private industry, universities, federal agencies, and international energy companies should not be shortsightedly viewed as opportunities to finance smaller energy projects, but they should be heavily considered to aid in the multi-generational goal of transferring knowledge, develop tribal expertise, and strengthen tribal institutions. Pursuing this avenue can reveal opportunities for Native American tribes to build themselves into national and global energy players. The ultimate objective for the tribes should be to ensure that every partnership leaves the tribe more capable of independently managing future energy opportunities than before the partnership began.

III. The Current State of Tribal Energy Development

Native American nations have arrived at one of the most consequential economic crossroads in modern tribal history, and the incoming generation must be the force that initiates forward momentum for preservation of their energy sovereignty. In the current state of energy development globally, if an institution is not progressing forward, it is indeed moving backward. Fortunately, the Native American tribes in the United States possess many of the crucial assets and development potential that governments and industries around the world are seeking.¹⁴ Tribes must now prioritize and build for long term energy progress through investing in their domestic capabilities. This path will enable tribes to take control and shape their future rather than continue to have their future be shaped by disengaged outside governments and self-serving competitors in the energy industry.

Tribal energy development is economically significant in ways that go far beyond resource extraction. Tribal lands hold some of the most lucrative unexplored energy resources in the United States, despite the ongoing poverty that many Native populations face. According to some estimates, tribal lands contain nearly 30% of the country's coal reserves west of the Mississippi River, 50% of potential uranium reserves, and 20% of known domestic oil and natural gas reserves.¹⁵ The Department of the Interior estimates that Indian lands have the potential to produce about 5.35 billion barrels of oil, 37.7 trillion cubic feet of natural gas, and 53 billion tons of coal.¹⁶ Recognizing the magnitude of these assets, the Council of Energy Resource Tribes estimated in 2009 that the value of tribal energy resources approached \$1.5 trillion, which is a figure that has likely increased since then with advancements in extraction technology and growing domestic demand for energy resources.¹⁷ For many Native American nations, these resources represent far more than solely economic assets. Revenue generated through responsible energy development provides funding for enhanced self-determination.¹⁸

A. From Resource Potential to Project Development

Although Native American nations possess some of the most promising renewable energy resources in the United States, large scale development has remained stagnant. The obstacles hampering renewable energy are a reflection of the institutional complexity that is required for energy development. A Sandia National Laboratories study found a number of persistent issues

throughout Indian Country such as a long-standing mistrust of outside developers resulting from generations of resource exploitation on tribal lands, limited technical capacity, difficulty obtaining project financing, and complex federal permitting requirements.¹⁹ While each barrier is unique, taken as a whole they show that land and natural resources alone are insufficient for successful energy production. Competent organizations that can handle regulatory compliance, negotiate business agreements, assess technical proposals, and build reliable connections with the private sector are crucial elements for development progress.

By simplifying renewable energy leasing on tribal lands, federal policy has made an effort to remove some of these obstacles. The HEARTH Act of 2012 and the wind and solar leasing regulations of the Bureau of Indian Affairs have given tribes more power to negotiate leases and shorten parts of the federal clearance process.²⁰ The HEARTH Act leasing regulations have been adopted by over 100 tribes, indicating a growing willingness to take on more responsibility for economic development and land management.²¹ However, despite these improvements, tribes still have to deal with complex legal, financial, and environmental procedures that call for administrative expertise and experienced leadership.²²

The success of several tribal renewable energy initiatives such as the Fond du Lac Band of Lake Superior Chippewa's \$3.1 million biomass energy project²² or Red Lake Nation's pioneering Net-Zero Project²³ shows that these obstacles are not insurmountable, which is encouraging. The current situation of tribal renewable energy development does not necessarily point to a lack of potential but instead indicates Native American Nations may be entering a new phase where success is determined by organizational factors rather than solely geological ones. Tribes that make investments in long term institutional capacity, professional knowledge, and governance will be in a strong position to convert natural resources into longer term economic prosperity and more sovereign control over their energy future as renewable energy markets continue to grow.

B. Section 106 Tribal Consultation Regulations

Tribal energy development is being shaped by both a rapidly changing federal regulatory environment and growing economic opportunities across tribal lands. The National Historic Preservation Act's (NHPA) Section 106, which governs consultation for federally funded or federally permitted projects that may affect historic or culturally significant properties, has recently been the subject of a proposed overhaul by the Advisory Council on Historic Preservation (ACHP).²⁴

Section 106 codified at 54 U.S.C. § 306108 states:

§ 306108. Effect of undertaking on historic property.

