

Statement on Permanent Forum on Indigenous Issues (PFI) Agenda Item 7(a)

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AS PREPARED

Thank you, Mr. Chair, and thank you Professor Donough for providing an update on the status of your report concerning a possible Optional Protocol to the Declaration on the Rights of Indigenous Peoples, which would serve as a monitoring and complaints mechanism to the Declaration.

The United States supports the Declaration, as more fully explained in the announcement document that accompanied President Obama's statement. We are committed to making our support for the Declaration meaningful.

The United States believes, however, that an Optional Protocol is inappropriate for non-binding documents like the Declaration.

Having a monitoring and complaints mechanism to the Declaration would set a significant and unhelpful precedent. Many international, non-binding declarations already exist, and more will come into existence. It would be unrealistic to have reporting mechanisms for all UN Declarations, especially as many UN Member States already face difficulties meeting their reporting obligations for the treaties to which they have become States Parties.

Although we do not support an Optional Protocol, we wish to reiterate our support for the Declaration. U.S. government agencies look to the Declaration as they partner with tribal leaders to address the many concerns of tribal communities. Our annual White House Tribal Nations Conference and accompanying progress report are ways for us to showcase what the United States has done within its borders to improve the situation of indigenous peoples.

Mr. Chair,

In 2010 the United States conducted a thorough review of the U.S. position on the UN Declaration on the Rights of Indigenous Peoples, which included consultations with tribal leaders. Following that review, in December 2010 President Obama announced U.S. support for the Declaration.

The United States is committed to supporting the Declaration through the work of individual U.S. government agencies – including the Department of the Interior, Department of Education, Department of Health and Human Services, Department of Housing and Urban Development, Department of Justice, Department of State, as well as the White House – which look to the Declaration as they work with tribal leaders to address the many concerns of tribal communities. This focus on the Declaration would cover U.S. Government actions to address issues impacting indigenous persons with disabilities and policies related to implementation of the Americans with Disabilities Act (ADA), as well as other issues.

We have taken many steps, including legal and policy measures, which complement our support for the Declaration. A detailed listing of some of our federal policies and programs appears in the document "Continuing the Progress in Tribal Communities," dated December 2012, which can be found on the White House website. The report was prepared in connection with the 2012 White House Tribal Nations Conference, and outlines actions concerning strengthening our government-to-government relationship with tribes, sustainable economic development, health care, public

safety, education, protection of Native American lands and the environment, and respect for their cultures.

We listened with interest to the Chair's discussion of concepts and norms in international law. We would like to take this opportunity to note that the Declaration is a non-binding, aspirational document. We would also like to reiterate the U.S. government's view that self-determination, as expressed in the Declaration, is different from self-determination in international law.

We are committed to continue partnering with tribal governments to improve the situation of indigenous peoples in the United States

We would also like to comment on the subject of the next EMRIP study – access to justice. The United States has undertaken a number of important initiatives in this area, as we noted in our statement yesterday. For example, President Obama signed the Tribal Law and Order Act into law in July 2010.

This legislation gives tribes greater sentencing authority in criminal trials; strengthens defendants' rights; establishes new guidelines and training for officers handling domestic violence and sex crimes; improves services to victims; helps combat alcohol and drug abuse; assists at-risk youth; expands recruitment and retention of Bureau of Indian Affairs and tribal officers; and gives tribes improved access to criminal databases. And, as we previously noted, the VAWA reauthorization allows indigenous tribes to prosecute non-Native perpetrators of violence against indigenous women for acts that occur on tribal lands.

This is an important companion measure to enforcement of federal law and promotion of public safety where there is federal criminal jurisdiction in our effort to obtain justice for indigenous women and girls who are subject to violence. We would be interested to hear more about the progress EMRIP is making on their study.

Thank you for your attention.