



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #PHX-16-071

TITLE: Calling for Direct, Timely, and Effective Consultation by the United States with Tribes Regarding Any International Negotiations that May Affect Tribal Interests

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NCAI HEADQUARTERS

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WHEREAS, we, the members of the National Congress of American Indians, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our nations, rights secured under treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, as well as under international laws, norms, and standards, to enlighten the public toward a better understanding of Indigenous Peoples, to preserve indigenous cultural values, and otherwise promote the health, safety and welfare of Indigenous Peoples, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, the United States is negotiating, and in the future will negotiate, multilateral and bilateral international instruments and mechanisms, including but not limited to treaties, agreements, memoranda, declarations, resolutions, standing bodies, review bodies, and platforms; and

WHEREAS, many of these negotiations may themselves affect, or may lead to international instruments or mechanisms which may affect, tribal interests; and

WHEREAS, the federal agencies charged with negotiating these international instruments and mechanisms are required by federal law and policy and by international norms to consult and cooperate in good faith with Tribes to achieve their free, prior and informed consent on matters that, in the judgment of the Tribes themselves, may affect tribal interests before the agencies take negotiating positions or recommend text in their negotiations; and

WHEREAS, all the federal agencies charged with negotiating these international instruments and mechanisms have failed to live up to these obligations; and

WHEREAS, in particular and inexplicably, the U.S. Department of State is a cabinet-level federal agency that has never developed any formal policy for government-to-government consultation with Tribes, much less a consultation policy that incorporates the right to free prior and informed consent enshrined in the United Nations Declaration on the Rights of Indigenous Peoples.

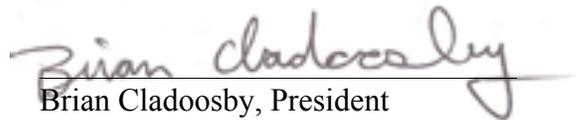
NOW THEREFORE BE IT RESOLVED, that the United States Government including all federal agencies charged with negotiating international instruments and mechanisms consult and cooperate in good faith with Tribes through their own representative institutions in order to obtain their free, prior and informed consent on matters that, in the judgment of the Tribes themselves, may affect tribal interests before the agencies take negotiating positions or recommend text in their international negotiations; and

BE IT FURTHER RESOLVED, that the United States Government ensure that in the transition to the next Presidential Administration that actions will be taken to ensure that federal agencies charged with negotiating international instruments and mechanisms fulfill these obligations; and

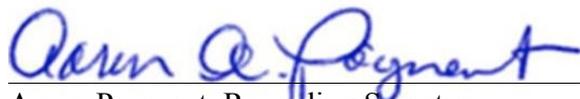
BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2016 Annual Session of the National Congress of American Indians, held at the Phoenix Convention Center, October 9th- 14th 2016, with a quorum present.


Brian Cladoosby, President

ATTEST:


Aaron Payment, Recording Secretary