

Pawnee Nation Declaration on the Rights of Indigenous Peoples Act

I. Title: This statute shall be known as the “Pawnee Nation Declaration on the Rights of Indigenous Peoples Act.”

II. Purposes: The purposes of this Act are to:

1. Strengthen the domestic legal framework in the United States for defining and protecting the Pawnee Nation’s legal, political, cultural, property, and Indigenous rights.
2. Strengthen the Pawnee Nation’s relationships with Federal and State governments, including federal protection of the human and Indigenous rights of the Pawnee Nation and its citizens.
3. Promote Federal implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) into domestic law and policy.
4. Adopt policies for protecting rights of Pawnee citizens set forth in the UNDRIP.

III. Authority: This Act is enacted pursuant to Article IV, Section 2 of the Constitution of the Pawnee Nation of Oklahoma.

IV. Effective Date: This Act shall take effect on the day following approval by a majority vote of the Pawnee Business Council; *Provided That* the Act is not formally disapproved by the Nasharo Council within thirty (30) days after the Act is referred to that body under Article VIII of the Constitution of the Pawnee Nation of Oklahoma.

V. Definitions:

1. “The United Nations Declaration on the Rights of Indigenous Peoples” (UNDRIP) is a declaration enacted by the United Nations General Assembly in 2007 to lay out minimum standards for protecting the rights, well-being, and survival for the world’s Indigenous Peoples, including the Pawnee Nation and its citizens. The UNDRIP is attached for reference as an addendum to this Act.

VI. Findings:

1. Federal Indian Law is domestic law that defines the rights, relationships, and responsibilities among Tribal Nations and the United States. It provides the Federal legal framework for defining the sovereignty, self-determination, self-government, property, treaty, and cultural rights of the Pawnee Nation and its citizens.
2. Federal Indian Law has two sides. First, protective features recognize and protect the inherent sovereignty of the Pawnee Nation and its political status as a “Domestic Dependent Nation” that entered the Union through treaties under the protection of the United States. However, that body of law also has anti-indigenous features derived from

early International Law of Colonialism. Those features were incorporated into domestic law by Supreme Court decisions in the 1820's and 1830's; and they amount to a nefarious "dark side" of the law that is still the law of the land, as illustrated by oppressive judicial doctrines that: (i) proclaim the racial, religious, and cultural inferiority of Native peoples, (ii) assert unchecked plenary power of Congress over Native peoples and their Nations, (iii) allow unfettered government guardianship power over Indigenous persons and property, and (iv) afford Tribal Nations and their citizens inferior property, political, religious, and cultural rights. Even though Colonialism was repudiated in the 1960's by the United Nations as an oppressive institution, the anti-indigenous features from the Law of Colonialism remain in full force and effect in modern-day Federal Indian Law.

3. In 46 Articles, the comprehensive, stand-alone UNDRIP framework for defining Indigenous rights conceives of Native American rights as inherent, inalienable, and inalienable human rights and Indigenous rights that are based upon principles of justice and derived from modern international law. The purpose of UNDRIP is to guide countries on how to comport themselves with their Indigenous Peoples. The UNDRIP asks countries to discard the lingering ill-effects of Colonialism that remain embedded in domestic law and policy and replace those outmoded legal doctrines with the minimum standards of the UNDRIP. Those standards see Indigenous rights as human rights—including the rights of self-determination, self-government, culture, lands/territories/natural resources, language, education, social services, economic development, equality, and non-discrimination.

4. To strengthen Native American rights and heal a painful past, it is time to replace the dark side of Federal Indian Law with principles of justice, such as the minimum standards in the UNDRIP.

5. Since the UNDRIP is not a self-executing treaty, with the automatic force of law, the provisions ask all countries (including the United States) to implement the minimum standards into their domestic laws and policies in partnership and consultation with Indigenous peoples. To date, 150 countries have endorsed the UNDRIP; and many are working to implement UNDRIP standards. While the United States endorsed the UNDRIP in 2010, it has not developed a national plan to implement it.

6. A "Project to Implement the United Nations Declaration on the Rights of Indigenous Peoples" was formed by the Native American Rights Fund and various law schools. (<https://un-declaration.narf.org/>). The Project is coordinating intertribal efforts to urge the United States to implement the UNDRIP. Toward that end, the project is asking Tribal Nations to pass laws endorsing the UNDRIP and requesting the United States to implement the UNDRIP. (<https://un-declaration.narf.org/wp-content/uploads/Tribal-Implementation-Toolkit-Digital-Edition.pdf>)

7. The wellbeing of the Pawnee Nation and its citizens depend upon strong and reliable legal rights. It is in the best interests of the Pawnee Nation to support implementation of the UNDRIP standards into the domestic laws and policies of the United States, because that will better protect vital Tribal interests, as well as individual and group rights of Pawnee citizens described in the UNDRIP.

VII. Pawnee Nation Endorsement and Support for the UNDRIP:

1. Henceforth it shall be the policy of the Pawnee Nation of Oklahoma to ensure that future Tribal statutes, rules, regulations, and policies are consistent with the UNDRIP standards.

2. The Pawnee Nation's Governing Documents Committee shall conduct a one-year evaluation of existing Tribal statutes, rules, regulations, and policies in consultation with the Attorney General to determine whether appropriate changes are necessary to align Tribal law and policy with the standards of the UNDRIP. Twelve months after this Act goes into effect, the Committee shall report back to the Pawnee Business Council the results of the evaluation, including any administrative changes in policies or procedures, and any recommendations for legislative action.

3. The Pawnee Nation calls upon the United States and State of Oklahoma to implement the UNDRIP provisions into their laws and policies.

4. The Pawnee Nation requests the President of the United States to develop a national plan to implement the UNDRIP in partnership and consultation with Tribal Nations, Alaska Natives, and Native Hawaiians.

VIII. Savings Clause: Nothing in this Act (i) abrogates or derogates any Treaty entered into by the Pawnee Nation; (ii) effects or diminishes any rights recognized or affirmed by the Constitution of the Pawnee Nation of Oklahoma; or (iii) in any way affects or waives the sovereign immunity of the Pawnee Nation.