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Statement on Indigenous Issues Agenda Item on Human Rights, to the Third Session of the Permanent Forum, May 17, 2004

Mr. Chairman:

Over one hundred years ago the United States was in conflict with the Native Peoples of America. In the hundred years since, the United States has adopted various policies - from assimilation to the termination of tribal status to the current era of self-determination. And, history is witness; the United States did not always get it right.

Through it all, Native Peoples struggled to survive, to reclaim their strength, to heal their people. They fought to defend the land, America, through world wars, the conflicts of the cold war and now in the current war. As a percentage of the population of the USA, there are more Native people protecting our land in this way than any other group. Their patriotism is evident. The US is fortunate to have native people at our side. The USA is proud to have a government-to-government relationship with over 560 Indian tribal governments within the United States.

Tribal elders have said that this seventh generation of contact is a time for healing and reconciliation in all of the Americas. The USA could not agree more. Indigenous people in the Americas comprise the majority of the population in a number of countries in the hemisphere and a significant minority of the population in the remainder of the continent. We must work together. Political systems and political parties must ensure that they are fully open to participation of native peoples at all levels without discrimination. States must understand the human desire of indigenous peoples to have control over their own local affairs and work with them to meet their ends.

One of the most important developments in the protection of human rights and fundamental freedoms that could occur next year would be the adoption by consensus of a UN Declaration on Indigenous Rights. The adoption of this Declaration would be important as it would have a worldwide impact from the Americas, to Asia, to Africa, to Oceania, to Europe. It will apply to all countries, even to those countries who say that their populations are all indigenous and, therefore, they don't have any indigenous groups. This is simply not true. The fact is that many countries who currently say they don't have any indigenous peoples, groups or individuals, do have indigenous; they have simply failed to recognize them and continue to deny them rights.

In our view, the Declaration should be a blueprint for how states ought to conduct relations with indigenous peoples. The Declaration should recognize that local authorities should be free to make their own decisions on a range of issues from taxation to education to land resources management to membership. These are the powers of a government. This is the essence of a federal system with which we are quite comfortable.

In over a decade, the Working Group on the Draft Declaration has approved only two articles. The Working Group has not even been able to complete a first read of a draft text. We expect that the 2005 CHR will have to decide whether the process can continue. We urge the Working Group to make progress based on principles that can apply everywhere for the benefit of indigenous individuals and peoples and the nation states of which they are a part. We urge flexibility on the part of all in reaching a consensus text.

For a Declaration to have full moral authority, consensus among Member States is a prerequisite. We hope and trust that this can occur by the next CHR, particularly in light of the fact that 4 weeks of meetings have been scheduled for this Fall. In our view, unless rapid progress is made in the Working Group during these 4 weeks, the CHR would not be using its resources responsibly if it continues this exercise.

Thank you Mr. Chairman.

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