



INDIAN LAW
RESOURCE CENTER
Justice for Indigenous Peoples

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Dear President Obama,

We are excited about the change that you bring and would like to assist you in your efforts to restore the United States as an international human rights leader. We are greatly concerned about the United States' commitment to uphold, promote, and protect the fundamental rights of Indian nations. We strongly urge the United States to reverse its opposition to the United Nations Declaration on the Rights of Indigenous Peoples, to commit to the adoption of a strong American Declaration on the Rights of Indigenous Peoples, and to ratify the American Convention on Human Rights. We urgently need the United States' support of these declarations to protect the rights of indigenous peoples and ensure justice and adherence to the rule of law throughout the Americas. The United States has an immediate opportunity to announce its renewed commitment to the rights of indigenous peoples at the Summit of the Americas later this month.

In September 2007, the United Nations General Assembly overwhelmingly adopted the UN Declaration on the Rights of Indigenous Peoples. The United States voted against the adoption of the UN Declaration. To reaffirm its commitment to human rights, the United States must reverse its position on the UN Declaration.

The United States has not in recent years actively engaged in the Organization of American States' negotiation of an American Declaration on the Rights of Indigenous Peoples. The negotiations on the draft American Declaration are now at a critical point. On March 30, 2009, the OAS Working Group to Prepare a Draft Declaration on the Rights of Indigenous Peoples announced that it would not hold a negotiation session on the draft American Declaration before the OAS General Assembly meeting in June 2009. The OAS has not held an actual negotiation session in almost a year, and we are greatly concerned about the slow progress being made on the American Declaration.

A strong American Declaration is crucial to upholding and protecting the fundamental rights of indigenous peoples. Indian and Alaska Native nations face grave violations of their human and treaty rights in the United States and throughout the Americas. In the United States, the government confiscates Indian lands in violation of the Constitution, one in three Indian and Alaska Native women is raped in her life time, and developers deprive Native peoples of their right to religious freedom by desecrating sacred places such as Bear Butte, South Dakota. The situation is even more appalling in South and Central America. In Colombia, military, paramilitary, and guerilla forces regularly massacre indigenous peoples like the Awá, and extractive industries threaten the survival of many indigenous nations throughout the Americas, including the Maya Q'eqchi' in Guatemala.

A strong American Declaration is much needed to recognize and secure indigenous rights, including the right of self-determination, treaty rights, rights to education, cultural and religious rights, rights to lands and resources, and more. It will address the particular regional issues in the Americas that are not dealt with in the UN Declaration on the Rights of Indigenous Peoples. The draft American Declaration already includes provisions on gender equality, violence against Native women, and indigenous peoples under internal armed conflict that are not in the UN Declaration and are of particular importance to indigenous peoples in the Americas. It will help stop and guard against human rights violations occurring in the Americas.

The OAS and its member states must resume negotiations immediately and commit to the adoption of a strong American Declaration. The United States has historically played an important leadership role in this hemisphere and is uniquely able to call on other states in the Americas to renew their commitment to the OAS process on the American Declaration. The United States can easily do this by making a strong statement at the Summit of the Americas about the importance of this process and by having a knowledgeable team with an expertise in Indian law and policy actively participate in future negotiation sessions at the OAS.

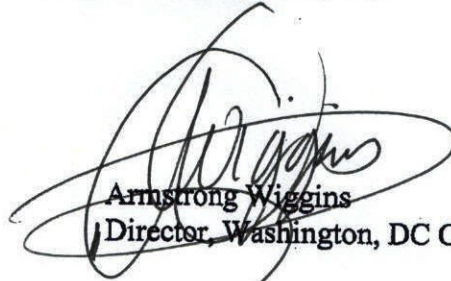
The United States can change its policy on indigenous rights and demonstrate its strong commitment to human rights by reversing its position on the UN Declaration, supporting the adoption of a strong American Declaration, and ratifying the American Convention on Human Rights. The Summit of the Americas is a crucial, early opportunity for the United States to demonstrate this commitment. As noted legal scholar Felix Cohen once said, "Our treatment of Indians, even more than our treatment of other minorities, reflects the rise and fall in our democratic faith." The vulnerability of democracy, justice, and the rule of law in this hemisphere is evident in the widespread and gross human rights violations now occurring against indigenous peoples in the Americas. To renew our faith in democracy, the rule of law, and justice, the United States must renew its commitment to human rights by upholding, promoting, and protecting the fundamental rights of America's first peoples.

For the first time in eight years, we have renewed hope for the United States as a human rights leader. We thank you for this hope and for the United States' commitment to uphold, promote, and protect the fundamental rights of indigenous peoples.

Sincerely,



Robert T. Coulter
Executive Director



Armstrong Wiggins
Director, Washington, DC Office

cc: Mr. Joseph R. Biden, Vice President
Ms. Hillary Rodham Clinton, Secretary of State
Mr. Eric H. Holder, Jr., Attorney General
Ms. Janet Napolitano, Homeland Security Secretary
Mr. Robert Michael Gates, Secretary of Defense
Ms. Susan Rice, United States Ambassador to the United Nations
Mr. Hector E. Morales Jr., United States Permanent Representative to the OAS
Mr. Timothy F. Geithner, Secretary of the Treasury
Mr. Gary Locke, Commerce Secretary
Mr. Kenneth L. Salazar, Secretary of the United States Department of the Interior