

**WRITTEN TESTIMONY OF THE
UNITED STATES DEPARTMENT OF STATE
BEFORE THE
SENATE COMMITTEE ON INDIAN AFFAIRS
ON
THE UNITED NATIONS DECLARATION
ON THE RIGHTS OF INDIGENOUS PEOPLES
July 9, 2011**

On December 16, 2010, at the second White House Tribal Nations Conference, President Barack Obama announced that the United States was lending its support to the UN Declaration on the Rights of Indigenous Peoples (the “Declaration”). The President stated that “[t]he aspirations it affirms -- including the respect for the institutions and rich cultures of Native peoples -- are one[s] we must always seek to fulfill.” The Administration also released a document, which was referenced in the President’s announcement, titled “Announcement of U.S. Support for the United Nations Declaration on the Rights of Indigenous Peoples – Initiatives to Promote the Government-to-Government Relationship & Improve the Lives of Indigenous Peoples” – about U.S. support for the Declaration and the Administration’s ongoing work in Indian Country. The text of this statement can be found at: <http://www.state.gov/documents/organization/153223.pdf>

Background on the UN Declaration on the Rights of Indigenous Peoples

The Declaration was drafted under the auspices of the United Nations and involved representatives of member states, indigenous peoples, and other stakeholders.

On September 13, 2007, the United Nations General Assembly adopted the Declaration by a vote of 143 in favor and four against. Eleven countries abstained from the vote (Azerbaijan, Bangladesh, Bhutan, Burundi, Colombia, Georgia, Kenya, Nigeria, Russian Federation, Samoa, and Ukraine) and 34 countries did not participate. The United States, Australia, Canada, and New Zealand voted against adoption of the Declaration.

In the last few years, all four countries that voted “no” have changed their position. Samoa and Colombia have also lent their support to the Declaration.

As explained in the Announcement document that accompanied President Obama's remarks, the Declaration is "not legally binding or a statement of current international law" but has "both moral and political force." It expresses both the aspirations of indigenous peoples around the world and those of States in seeking to improve their relations with indigenous peoples.

The U.S. Review of its Position on the Declaration

The decision to review the U.S. position on the Declaration came in response to calls from many tribes, individual Native Americans, civil society, and others in the United States, who believed that U.S. support for the Declaration would make an important contribution to U.S. policy and practice with respect to Native American issues. This message was delivered by many people in many contexts but, perhaps most importantly, tribal leaders expressed this view directly to President Obama and other senior Administration officials at the White House Tribal Nations Conference on November 5, 2009.

On April 20, 2010, at the United Nation's Permanent Forum on Indigenous Issues, Ambassador Susan Rice, the Permanent Representative of the United States to the United Nations, announced that the United States would undertake a review of its position on the Declaration and that it would do so in consultation with Indian tribes and with the input of interested nongovernmental organizations.

In reviewing the Declaration, all interested U.S. Government agencies had an opportunity to review the text of the document and provide their views on whether the United States should support it. Each agency was asked to compare the instrument to U.S. laws, regulations, policies and practices in its area to determine the degree to which the provisions of the instrument were already reflected in those laws, regulations, policies and practices or could be in the future.

Because of the subject of the Declaration, in conducting their reviews of the Declaration U.S. agencies consulted extensively with tribal leaders. The agencies held three rounds of consultations, one in Rapid City, South Dakota, and two in Washington, D.C. In addition, the agencies conducted outreach to indigenous organizations, civil society, and other interested individuals. Tribal leaders and others contributed to the review through their attendance at the consultation and outreach sessions, participation in those sessions by means of conference calls, and written submissions. In total, over 3,000 written comments were received and reviewed.

The conclusion of the interagency review was that the United States could support the Declaration so long as that support was accompanied by appropriate understandings as set forth in the “Announcement of U.S. Support for the United Nations Declaration on the Rights of Indigenous Peoples – Initiatives to Promote the Government-to-Government Relationship & Improve the Lives of Indigenous Peoples” referenced by President Obama in his statement of U.S. support for the Declaration.

U.S. Support for the Declaration

As described above, the UN Declaration was adopted by a vote of the UN General Assembly in 2007. There will not be another vote on the Declaration. Therefore, countries that have changed their position on the Declaration since 2007 have done so via public announcements of their new positions. President Obama’s announcement on December 16, 2010, and the accompanying Announcement document cited above, are the official U.S. statement of support for the Declaration. No further steps are required to indicate that the U.S. supports the Declaration.

U.S. support for the Declaration goes hand- in- hand with the U.S. commitment to address the many challenges faced by Native Americans throughout the United States. That commitment is reflected in the many policies and programs that are being implemented by U.S. agencies in response to concerns raised by Native Americans, including concerns about poverty, unemployment, environmental degradation, health care gaps, violent crime, and discrimination.

Conclusion

The Department of State appreciates this opportunity to submit written testimony to the Committee on the important issue of U.S. Support for the UN Declaration on the Rights of Indigenous Peoples.