The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, shall take into account the effect of the undertaking on any historic property. The head of the Federal agency shall afford the Council a reasonable opportunity to comment with regard to the undertaking.²⁵

By consolidating consultation into a single agency-prepared "Section 106 Report," the proposed regulation, if approved, would drastically change the Section 106 procedure and give federal agencies more control over consultation schedules. According to Holland & Knight LLP, ACHP Proposes Sweeping Overhaul of Section 106 Tribal Consultation Regulations, it would also reduce the mandatory opportunities for public participation to comment on project decisions and restrict the definition of historic properties and areas of potential effects.²⁶ The proposal's ability to give agencies more latitude to strike a balance between competing national interests like economic development and energy infrastructure and historic preservation, while diminishing the role of tribes from active participants throughout the consultation process to commenters on an agency's completed analysis, may pose the biggest threat to tribal governments.²⁷

These changes reflect a larger trend in federal energy policy, even though they are still open to public comment and have not yet taken effect. Ultimately, a restructuring of Section 106 will create more hurdles for the tribes to develop their energy sovereignty through increased litigation and more delays in tribal voices being recognized in the project management process.²⁸ The need to create advanced legal, technical, and administrative institutions that can successfully participate in intricate federal decision-making processes is what is in focus for Native American nations to navigate this shifting regulatory environment. Tribes with knowledgeable legal counsel, environmental experts, cultural resource specialists, and energy administrators will be in a stronger position to advance responsible energy development and safeguard culturally significant resources.

IV. The Future of Tribal Energy Development

A. Strategic Energy Potential of Native American Nations

Native American tribes have control over many of the resources that are becoming increasingly important in today's energy economy. Tribal lands contain significant reserves of oil, natural gas, coal, uranium, and critical minerals, while also offering astounding potential for renewable energy through avenues such as solar, wind, and hydropower development. According to a paper published by Jonathan A. Biron through the U.S. Department of Energy (DOE) titled "Tribal Renewable Energy Integration: An Analysis of Current Tribal Infrastructure", tribal lands contain some of the nation's largest undeveloped renewable energy resources, making them an increasingly valuable part of America's long term energy strategy.²⁹ Tribal lands are estimated to possess roughly 6.5% of utility-scale technical potential toward United States energy development on 5.8% of land. Resulting from recent federal legislation, \$14 billion is now being set aside for 574 federally recognized American Indian Tribes and Alaska Native villages, capable of enhancing Tribal energy sovereignty.³⁰

Beyond these natural resources, tribes possess a unique asset to help advance their energy development efforts: their sovereignty. Unique from private landowners, federally recognized tribes are sovereign governments with the authority to negotiate agreements, develop businesses, and manage their own resources autonomously. A term emphasized by attorney Greg Guedel through a Tribal Energy Consortium interview on Tribal Energy Codes that can help to illustrate how tribes can utilize this opportunity for strength in the energy industry is by 'operationalizing'

their sovereignty. What is meant by operationalization is that being a sovereign entity requires consistent exercise of that status in order to enhance it or even retain it. Dr. Guedel also notes that inherent knowledge of tribal sovereignty is not enough, but the benefits that come from it need to be actively engaged with and utilized or else tribal sovereignty is consequentially eroded.³¹

By giving tribes more control over energy production within their borders, Congress acknowledged this possibility. Tribal Energy Resource Agreements (TERAs) were established by the Energy Policy Act of 2005, allowing qualified tribes to take on more responsibility for energy projects on Tribal lands if they demonstrate the administrative and technical capacity to control the development of energy resources.³² A TERA, once authorized by the Secretary of the Interior, permits a tribe to enter into specific business agreements, rights-of-way, and energy leases without requiring separate Secretarial approval for each transaction.³³ This authority reduces regulatory delays and gives tribes greater control over how their energy resources are developed.

TERAs represent a shift in federal Indian policy that increases efficiency for both parties involved. Congress recognized that tribes with the requisite institutional capacity and experience should have more authority to control their own energy future rather than experiencing excessive delay from federal government intervention.³⁴ In many respects, a TERA is an institutional milestone because it expresses Congress's belief that a tribe has established the administrative structures, governance, and technological capability required to responsibly exercise more energy self-determination.

