

Permanent Forum on Indigenous Issues
Agenda Item 3(a), Outcome of the World Conference on Indigenous Peoples
U.S. Statement, delivered by Ann Marie Bledsoe Downes
Monday, April 20, 2015; 3:00 pm

Thank you. I'm Ann Marie Bledsoe Downes, Deputy Assistant Secretary at the Department of the Interior. The outcome document of the World Conference on Indigenous Peoples contains action-oriented political commitments on priorities for the U.S. government and U.S. tribal representatives: enhancing indigenous peoples' participation in the UN; and attaining the goals of the UN Declaration on the Rights of Indigenous Peoples; addressing violence against indigenous women and girls; and repatriating ceremonial objects and human remains. Let me present our thinking on how to realize these objectives.

The United States has preliminary suggestions on enhancing indigenous peoples' participation at the UN, on which we welcome reactions. We recommend initially considering new participation procedures for selected UN bodies: ECOSOC and its subsidiary bodies, including the Permanent Forum on Indigenous Issues (PFII); the Human Rights Council (HRC); and the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP). These entities work on topics important to indigenous peoples, including economic and social development, education, health, human rights, culture, women, youth, the environment, and conservation.

The revised procedures could build upon those that ECOSOC established for participation in the PFII. It is important to recognize that representatives of indigenous peoples, including tribal governments, are not non-governmental organizations as that term is traditionally used in the UN. ECOSOC recognized that fact in establishing its procedures for the PFII, which permit the participation of indigenous institutions, communities, and other non-NGO entities. The new procedures could enable indigenous representatives to attend selected UN sessions; submit written input; and make oral statements in accordance with rules of procedure. We should avoid changes that would make UN sessions cumbersome and inefficient, including by adding unwieldy numbers of participants to UN meetings. If the new participation arrangements are found to meaningfully improve indigenous peoples' participation in selected meetings without ill effects, they could be expanded to other UN bodies and meetings.

As to which indigenous entities would operate under these new procedures, the U.S. government supports enhanced participation for representatives of its

federally recognized Indian tribes, which have a nation-to-nation relationship with the United States. We also favor inclusion under the new arrangements of other U.S. entities which can demonstrate that they should be allowed to participate in the UN system as indigenous peoples' representatives, as appropriate. We support applying this principle to the representatives of indigenous entities from other countries as well. We realize that some countries lack a system of federally recognized Indian tribes. Because member states have different systems in place or may have no formal domestic recognition process, the selection procedure would need to evaluate applications from entities beyond those recognized under a country's established domestic process.

The application process could consist of a questionnaire requesting pertinent information from an indigenous entity. We envision more selective criteria for the new participation procedures than for those currently used for PFII participation. Questions could include whether an indigenous representative is an elected or traditional leader; what are the main objectives, programs and activities, membership size, and governance structure of the entity; whether the entity has a shared history, language, or culture; and the extent to which women and youth are involved in an entity's governance and other political activities. To make decisions on the applications, we recommend creating a hybrid committee of two key stakeholders – member state representatives and indigenous representatives – with member states in the majority. This committee could consist of the PFII members plus 16 additional member states. The PFII Secretariat can be helpful in supporting the selection process, as its involvement with the PFII accreditation process gives it the required expertise for vetting applications.

We recommend revising EMRIP's mandate and composition for the purpose of assessing member state's progress in achieving the Declaration's goals. Any efforts to evaluate how countries are working toward the Declaration's objectives should be in Geneva, close to the treaty bodies which perform monitoring functions on member states and close to the Office of the High Commissioner for Human Rights (OHCHR). In this regard, EMRIP has the advantage of being Geneva-based.

The PFII and EMRIP programs of work for their annual sessions are duplicative, with PFII covering more topics. Going forward, we recommend that EMRIP not discuss topics that the PFII is already considering. That would give EMRIP more bandwidth to assess countries' efforts toward attaining the Declaration's goals. EMRIP would need more than its five current independent experts to effectively perform a monitoring function. In revamping EMRIP, we need to determine how many additional expert members to appoint. To allow

expertise to be transferred, we could elect and phase in new members over a two or three year period. We might consider both government and indigenous representation for a revised EMRIP, thus having two major stakeholders working together.

Looking ahead, the Secretary-General will prepare a report containing proposals on, among other topics, enabling indigenous peoples' participation at the UN and achieving the ends of the Declaration. To provide input for this report and to assist in the development of specific recommendations, the United States suggests appointing a facilitator or facilitators from ECOSOC – through which the Secretary-General is to submit such recommendations – to lead a consultation process involving member states, indigenous peoples, and UN officials. Since the report must be completed by this fall, a facilitator-led process in ECOSOC lasting several months would be more expedient than an open-ended working group. Such a process yielded beneficial results during the lead-up to the World Conference, and we think it will work for us now.

These ideas and proposals are contained in the U.S. response to the questionnaire circulated by the Secretariat of the Forum to help inform the next report of the Secretary-General on follow-up to the World Conference. We hope they will be taken on board.

Turning to the topics of violence against indigenous women and girls and the repatriation of sacred objects, in 2014 the United States provided \$290,000 to support UN Women field-based projects protecting indigenous women and children in Guatemala and Vanuatu from violence. Vanuatu used its funds to help vulnerable women and children during the severe March storm damage. Going forward, we suggest that the UN's system-wide action plan on indigenous peoples address violence against indigenous women and girls. Various UN entities and special procedures have mandates relevant to this topic. Activities could include initiating resolutions; hosting side events; making country visits, preparing reports, and compiling data.

The United States is committed to help recover Native American human remains and cultural property that was stolen, looted, trafficked, or otherwise acquired. The Department of State, Department of the Interior, and several tribes are partnering to recover sacred objects and/or objects of cultural patrimony offered for sale at 2013 and 2014 Paris auctions. Mindful that another auction is scheduled for June 2015 in Paris, the United States is developing a systematic approach to apply to future sales in foreign countries. We recommend that countries consider amending any domestic legislation that inhibits the recovery and

repatriation of Native American cultural property. We also encourage full documentation of cultural property, which facilitates the items' recovery and repatriation in cases of illicit removal.

In closing, the United States recognizes that indigenous peoples play a pivotal role in sustainable development, conservation, and mitigating and adapting to the effects of climate change. We are therefore taking steps to ensure that our foreign assistance is carried out in a way that strengthens traditional resource management strategies and improves the livelihoods of indigenous peoples.

Thank you for your attention. My delegation welcomes further discussion on the U.S. suggestions over the course of this PFII session.