The National Congress of American Indians
Resolution #KAN-18-008

TITLE: Protection of Indigenous Peoples Rights in International Negotiations on
Marine Biological Diversity

WHEREAS, we, the members of the National Congress of American Indians of
the United States, 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 Indian nations, rights secured under Indian 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 and the United Nations Declaration on the
Rights of Indigenous Peoples, to enlighten the public toward a better understanding of
the Indian people, to preserve Indian cultural values, and otherwise promote the health,
safety and welfare of the Indian people, 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 Nations has convened an Intergovernmental
Conference to develop the text of an international, legally-binding instrument under
the United Nations Convention on the Law of Sea on the conservation and sustainable
use of marine biological diversity of areas beyond national jurisdiction; and

WHEREAS, the text will address marine genetic resources, including
questions on the sharing of benefits, measures such as area-based management tools,
including marine protected areas, environmental impact assessments and capacity-
building and the transfer of marine technology; and

WHEREAS, the Conference will meet for four sessions, with the first session
to be convened from September 4-17, 2018; and

WHEREAS, many Indigenous peoples within and beyond the United States
rely on oceans and inter-connected waterways for subsistence, medicine, and
traditional spiritual practices; and

WHEREAS, activities taking place on oceans and waterways beyond national
jurisdiction have a clear impact on the rights of Indigenous peoples; and

WHEREAS, Article 18 of the UN Declaration on the Rights of Indigenous
Peoples recognizes the right of Indigenous peoples to participate in decision-making in
matters that would affect their rights.
NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) encourages tribal governments to consider participating in the upcoming negotiations on the legally-binding instrument relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction; and

BE IT FURTHER RESOLVED, that NCAI urges the member-states of the United Nations to uphold the rights of Indigenous peoples in any instrument related to the conservation and sustainable use of marine biological diversity and to meaningfully include Indigenous peoples in the negotiations; and

BE IT FURTHER RESOLVED, that NCAI calls on any agency of the United States government who will be participating in the Conference negotiations to immediately begin a direct, formal government-to-government consultation with tribes regarding the United States’ negotiating positions and textual recommendations regarding the conservation and sustainable use of marine biological resources beyond national jurisdiction; 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 2018 Midyear Session of the National Congress of American Indians, held at the Marriott Kansas City Downtown, June 3-6, 2018, with a quorum present.

Jefferson Keel, President

ATTEST:

Juana Majel Dixon, Recording Secretary