B. Building Institutional Capacity to Reach TERA Agreements

Tribal Energy Resource Agreements give tribes an avenue to become more energy independent, but they also require readiness to handle that responsibility if they want to make significant progress in energy sovereignty. A TERA allows Native American Tribes to make decisions about their own resources and land, rather than needing to rely on federal officials to intervene in energy project proposals, which allows the Native American Tribes to more efficiently make decisions and propel energy projects forward. This gives tribes greater control over how their resources are developed and gives a practical way to strengthen and exercise their energy sovereignty by enhancing their agency and timeliness to make decisions on their Tribe's behalf.

Congress conditioned TERA approval on a tribe's "ability to demonstrate sufficient administrative and financial capacity to regulate development" because meaningful self-governance requires more than simply having legal authority to make energy resource decisions.³⁵

Despite the opportunities created by TERAs, very few tribes have pursued implementing one.³⁶ This does not suggest a lack of interest in energy development, but instead, it reflects the significant responsibilities that accompany greater dominion over a tribe's resources. A TERA agreement is a reasonable threshold that any tribe should meet in order to advance their energy sovereignty. Professional management and well-developed tribal institutions are necessary for business activities like negotiating commercial agreements, obtaining financing, managing environmental compliance, supervising infrastructure projects, and coordinating engineers, attorneys, and technical experts.³⁷

C. The Southern Ute Tribe TERA Agreement

The Southern Ute Indian Tribe serves as an example of the progress that can occur when those institutions are established correctly to foster development. The Southern Ute Tribe made investments in tribally owned energy enterprises, technical know-how, and professional leadership over time that have strengthened their ability to delegate responsibilities through multiple expert divisions such as an accounting, exploration and production, and a land management division. The Tribe turned its natural gas resources into one of the most prosperous tribal energy economies in the US through organizations such as the Southern Ute Growth Fund and Red Willow Production Company.³⁸

Today, the Southern Ute Tribe's success is widely attributed not only to the resources beneath its land, but even to the institutions it strategically organized above the land to manage those resources. The Tribe's implementation of the nation's first Tribal Energy Resource Agreement (TERA) in 2026 demonstrates what it truly means to operationalize tribal sovereignty.³⁹ The Tribe was the first to take direct control of approving its own energy leases, business agreements, and rights-of-way, doing away with the requirement for case-by-case federal permission, following nearly two decades of the TERA framework being unutilized. The time that was spent building the institutional capacity required to fulfill the agreement responsibly had allowed for the Southern Ute Tribe to achieve this milestone. The Southern Ute Tribe proved that effective self-governance depends on a tribe's capable institutions by enacting a Tribal Leasing Code, putting into effect a Tribal Environmental Review Policy Code⁴⁰, and building the administrative, legal, and technical know-how needed to supervise complicated energy development.⁴¹ The Tribe's achievements demonstrate how sovereignty may be fully embraced through efficient governance, which enables tribal governments to make prompt choices and have direct control over their own economic future. Southern Ute, the first tribe to effectively implement a TERA, has created a workable model for how other Native American tribes might convert legal sovereignty into enduring economic leadership.⁴²

As energy entities strive to continuously integrate higher production standards, advance energy technology, and become increasingly interconnected, tribes possess a rare opportunity to establish themselves as long term economic and strategic partners in one of the world's most active industries today. Whether that opportunity becomes a defining chapter in the history of tribal self-governance will be heavily predicated upon the decisions Native American nations make today to strengthen their institutions, educate future leaders, and 'operationalize' sovereignty through capable governance. The tribes across the United States are witnessing the future of tribal energy development stand right before their eyes, but the determiner of if it becomes a reality for them is whether the tribes will decide to seize the opportunity with sincere intention and urgency to change the trajectory of tribal energy for generations to come.

V. Policy Considerations for Future Tribal Energy Development

A. Prioritize Institutional Preparedness

Before pursuing large-scale energy projects or international investment, tribes should first focus on strengthening the institutions responsible for governing those projects. Although many tribal governments currently have the legal right to undertake large scale energy projects, long term success depends on having institutions that can handle significantly more complicated duties.

Tribes should think strategically about establishing specialized energy departments or specialized divisions to help professionally manage prospective energy projects or to help enhance preexisting projects already initiated. Activities such as long-term energy planning, economic growth, grant administration, regulatory compliance, and even commercial agreements can all fall under the jurisdiction of these departments. Additionally, tribes can seek to create broad, all-encompassing energy plans that identify their accessible natural resources, most pressing infrastructure requirements, labor shortages throughout the tribe, potential avenues for funding sources, and establishing strategic economic goals.

