



# NATIONAL CONGRESS OF AMERICAN INDIANS

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

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

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**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 Najel Dixon, Recording Secretary