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**Statement by the Delegation of the United States of America**

**Item 6: UN Declaration on the Rights of Indigenous Peoples**

**Expert Mechanism on the Rights of Indigenous Peoples**

**July 9-13, 2012; Geneva**

Thank you. 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, President Obama announced in December 2010 that the United States supports the Declaration (<http://www.state.gov/documents/organization/153223.pdf>). 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, 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.

The United States has taken many steps, including legal and policy measures, in support of the Declaration. A detailed listing of some of our federal policies and programs appears in the document “Achieving a Brighter Future for Tribal Nations: 2011 White House Tribal Nations Conference Progress Report,” dated December 2011, which can be found on the White House website. The report 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 cultural rights. Here are some of our key accomplishments.

- The Tribal Law and Order Act (TLOA) 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; helps at-risk youth; and expands recruitment and retention of Bureau of Indian Affairs and tribal officers and gives them better access to criminal databases.
- President Obama signed into law the Affordable Care Act, which included permanent authorization of the Indian Health Care Improvement Act. The Affordable Care Act is improving the quality of health care and making it

more accessible and affordable for all Americans, including American Indians and Alaska Natives. The law permanently authorized new and expanded programs and services available to those who use the Indian Health service, which includes most American Indians and Alaska Natives.

- The American Recovery and Reinvestment Act of 2009 (Recovery Act) provided over \$3 billion to help tribal communities renovate schools on reservations; encourage job creation in tribal economies; improve housing and energy efficiency; and support health facilities and policing services. This appropriation includes \$510 million that the Act allocated to the Department of Housing and Urban Development for the Native American Housing Block Grant program.
- The U.S. government has settled many significant and longstanding Native American legal claims against the United States, including cases involving access to U.S. Department of Agriculture loan programs; the government's trust management and accounting of individual American Indian trust accounts; and four water settlements benefitting seven tribes in the U.S. states of Arizona, Montana, and New Mexico. Most recently on April 11, 2012, the Obama Administration announced resolution of 41 long-standing disputes with tribal governments over alleged federal mismanagement of tribal trust funds and resources. The total value of these settlements is more than \$1 billion dollars.

Further, while the United States did not intervene under Agenda Item 4, we would like to mention several features of U.S. domestic law that strengthen our relationship with tribes in the area of resource exploitation, a topic of great concern to indigenous peoples. When tribes develop their minerals, the United States federal government is involved as a trustee, while the Indian Mineral Development Act policies and procedures assure that a tribe is in control of decision-making at every step. When mineral resources are developed on public lands near tribal lands, due to the special federal trust relationship, the federal government must implement certain measures to protect tribal interests. Additionally, under the National Environmental Policy Act (NEPA), the federal government solicits input from tribes as part of the decision-making process on projects that could lead to significant environmental impacts. Federal agencies begin consultations with potentially affected tribes early in the process, and tribal governments can even participate as "cooperating agencies" in appropriate circumstances. When engaged as cooperating agencies, tribal governments can participate in environmental reviews with similar status to other federal agencies and state and local governments.

In 2011, President Obama announced the United States' commitment to implement the global Extractive Industries Transparency Initiative (EITI) in the United States, and named Secretary of the Interior Ken Salazar as the senior official responsible for implementing USEITI. Under EITI, companies report on payments made to governments, and governments report on payments received from companies. Those figures are then independently reconciled. EITI requires the participation of government, companies, and civil society in decision-making processes. The Department of the Interior will establish a "multi-stakeholder group" to make collaborative decisions about process and substantive matters for implementing the initiative. Tribes may wish to participate in this group, and could participate as part of the government, company, or civil society constituencies, depending on how they self-identify. Additionally, tribes and individual Native American mineral owners may wish to decide whether the information reported under this initiative should include revenues collected by the Federal Government on their behalf.

U.S. government agencies consider the Declaration, as appropriate, as they develop relevant legislative proposals, regulation, and policies. Agencies continue to welcome the input of indigenous peoples on issues affecting them. Because of U.S. Executive Order 13175 on "Consultation and Coordination with Indian Tribal Governments" and President Obama's November 2009 Presidential Memorandum on "Tribal Consultation," consultations with tribal leaders are at unprecedented levels. Recent interactions include the 2010 consultations connected with implementation of the Tribal Law and Order Act. In addition, the 2010 and 2011 White House Tribal Nations Conferences and the 2009 Attorney General listening conference provided additional opportunities for U.S. government and tribal leaders to exchange views. These consultations and other meetings have involved key Federal agencies including the Department of Justice, Department of the Interior, and the Department of Health and Human Services.

The U.S. government has engaged in several interagency meetings and many discussions with organizations to raise awareness with regard to issues addressed in the Declaration. The United States participated in the Universal Periodic Review (UPR) process in 2010. U.S. government agencies are actively reviewing the recommendations that the United States received and accepted in that process, including those relating to indigenous issues and the Declaration. Agencies will work with federally recognized tribes and other stakeholders, states, local governments, and non-governmental organizations on those recommendations this year and through an ongoing process. Recent communications include outreach to

the National Conference of American Indians on June 18-19, 2012, and the forthcoming outreach to the National Association of Counties on July 13-17, 2012.

Thank you for your attention.