

**Briefing Paper:** Pawnee Nation Declaration on the Rights of Indigenous Peoples Act.

**1. What is the impact of the PNDRIPA on the Pawnee Nation?**

**Answer:** The PNDRIPA does two things. First, it asks the United States government to implement the “minimum standards” of the United Nations Declaration on the Rights of Indigenous Peoples (“Declaration”) into federal law and policy. That will strengthen legal rights necessary for the survival, dignity, and wellbeing of the Pawnee Nation and its citizens. Second, to support that request and establish Tribal statutory precedent for federal action, PNDRIPA enacts a policy not to violate anyone’s human rights. Specifically, the policy states that future Tribal laws, rules, and regulations will conform to the standards of the Declaration; and an internal procedure is created for developing recommended changes to existing Tribal laws and policies to align them with those standards. This policy will have little impact on our laws because our Nation has no history of violating human rights, has never enacted laws or policies to deprive anyone’s human rights, and the Nation has no reason to violate human rights in the future. Therefore, the PNDRIPA policy is principally aimed at establishing a precedent for Federal action and is *not expected to have any measurable impact on Tribal law or policy*. And no change in our form of government will occur because the Act expressly states:

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; or (iii) in any way affects or waives the sovereign immunity of the Pawnee Nation.

In short, the Act does not change our Treaties, our form of government, the Constitution, or sovereign immunity; and it will not have a measurable impact on future or existing laws and policies. Nor is the Pawnee Nation joining the United Nations or ceding our sovereignty to anyone. PNDRIPA’s goal is to seek increased federal protection for important legal rights of our Nation and citizens. Please read the revised and updated PNDRIPA for yourself; it is posted on the Nation’s website at: [www.pawneenation.org/pn-governing-documents-committee](http://www.pawneenation.org/pn-governing-documents-committee).

**2. What are the benefits to Pawnee People of enacting the PNDRIPA?**

**Answer:** The Pawnee Nation and its members will benefit greatly if the principles of the Declaration are implemented by the United States. If the minimum standards of the Declaration become federal law, that will better protect the survival, dignity, and wellbeing of the Pawnee Nation and its citizens. Here are examples how that will strengthen our legal rights:

**Human Rights protected by the Declaration:**

Religious freedom, sacred sites

**Current Native Rights in Federal Law:**

No First Amendment protection

Self-Determination & Self-Government	Congress & Courts can abolish at will
Land/Territories/Natural Resources	Discovery Doctrine = inferior land rights
Language	Once forbidden; today little funding
Public Media	Unaccountable to Native Americans
Education in our own language/culture	Not required by federal or state law
Equality & Non-Discrimination	Legal Racism flourishes in Federal law
Environmental rights	Inadequate homeland/habitat protection
Robust Cultural rights	Fails to meet Declaration's standards
Free Prior & Informed Consent	Inadequate consultation
Economic & Social Rights Protected	Poorest of the poor, gaps in medical care
Treaties & Agreements protected	U.S. violates treaties & agreements
Rights are based on notions of justice	Rights are from Law of Colonialism

For these reasons, the National Congress of American Indians (NCAI) and a growing number of Tribal Nations support UNDRIP implementation. This month NCAI passed a Resolution calling on the United States to implement UNDRIP; it states that "implementation of UNDRIP is critical for protecting and furthering the rights of Indigenous Peoples" and "Indigenous Nations and individuals will benefit greatly if the principles of UNDRIP are implemented." In addition, on October 8 the Inter-Tribal Council of the Five Civilized Tribes (Cherokee, Chickasaw, Choctaw, Muscogee, and Seminole Nations) passed a resolution urging Federal implementation of UNDRIP; it states: "Tribal Nations will greatly benefit if the provisions of the Declaration are implemented by the United States." Both resolutions are attached. FOR MORE INFORMATION about UNDRIP legal protections, you can consult:

1. Tribal Implementation Toolkit: [Tribal-Implementation-Toolkit-Digital-Edition.pdf \(narf.org\)](https://www.narf.org/wp-content/uploads/2013/08/Tribal-Implementation-Toolkit-Digital-Edition.pdf)
2. Native American Rights Fund UNDRIP information: [About the Declaration – The Implementation Project \(narf.org\)](https://www.narf.org/wp-content/uploads/2013/08/About-the-Declaration--The-Implementation-Project.pdf)
3. UNDRIP guide for youth: [un-adolescents-guide2013.pdf \(narf.org\)](https://www.narf.org/wp-content/uploads/2013/08/un-adolescents-guide2013.pdf)

**3. How much will it cost to implement PNDRIPA? What's the return on that investment?**

**Answer:** No additional costs. The Governing Documents Committee is a volunteer committee with Tribal members who work for free; and no additional legal fees will be incurred. The return on this investment is immense (see answer to No. 2).