B. Invest in Self-Governance

People are ultimately what drive energy development, and long-term success requires experts such as lawyers who can negotiate business contracts, engineers who comprehend energy systems, financial experts who can organize complicated investments, and business executives who can oversee tribally owned companies. Without experts, the development of a structurally sound energy institution is unable to be executed, which can leave many committees and discussions within a tribe of developing an energy institution highly unproductive as the building they are attempting to construct does not have a capable foundation to hold up its structure.

Tribes should consider placing equal emphasis on infrastructure development and investments in human capability within their tribes. Providing more access to scholarship programs in the fields relevant to energy development would be an encouraging endeavor for the future of tribal energy. To offer real-world experience, internship programs with the Department of Energy, Bureau of Indian Affairs, large energy corporations, academic institutions, and tribal businesses can potentially be arranged.

Commercial contracts with foreign businesses can also, if feasible, include pledges to provide technical assistance to tribal institutions, train tribal personnel, and mentor future tribe leaders. Rather than meeting short-term financial targets, every project should aim to strengthen the tribe's internal capacity for the sake of longevity.

C. Pursue Strategic Partnerships that Build Tribal Capacity

Partnerships can be designed to share beneficial information and strategies rather than only focusing on transactional, immediate revenue. Native American Tribes can also capitalize on opportunities to negotiate agreements that include workforce development, technical training, technology transfer, governance support, and provide methods for tribal employees to take on

increasing leadership responsibilities, whether they are working with domestic energy companies, universities, federal agencies, or foreign investors. Ensuring that each relationship leaves the tribe institutionally stronger than before should be the goal. Future international relations can also be guided by this philosophy as well, as collaborations with energy firms in the Persian Gulf or other resource-producing areas can be seen as platforms for sharing knowledge in project management, institutional governance, workforce development, and long-term energy planning rather than just as standard investment opportunities.

D. Treat Tribal Energy Resource Agreements like a Long-Term Energy Goal

Tribal Energy Resource Agreements (TERAs) are a strategic institutional milestone that shows a tribe's willingness to have more control over its energy future rather than the beginning of tribal energy development. Sovereign authority alone is not enough to successfully execute a TERA, as the Southern Ute Indian Tribe has shown. It is the outcome of consistent investment in administrative processes, technical knowledge, governance frameworks, and regulatory capability capable of handling complicated energy projects in an ethical manner. Native American nations can gradually improve their institutional capacities and get ready to take on more responsibility for energy development by approaching TERA readiness as a long-term strategic goal. In the long run, this strategy can help tribes become less reliant on federal supervision, negotiate more confidently, draw in long-term investment, and exercise their sovereignty in a more sustainable and useful manner. Developing TERA readiness offers a chance to transform legal sovereignty into long-term economic leadership as well as a route toward increased energy self-determination.

E. Strive to Create Intertribal Institutions for Collective Strength and Capacity

Many tribes face similar challenges related to financing, technical expertise, legal services, workforce recruitment, and commercial negotiations. Instead of tackling these problems on their own, tribes should develop cooperative organizations that can share knowledge while maintaining the sovereignty of each country. The Tribal Energy Consortium (TEC) is a current example of an organization in place primarily to support this endeavor.⁴³ These groups might organize executive education programs for tribal leaders, create model commercial agreements, maintain shared databases of legal and engineering expertise, coordinate regional technical advisory teams, and offer uniform governance training. Through shared institutional arrangements, these services could be made available to smaller tribes who might not have the funds to hire full-time technical professionals.

Additionally, collective action would strengthen tribes' negotiating position with international energy firms, financial institutions, federal agencies, and private interactions. Tribes can also benefit from saving costs, increasing access to knowledge, and reinforce their influence in both domestic and international energy markets by tackling complex energy issues through cooperative organizations as opposed to solitary negotiations.

VI. Conclusion

Native American nations possess many of the critical elements necessary to allow them to actively shape the future of their energy economy. They hold significant reserves of conventional energy resources, occupy strategically important lands, and exercise sovereign governmental authority recognized under federal law. Yet natural resources and legal authority alone cannot guarantee lasting prosperity.

The experience of both successful tribal enterprises and major Persian Gulf energy producers demonstrates that enduring economic influence is ultimately built upon capable institutions. Governments that invest in professional leadership, technical expertise, sound governance, strategic planning, and long-term partnerships are better positioned to transform resource wealth into generational prosperity.

