

HRC September 2013: Agenda Items 3 and 5

**Clustered ID with Special Rapporteur Anaya and EMRIP
Chair**

Wednesday, September 18, 2013

Statement by the Delegation of the United States of America

We welcome the opportunity to discuss the reports of Special Rapporteur James Anaya and EMRIP Chair Wilton Littlechild. In his report on extractive industries and indigenous peoples, Special Rapporteur Anaya says that partnerships, consultations, and information sharing are beneficial measures that can help mitigate the possible negative consequences of natural resource extraction on indigenous peoples. He notes that a preferred model allows indigenous peoples themselves to control the extractive operations within indigenous territories. In the United States, the Southern Ute tribe is a prominent example of a tribal enterprise engaged in the extraction of oil and gas on their reservation. The tribal enterprise functions as an independent operator managing all aspects of production. The tribe offers its services to other tribes on a commercial basis, just as non-Indian independent operators do.

The United States has long recognized the importance of consulting with indigenous peoples, including about the hunting, fishing, and gathering they need to sustain their livelihoods. The Environmental Protection Agency's Consultation Policy is informed by its 1984 Indian Policy, which states that "tribal

concerns and interests are considered whenever EPA's actions and/or decisions may affect tribes."

The United States has provided substantial funding to support environmental conservation of indigenous lands. During fiscal years 2010 through 2012, the U.S. government provided over \$150 million dollars to 102 American Indian tribes to conserve, protect, and enhance fish, wildlife, plants, and their habitats. In many instances, conservation activities parallel resource extraction efforts. Both reflect an effort to manage land for economic gain while sustaining cultural ties to natural resources.

In another significant effort, the EPA and five other federal agencies worked with the Navajo Nation on a \$60 million program to clean up abandoned Cold War-era uranium mines and replace homes and water supplies on the Navajo Reservation. The agencies have agreed to develop a plan, in consultation with the Navajo Nation, to continue this work through 2018.

Turning to the EMRIP report, we support its recommendation that the Human Rights Council authorize it to continue its work on access to justice and the promotion and protection of the rights of indigenous peoples. We urge EMRIP to continue focusing on women, children, and persons with disabilities. We also support further work on the important role of indigenous judicial systems in promoting access to justice.

The United States agrees with the recommendation that justice systems not discriminate against indigenous women, children, and persons with disabilities. Addressing violence against indigenous women is a high priority for the United

States, as indigenous women in the United States face disproportionately high rates of domestic violence. As the EMRIP report notes, the March 2013 reauthorization of the Violence Against Women Act contains a provision enabling indigenous tribes to prosecute perpetrators, including non-Native perpetrators, of dating and domestic violence against indigenous women for acts that occur on tribal lands.

EMRIP's study notes that access to justice concerns have an important impact on indigenous peoples' enjoyment of their rights to their lands, territories, and resources. Since 2012, the United States has reached settlements with 73 tribes, totaling just over \$1.5 billion, to address lawsuits alleging that the United States mismanaged monetary assets and natural resources held in trust for tribes' benefit.

Finally, the United States agrees with the study's recommendation that law enforcement and judicial officials receive training on indigenous peoples' rights. The Department of Justice's National Indian Country Training Initiative works to ensure that prosecutors and state and tribal criminal justice personnel receive training to address crime on U.S. tribal lands. The Department of the Interior's Bureau of Indian Affairs conducts domestic violence training for law enforcement officials responding to domestic violence calls in Indian Country. In addition, the Bureau of Indian Affairs provides hands-on technical assistance training to tribal court judges, prosecutors, and public defenders on domestic violence cases.

Thank you for your attention.