

**THE NATIONAL CONGRESS OF  
AMERICAN INDIANS**

**RESOLUTION # PSC-99-000**

**Title:** Treaty Rights, BioCultural Security and protecting Traditional Cultural and Resource Rights

**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 to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution;

**WHEREAS**, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local Tribal concerns; and

**WHEREAS**, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI.

**WHEREAS**, the National Congress of American Indians did during its annual assembly of 1997 adopt the resolution #SFE-97-042 "U.S. Abrogation or Violation of Indian Treaties via Biodiversity Convention,, urging immediate consultations with the United States Department of State to facilitate protection of treaties, compacts and agreements between the United States and Indian Nations recognizing the eminent threat of Treaty abrogation arising from the implementation prospective ratification by the U.S. Senate of the Convention on Biodiversity,

**WHEREAS**, resolution #SFE-97-042 was effectively ratified by the National Congress of American Indians at its Annual General Assembly in Santa Fe, 1997, and immediately transmitted to appropriate authorities in the United States government including President Bill Clinton and the Secretary of State Madeleine Albright, and

**WHEREAS**, the U.S. Secretary of State Madeleine Albright during, the 4th Annual American Indian Consultation hosted by the U.S. Department of State, did publicly reply to the spirit of the message of Indian governments in July 1998 in Washington, D.C., but this reply was inadequate, inconsistent with US stated policy toward Indian nations, and the Secretary of State did not reply to the direct request for

formal discussions regarding tribal sovereignty, self-determination and treaty rights, and

**WHEREAS**, in utter disregard of concerns expressed in our earlier resolution the United States Department of State authorized a statement before the United Nations Human Rights Working Group on the Declaration on the Rights of Indigenous Peoples in November 1998 renouncing the right of self-determination as applied to Indian nations and rejecting the claims of collective rights historically propounded and affirmed in treaties with Indian nations, and

**WHEREAS**, the United States government became a vocal opponent to international recognition of the treaty affirmed right of Indian nations to self-determination, self-government, and sovereignty contrary to its domestically stated policy when its representative denounced tribal self-determination in its widest meaning; and furthermore opposed the collective rights of Indian nations in an official statement before the UN Commission on Human Rights, Working Group on the Rights of Indigenous Populations on November 13, 1998, and

**WHEREAS**, the United States government has proceeded to engage in negotiations of not only the Convention on Biodiversity and the establishment of the World Intellectual Property Rights Organization it is actively engaged in the World Trade Organization and the World Bank-all of which seek to implement international legal provisions directly bearing on the sovereignty, treaty rights, right of self-determination and traditional cultural and resource rights of Indian nations, and

**WHEREAS**, the United States government has offered an Annual Consultation with Indian Leaders, but such Consultations can be considered nothing but wholly inadequate, and

**WHEREAS**, the United States government has failed to effectively meet in high-level discussions with Indian leaders to formalize new government-to government protocols between the Department of State and Indian governments that ensure the full and effective protection of Indian sovereignty, treaty rights, the right of self-determination in its social, economic and political dimensions as well as traditional cultural and resource rights, and

**WHEREAS**, the United States government is actively engaged in experts meetings, the Biodiversity Conference of Parties, Organization of American States, World Trade Organization Ministerial Meetings and World Intellectual Property Rights meets in the next eighteen months to implement procedures and agreements which will effectively undermine Indian Treaties, tribal sovereignty, the right of self-determination and traditional cultural and resource rights.

**NOW THEREFORE BE IT RESOLVED**, the National Congress of American Indians meeting in Annual General Assembly does hereby call upon the United States President, Secretary of State and other relevant Cabinet officers and Ambassadors to:

1. Recognize that by this resolution the National Congress of American Indians reaffirms Resolution #SFE-97-042 and requests that the United States Department of State revisit and reply to National Congress of American Indians Resolution #SFE-97-042 in the manner specifically requested without delay.
2. Revisit and reply to the National Congress of American Indians Resolution #SFE-97-048 and comply with the request that the United States government endorse the use of "peoples", "territories", "self-determination, in its accepted international meaning, and the term "collective rights."
3. Prepare for and undertake mutually agreed intergovernmental discussions led by high ranking officials of the Department of State and Indian Government representatives based on a mutually agreed agenda and schedule aimed at formalizing a government-to-government framework for sustained and scheduled discussions of issues of mutual concern relating to Indian Treaties, tribal sovereignty, the right of self-determination in the social, economic and political dimensions, and intergovernmental mechanisms for protecting traditional cultural and resource rights.
4. Communicate to the transmitter of this resolution in a timely fashion so as to ensure full and adequate preparations for discussions in advance of international meetings directly relevant to implementing the World Intellectual Property Organization's mandate, the Convention on Biodiversity (meeting in May 2000, the decisions of the Organization of American States concerning the American Declaration on the Rights of Indigenous Peoples, and meetings design to implement provisions of the GATT with particular reference to the World Trade Organization meeting in November 1999.

**BE IT FURTHER RESOLVED**, that the National Congress of American Indians does hereby seek the assistance and collaboration of the Center for World indigenous Studies in Olympia, Washington, Indian Law Resource Center in Washington, D.C. and other appropriate non-governmental organizations actively monitoring and interacting in the international arena to protect tribal rights as sources of information, advice and technical assistance to carry out provisions of this resolution.

**BE IT FINALLY RESOLVED**, that this resolution shall be immediately transmitted upon its effective date to the President of the United States Bill Clinton, Vice President of the United States Albert Gore, President Clinton's National Security Advisor, Secretary of State Madeleine Albright, the U.S. Ambassador to the Organization of American States and the United States Ambassador to the United Nations.

### **CERTIFICATION**

The foregoing resolution was adopted at the 1999 Annual Session of the National Congress of American Indians, held at the Palm Springs Convention Center, in Palm Springs, California on October 3-8, 1999 with a quorum present.

W. Ron Allen, President

**ATTEST:**

Lela Kaskalla, Recording Secretary

Adopted by the General Assembly during the 1999 Annual Session of the National Congress of American Indians, held at the Palm Springs Convention Center, in Palm Springs, California on October 3-8, 1999.