The next chapter of tribal sovereignty will not be written solely through the discovery of new resources or the expansion of legal authority. In the energy world, weakness certainly does invite the wolves, but within the tribes, strength can be forged through the persistent construction of institutions capable of exercising an elevated system of authoritative responsibility. By investing in institutional capacity today, Native American nations can orient themselves to confidently pursue greater self-governance through avenues such as Tribal Energy Resource Agreements, work toward negotiating from positions of strength through unity, and participate as respected long-term partners in the evolving domestic and global energy economy. In doing so, tribes will likely witness greater success as they operationalize their sovereignty to strengthen the future tribal generations to come after them.

VII. References

1. “Understanding Petroleum Regimes in the MENA.” *Al Tamimi & Company*, 27 Feb. 2018, <http://www.tamimi.com/law-update-articles/understanding-petroleum-regimes-mena-region/>.
2. “OPEC Is Founded.” *EBSCO*, <https://www.ebsco.com/research-starters/history/opec-founded>. Accessed 13 Aug. 2026.
3. “OPEC Is Founded.” *EBSCO*, <https://www.ebsco.com/research-starters/history/opec-founded>. Accessed 13 Aug. 2026.
4. Organization of Petroleum Exporting Countries. “Brief History.” *Organization of the Petroleum Exporting Countries*, <https://www.opec.org/brief-history.html>. Accessed 13 Aug. 2026.
5. Smith, T R. “Council of Energy Resource Tribes.” *Miner. Energy Resour.; (United States)*, vol. 24:4, Jul. 1981.)
6. Smith, T R. “Council of Energy Resource Tribes.” *Miner. Energy Resour.; (United States)*, vol. 24:4, Jul. 1981.
7. Saudi Aramco. *Aramco*, <https://www.aramco.com/en/who-we-are/our-history>.
8. Saudi Aramco. *Aramco*, <https://www.aramco.com/en/who-we-are/our-history>.
9. Saudi Aramco. *Aramco*, <https://www.aramco.com/en/who-we-are/our-history>.
10. Saudi Aramco. *Aramco*, <https://www.aramco.com/en/who-we-are/our-history>.
11. Becker, Emma. “Saudi Arabian Oil: The Obsolescing Bargaining Model.” *TCNJ Journal of Student Scholarship*, Apr. 2018, <https://joss.tcnj.edu/wp-content/uploads/sites/176/2018/04/2018-Becker.pdf>.

12. Becker, Emma. "Saudi Arabian Oil: The Obsolescing Bargaining Model." *TCNJ Journal of Student Scholarship*, Apr. 2018, <https://joss.tcnj.edu/wp-content/uploads/sites/176/2018/04/2018-Becker.pdf>.
13. Becker, Emma. "Saudi Arabian Oil: The Obsolescing Bargaining Model." *TCNJ Journal of Student Scholarship*, Apr. 2018, <https://joss.tcnj.edu/wp-content/uploads/sites/176/2018/04/2018-Becker.pdf>.
14. "Native American Lands and Natural Resource Development." *Natural Resource Governance Institute*, 14 June 2011, <https://resourcegovernance.org/publications/native-american-lands-and-natural-resource-development>.
15. Regan, Shawn. "Unlocking the Wealth of Indian Nations: Overcoming Obstacles to Tribal Energy Development." *PERC*, Feb. 2014.
16. Regan, Shawn. "Unlocking the Wealth of Indian Nations: Overcoming Obstacles to Tribal Energy Development." *PERC*, Feb. 2014.
17. Regan, Shawn. "Unlocking the Wealth of Indian Nations: Overcoming Obstacles to Tribal Energy Development." *PERC*, Feb. 2014.
18. Mayer, et. al. "Renewable Energy on Tribal Lands: Native American Tribes Are Well Positioned to Play a Key Role in the Clean Energy Transition." *The Federal Lawyer*, <https://www.federallawyermagazine.com/fedbar/20220304-open/MobilePagedArticle.action?articleId=1975673#articleId1975673>.
19. Jones, Thomas. *Identifying Barriers and Pathways for Success for Renewable Energy Development on American Indian Lands*. Nov. 2016.

