

THE UNITED STATES REVIEWING ITS POSITION ON THE UN DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES: BACKGROUND AND POINTS FOR INPUT

**Submitted by the International Indian Treaty Council
June 23rd, 2010**

On April 20th 2010, at the 9th session of the United Nations Permanent Forum on Indigenous Issues, United States Ambassador to the UN Susan Rice announced that the US will conduct a “formal review” of its position in opposition to the UN Declaration on the Rights of Indigenous Peoples.

The Declaration was adopted by the United Nations General Assembly on September 13th 2007. 144 countries voted in favor, 11 abstained and 4 States (countries) voted against. With the US’ announcement, all of the 4 countries that voted “no” (the US, Canada, Australia and New Zealand) have either reversed their positions or have initiated a process towards doing so.

The UN Declaration on the Rights of Indigenous Peoples (UNDRIP) was developed over a 30-year process at the United Nations with the participation of Indigenous Peoples, Nations, Tribal governments and organizations from the US and around the world, as well as UN member States including the US, and a number of UN independent experts. It recognizes and affirms a wide range of rights, including self-determination, land and natural resources, cultural rights and sacred sites protection, subsistence, Treaty Rights, health and social services, non-discrimination, environmental protection, education, language, and many others which Indigenous Peoples identified as essential to their dignity, survival and well-being.

During its review, the US State Department will consult with various branches of the US government. It will also consult and seek input from Indigenous Tribes, Nations and organizations, as well as other interested parties including non-Indigenous NGO’s and human rights organizations. The State Department will hold face-to-face consultations with Tribal Nations and NGO’s beginning in June 2010, and has also requested written submissions by July 15th.

Some points that may be helpful for those planning to have input into this process include:

- ❖ In her April 20th statement, Ambassador Rice recognized the call by US tribal leaders for the US to reexamine its position on the Declaration as “an important recommendation that directly complements our commitment to work together with the international community on the many challenges that indigenous peoples face”.
- ❖ The rights in the UNDRIP are consistent with a range of International Human Rights Instruments that the US has already ratified. These include the International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), and over 400 Nation-to-Nation Treaties with Indigenous Nations.
- ❖ Many of the Rights in the UN Declaration are already being implemented in a number of US Federal laws, polices and Executive Orders.
- ❖ Human Rights and Dignity are inherent and inalienable according to the Universal Declaration on Human Rights (1948). The UN Declaration on the Rights of Indigenous Peoples defines and elaborates the inherent rights of Indigenous Peoples.

- ❖ The UNDRIP affirms a wide range of rights which are directly relevant to the issues of greatest concern to Indian Tribes, Nations and communities in the US today (give examples from your Nation and/or area or work).
- ❖ The rights recognized in the UNDRIP “constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world” (Article 43).
- ❖ “Recognition of the rights of Indigenous Peoples in this Declaration will enhance cooperative and harmonious relations between the State and Indigenous Peoples” (preamble). The UNDRIP also provides a framework for problem-solving and conflict resolution.
- ❖ The UN CERD (the Treaty Monitoring Body for the ICERD) recommended in 2008 that the US use the Declaration “as a guide to interpret the State party’s obligations under the Convention relating to indigenous peoples”.
- ❖ Full recognition of the Rights of Indigenous Peoples is an essential component of a just and honorable US Human Rights policy both at home and in the international arena.
- ❖ It will be very important for the US government, at the end of its review process, to state its unqualified endorsement and support for the UNDRIP, and present specific plans for its implementation

In summary, the UN Declaration on the Rights of Indigenous Peoples was developed over many years with the participation of thousands of Indigenous Peoples to be an integrated and inter-related whole. It reflects the concerns and input of both Indigenous Peoples and States. It is consistent with human rights principles as contained in international laws and norms, as well as the US Constitution. We call upon the United States government to endorse the Declaration in its entirety, without qualifications or exceptions, and to work in full partnership with Indigenous Peoples, Tribal governments and Nations to ensure its implementation.



The International Indian Treaty Council (IITC) is an organization of Indigenous Peoples from North, Central, South America, the Caribbean and the Pacific founded in 1974. In 1977 it was the first Indigenous organization to receive Consultative Status with the UN Economic and Social Council. IITC works for the Sovereignty and Self Determination of Indigenous Peoples and the recognition and protection of Indigenous Rights, Treaties, Traditional Cultures and Sacred Lands.

For more information about this process and the UN Declaration on the Rights of Indigenous Peoples, contact the IITC: Andrea Carmen, Executive Director, at 907-745-4482, andrea@treatycouncil.org, or General Counsel Alberto Saldamando, alberto@treatycouncil.org, (415) 641-4482.

Connect with IITC Online:

<http://www.treatycouncil.org> (web page)

<http://twitter.com/treatycouncil>

<http://www.myspace.com/treatycouncil>

Facebook: “International Indian Treaty Council”

US State Department Web Site for consultation locations, schedule and submission of written statements: <http://www.state.gov/s/tribalconsultation/declaration/index.htm>