

**Expert Mechanism on the Rights of Indigenous Peoples
4th Session, Geneva
11-15 July 2011**

**Agenda Item 5: Implementation of the United Nations Declaration on the Rights of
Indigenous Peoples (UNDRIP)
Statement by the American Indian Law Alliance
Presented by: June L. Lorenzo**

Introduction and congratulations to Chair

Since the Third Session of the Expert Mechanism last year the United States joined the vast majority of member nations ~~located~~ in the United Nations and decided to support the United Nations Declaration on the Rights of Indigenous Peoples, on December 10, 2010. While indigenous peoples in the United States welcome this development, we are aware of the need to remain vigilant so that any conditions the United States has placed on its endorsement are removed.

We have read the yearly reports of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) and hope that with each discussion of the Declaration, we will be able to identify more and more examples of support of positive implementation. We understand that the mandate of EMRIP is not to list violations or to monitor the implementation of the UNDRIP, but to identify positive practices and challenges in implementation. Prior meetings of the Expert Mechanism addressed the use of the Declaration at international, regional and national levels to protect the rights of indigenous peoples, as well as implementation and specific provisions identifying remedies for infringement of rights. And today we are pleased to contribute to a discussion on the use of the Declaration to promote and protect the human rights and collective rights of indigenous peoples.

First we wish to underscore the complementarity of the work of the Expert Mechanism, the Special Rapporteur and the Permanent Forum as three United Nations mechanisms mandated to deal specifically with indigenous people's issues. We believe that their continued collaboration and coordination in promoting the rights of indigenous peoples will strengthen these UN institutions and benefit all indigenous peoples. We also encourage the continued support of the UN International Support Group.

At the Third Session last year, the Special Rapporteur called for training, seminars and conferences at national and local levels to bring together State officials and indigenous leaders to develop strategies and initiatives for implementation. He also stated that States should engage in comprehensive reviews of their existing legislation and administrative programmes to identify where they may be incompatible with the Declaration with a view to modifying these to conform to the Declaration.

As a potential first step, the United States Senate Committee on Indian Affairs recently held a hearing on domestic policy implications of the Declaration, on June 9, 2011, in Washington, D.C. Unfortunately the hearing was limited to the goal of a hearing to "explore the UNDRIP as an international policy goal to which the United States is a signatory, the current ways existing domestic policy achieves the UNDRIP goals, and additional domestic policy considerations to

make the U S a world leader in indigenous rights and implementation of the UNDRIP.” One of the next steps should be a comprehensive review of existing legislation, domestic law and policy to identify where they may be incompatible with the Declaration. The American Indian Law Alliance, along with many indigenous nations and organizations, remain ready to participate in this critical effort.

Earlier this year, the UN Permanent Forum on Indigenous Issues recognized, in their report (E/2011/43- E/C.19/2011/14, Para 48) “a general lack of awareness of the distinct status of indigenous peoples and the human rights of indigenous peoples, which may lead to systemic discrimination,” and therefore urged all levels of government to ensure that relevant staff as well as the broader public are aware of the [Declaration] in order to promote and ultimately achieve a framework for justice, reconciliation and respect for the human rights of all.” Thus, challenges remain.

Finally, in this limited time we wish to address a current and urgent issue regarding the rights recognized in Articles 25 through 29, of the Declaration. Many indigenous peoples lament the fact that the current U S administration has decided to support the use of nuclear power. This policy will directly impact many indigenous peoples because mining companies are now seeking to mine uranium ore that is located either within demarcated indigenous territory or lands traditionally owned or occupied by indigenous peoples.

In my people’s territory, in the southwestern United States, numerous mining companies are seeking to reopen uranium mines, many of which were left unreclaimed in the early 1980’s. Many of our peoples continue to suffer from what are known as legacy issues: environmental devastation, including contaminated water and thousands of acres of land that is toxic because hundreds of mines are not reclaimed, as well as illnesses related to radon contamination of former miners and their families. Also impacted are many, many sacred sites that are essential to the very identity of our peoples. In their efforts to protect their lands and people, a Navajo Nation community has filed a petition before the Inter American Commission on Human Rights. Additionally Acoma Pueblo and Laguna Pueblo are engaged in litigation with uranium companies over protection for Mt. Taylor, a mountain sacred to many indigenous peoples in the southwestern United States. In another part of the continent, the Onondaga Nation must confront a practice known as hydraulic fracturing of natural gas. We can continue to engage in these struggles using the current law, but without recognition of our fundamental human rights, including collective rights, we will continue to experience systemic discrimination.

Finally, it bears repeating that human rights are interdependent and interconnected. In any given situation, numerous rights are implicated. At a recent Summit on Energy and Mining, held in Niagara Falls in Canada from June 27-29, 2011, many participants seemed to focus on the right to free prior and informed consent-- or how to get around it. While we agree that this right is fundamental, the issue of extractive industries often implicates rights recognized in Articles 10, 11, 23, 25, 26, 27, 28, 29, and 31. Thus we respectfully ask that the Expert Mechanism promote this aspect of interdependence in all discussions regarding the implementation of the Declaration.