20. Mayer, et. al. “Renewable Energy on Tribal Lands: Native American Tribes Are Well Positioned to Play a Key Role in the Clean Energy Transition.” *The Federal Lawyer*, <https://www.federallawyermagazine.com/fedbar/20220304->
21. Mayer, et. al. “Renewable Energy on Tribal Lands: Native American Tribes Are Well Positioned to Play a Key Role in the Clean Energy Transition.” *The Federal Lawyer*, <https://www.federallawyermagazine.com/fedbar/20220304->
22. U.S. Department of Energy. “Fond Du Lac Band of Lake Superior Chippewa Completes \$3.1 Million Biomass Energy Project.” *Energy.gov*, 13 Feb. 2026, <https://www.energy.gov/indianenergy/articles/fond-du-lac-band-lake-superior-chippewa-completes-31-million-biomass-energy>.
23. “Solar Bear and Native Sun: Pioneering Clean Energy in Red Lake.” *Clean Energy Economy Minnesota*, 15 June 2023, <https://www.cleanenergyeconomymn.org/blog/solar-bear>.
24. Petersen, et. al. “ACHP Proposes Sweeping Overhaul of Section 106 Tribal Consultation Regulations.” *Holland & Knight*, 28 July 2026, <https://www.hklaw.com/en/insights/publications/2026/07/achp-proposes-sweeping-overhaul-of-section-106>.
25. National Historic Preservation Act, <https://www.achp.gov/sites/default/files/2018-06/nhpa.pdf>, 16 Dec., 2016.
26. Petersen, et. al. “ACHP Proposes Sweeping Overhaul of Section 106 Tribal Consultation Regulations.” *Holland & Knight*, 28 July 2026, <https://www.hklaw.com/en/insights/publications/2026/07/achp-proposes-sweeping-overhaul-of-section-106>.

27. Petersen, et. al. “ACHP Proposes Sweeping Overhaul of Section 106 Tribal Consultation Regulations.” *Holland & Knight*, 28 July 2026,
<https://www.hklaw.com/en/insights/publications/2026/07/achp-proposes-sweeping-overhaul-of-section-106>.
28. National Trust for Historic Preservation. “Section 106 under Threat.” *National Trust for Historic Preservation*, <https://savingplaces.org/section106>.
29. Biron, Jonathan A. *Tribal Renewable Energy Integration: An Analysis of Current Tribal Infrastructure*. Aug. 2006.
30. Yazzie, et. al. “Opportunities to Grow Tribal Clean Energy in the US.” *Science*, 11 Apr. 2024,
<https://www.science.org/doi/10.1126/science.adk8298>.
31. Guedel, Greg. *Tribal Energy Codes*. Tribal Energy Consortium Virtual Interview. 2026.
32. Energy Policy Act of 2005, Pub. L. No. 109-58, § 2604, 119 Stat. 594 (codified at 25 U.S.C. §§ 3501–3506
33. U.S. Department of the Interior. “Tribal Energy Resource Agreements and Tribal Energy Development Organizations.” *Indian Affairs (IA)*, <https://www.bia.gov/service/tribal-energy-resource-agreements-development-organizations>.
34. U.S. Department of the Interior. “U.S. Department of the Interior.” *U.S. Department of the Interior*, 11 May 2026, <https://www.doi.gov/pressreleases/interior-enters-nations-first-ever-tribal-energy-agreement>.
35. U.S. Department of the Interior. “Tribal Energy Resource Agreements and Tribal Energy Development Organizations.” *Indian Affairs (IA)*, <https://www.bia.gov/service/tribal-energy-resource-agreements-development-organizations>

36. Murray, Marriel. *Tribal Energy Resource Agreements (TERAs): Overview and Selected Issues for Congress*. 9 July 2026, <https://www.congress.gov/crs-product/R49025>.
37. Southern Ute Department of Energy. *Southern Ute Department of Energy*.
<https://www.suitdoe.com>.
38. Red Willow Production Company. *Red Willow Production Company – Southern Ute Indian Tribe*. 2026, <https://www.rwpc.us>.
39. U.S. Department of the Interior. “U.S. Department of the Interior.” *U.S. Department of the Interior*, 11 May 2026, <https://www.doi.gov/pressreleases/interior-enters-nations-first-ever-tribal-energy-agreement>.
40. Southern Ute Indian Tribe. “Southern Ute Tribal Code – Southern Ute Indian Tribe.” *Southern Ute Tribal Code*, <https://www.southernute-nsn.gov/government/tribal-code/>.
41. “Southern Ute Tribe Just Rewrote the Rules for Energy Sovereignty.” *Energy Network Media Group*, 18 May 2026, <https://shalemag.com/southern-ute-energy-sovereignty-tera-agreement-2026>.
42. Energy Network Media Group. “Southern Ute Tribe Just Rewrote the Rules for Energy Sovereignty.” *Energy Network Media Group*, 18 May 2026,
<https://shalemag.com/southern-ute-energy-sovereignty-tera-agreement-2026>.
43. Tribal Energy Consortium. *HOME*. <https://www.ndnenergy.org>