**4. Why would the Pawnee Nation want to bring its government under the U.N. since we are not a member nation?**

**Answer:** PNDRIPA does not bring the Pawnee Nation under the jurisdiction or thumb of the U.N. nor cede our sovereignty to the U.N.

**5. Why would PBC legislate “massive changes” to our government, since U.N. has no authority, and the Declaration is not legally binding?**

**Answer:** No “massive changes” will take place under PNDRIPA. See, answer to No. 1 above. The Declaration is not legally binding on the Pawnee Nation, but if we want to obtain its important benefits, we must be willing work with other Tribal nations to coax the Federal government to implement Declaration’s principles into federal law and policy. Let us remember: Native American rights are never freely given; they must be worked for, earned, then vigilantly protected. In that regard, our Pawnee ancestors have always been ready to take a stand when it comes to protecting the Nation and defending the people and their way of life. Two generations ago, Pawnee Tribal leaders and elders worked hard to make new federal and state laws to protect the graves of our ancestors and to require museums to repatriate Pawnee dead back to the Nation for proper reburial in accordance with our traditional religious and funerary beliefs and practices. Today working to increase Federal protection of the Indigenous rights of the Nation and its citizens through Federal implementation of the UNDRIP protections is the challenge of this generation. President Echo-Hawk is calling upon all Pawnees to take a stand for yourselves, for your Nation, and for future generations to secure better legal protections for the Nation and its citizens.

**6. Do the Declaration or PNDRIPA have any potential implications on our Federal relationship?**

**Answer:** The Treaty relationship between our Nation & United States remains the same. After the Declaration’s standards become federal law, the U.S. can not violate Pawnee treaties, self-determination, self-government, or other Indigenous rights at will; and Pawnees will enjoy a stronger set of reliable legal rights to protect our sovereignty and way of life.

**7. What will Tribal members gain?**

**Answer:** Stronger legal rights and a stronger Nation. Also, if the social, economic, housing, education, medical, and environmental needs of our people are viewed by

the Federal government as human rights, those long-standing social ills and conditions are more likely to improve.

**8. What additional rights does the Declaration provide for Pawnee people that they do not already enjoy as U.S. or Tribal citizens?**

**Answer:** See answer to question No. 2 above.

**9. Since no Tribe has implemented the Declaration into their government,**

- \* Why is implementation being proposed by PBC?
- \* Is this a response to a current need, or to the will of the people?
- \* What background has taken place paving the way for PBC implementation?
- \* Is the AG Act part of the implementation?
- \* How are these changes addressed or provided for under our Constitution?

**Answer:** Several Tribal nations already have laws in place that support the Declaration. Those laws differ. On the national level, Tribal Nations are being requested to pass legislation to bring pressure on the Federal government to implement the Declaration. See, for examples, the attached NCAI and Inter-Tribal Council of the Five Civilized Tribes resolutions. The Pawnee Nation should join these intertribal efforts to strengthen Tribal legal rights. If the Indigenous rights principles of UNDRIP become federal law, that will significantly strengthen Native American rights. The proposed PNDRIPA asks the Federal government to implement UNDRIP and establishes a Tribal law precedent for taking that Federal action. PNDRIPA addresses a current need facing our Nation: We must strengthen the legal rights of our Nation and citizens.

The Pawnee government has engaged in extensive background for developing this proposed legislation. After careful study and due diligence, the Nation's Governing Documents Committee and Intergovernmental Affairs Committee believe PNDRIPA serves the best interests of the Nation and its citizens. Elected Pawnee Tribal leaders have examined the contents of the Declaration, considered the Nation's need for stronger legal rights, assessed the impact of this legislation on our Constitution and laws, and understand the need for Tribal Nations to reform and strengthen Federal Indian law. Furthermore, prior to further deliberations on PNDRIPA, please rest assured that the PBC will work to inform and educate Tribal citizens about this measure. Only afterward will this legislation be duly considered by the PBC for enactment into Tribal law. Under our Constitution, the will of the people in the lawmaking process is expressed through their elected lawmakers; and the PBC takes that sacred duty seriously.

Finally, the proposed Attorney General Act is not part of implementing the Declaration and has nothing to do with the PNDRIPA.

Thank you,

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Councilwoman Cynthia Butler, Chair, Governing Documents Committee

Councilwoman Dawna Hare, Chair, Intergovernmental Affairs Committee