



United South and Eastern Tribes, Inc.

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USET Resolution No. 2014:014**EXPECTATION OF FREE, PRIOR, AND INFORMED CONSENT AS A PRINCIPLE TO GOVERNMENT-TO-GOVERNMENT NEGOTIATIONS AND RELATIONS BETWEEN NATION STATES AND CONSTITUTIONAL OR CUSTOMARY INDIGENOUS GOVERNMENTS**

- WHEREAS,** United South and Eastern Tribes Incorporated (USET) is an intertribal organization comprised of twenty-six (26) federally recognized Tribes; and
- WHEREAS,** the actions taken by the USET Board of Directors officially represent the intentions of each member Tribe, as the Board of Directors comprises delegates from the member Tribes' leadership; and
- WHEREAS,** the United Nations (UN) Organization considered a resolution proposed by the government of Bolivia to authorize the organization and convening of a High Level Plenary Meeting of the General Assembly that would be called the World Conference on Indigenous Peoples, by consensus approved said resolution in November 2010; and
- WHEREAS,** the President of the UN General Assembly issued draft modalities for the World Conference on Indigenous Peoples scheduled to convene at the United Nations Headquarters in New York City, in the month of September 2014; and
- WHEREAS,** USET attended the North American Regional Preparatory Conference hosted by the Sycuan government in February 2013 to observe the dialogue concerning recommended topics and themes that would benefit states' parties and their deliberations as they participate in the World Conference on Indigenous Peoples; and
- WHEREAS,** the topics and themes relevant to implementing provisions of the United Nations Declaration on the Rights of Indigenous Peoples (UN GA-2007) and modalities for conducting the World Conference on Indigenous Peoples were the focus of the United Nations Permanent Forum on Indigenous Issues in May 2013 and of the Global Indigenous Peoples' Preparatory Meeting in Alta, Norway (June 2013); and
- WHEREAS,** USET endorsed the "Statement of 72 Indigenous Nations and Ten Indigenous Organizations" (Statement of 72) delivered by Darwin Hill of the Tonawanda Seneca Nation to the United Nations Permanent Forum on Indigenous Issues on May 28, 2013; and
- WHEREAS,** the Statement of 72 urged the UN to recognize that "Without adequate implementing measures by states as yet, the Declaration is having little significant effect in reducing human rights violations against indigenous peoples, and violations appear to be increasing in many countries;" and
- WHEREAS,** the Statement of 72 offered three recommendations for action for consideration at the World Conference on Indigenous Peoples as follows:
1. We recommend that the United Nations establish a new body responsible for promoting state implementation of the Declaration on the Rights of Indigenous Peoples and monitoring states' actions with regard to indigenous peoples' rights.
 2. We recommend a three-pronged course of action to address the problem of violence against indigenous women: Convene a high-level plenary conference to examine challenges to the safety of indigenous women and children; authorize the proposed Monitoring and Implementing Body to convene a full session each year on the topic of violence against women and children; and designate a

Special Rapporteur to focus exclusively on the rights of women and children and prevention of violence within the international framework as well as within the domestic concerns of member states.

- 3. We recommend that action be taken to give indigenous peoples, especially indigenous constitutional and customary governments, a dignified and appropriate status for participating regularly in UN activities. Indigenous peoples deserve to have a permanent status for participation in the UN that reflects their character as peoples and governments; and

WHEREAS, the 13th Session of the United Nations Permanent Forum on the Rights of Indigenous Peoples (UNPFRIIP) (formerly the UN Permanent Forum on Indigenous Issues) will convene during the period of May 12-23, 2014 considering the special theme “Principles of good governance consistent with the United Nations Declaration on the Rights of Indigenous Peoples: Articles 3 through 6 and 46 §6,” directly relevant to implementing the Statement of 72 proposals; and

WHEREAS, implementing the United Nations Declaration on the Rights of Indigenous Peoples principles requires that indigenous nations’ governments and states’ governments enter into a dialogue on an intergovernmental basis as well as within the framework of the United Nations; and

WHEREAS, in December 2010, the United States recognized the rights of its First Peoples through its support of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), whose provisions and principles support and promote the purposes of this resolution; therefore, be it

RESOLVED the USET Board of Directors does hereby reaffirm the recommendations contained in the Statement of 72 with particular emphasis on the recommendations for the United Nations to formalize within its framework official positions of dignity and appropriate status for indigenous constitutional and customary governments to promote and facilitate intergovernmental dialogue between indigenous nations and United Nations member states; and

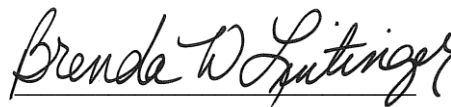
RESOLVED USET decides in recognition of the Special Topic of the 13th Session of the United Nations Permanent Forum on the Rights of Indigenous Peoples and the Statement of 72 recommendations to offer the following additional recommendation:
RECOMMEND the United Nations to implement Article 4 of the United Nations Declaration on the Rights of Indigenous Peoples by recommending to states’ governments the formalization of “government-to-government” negotiations (between states’ governments and constitutional or customary indigenous governments) as a principal method for conflict resolution, and the application of the principle of “free, prior and informed consent;” and that “consultations” serve only as a preparatory step leading to formal negotiations between indigenous constitutional or customary governments and the state government .

CERTIFICATION

This resolution was duly passed at the USET Annual Meeting, at which a quorum was present, in Cherokee, NC, on Thursday, October 31, 2013.



Brian Patterson, President
United South and Eastern Tribes, Inc.



Brenda Lintinger, Secretary
United South and Eastern Tribes, Inc.

“Because there is strength in Unity”