

Submission to the United Nations Universal Periodic Review of
United States of America, Third Cycle, Thirty sixth Session of the
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Southeast Indigenous Peoples' Center (SIPC) researches, monitors,
and reports on food, housing, health, and education solutions
while advocating for Southeast community strengthening,
environmental, educational, health, and cultural centers. SIPC has
participated in the UN PFII and other UN mechanisms since 2009.

Access to Justice from Universal Declaration of Human Rights

Article 1.

All human beings are born free and equal in dignity and rights.
They are endowed with reason and conscience and should act
towards one another in a spirit of brotherhood.

Article 2.

Everyone is entitled to all the rights and freedoms set forth in this
Declaration, without distinction of any kind, such as race, colour,
sex, language, religion, political or other opinion, national or social
origin, property, birth or other status. Furthermore, no distinction
shall be made on the basis of the political, jurisdictional or
international status of the country or territory to which a person
belongs, whether it be independent, trust, non-self-governing or
under any other limitation of sovereignty.

Article 3.

Everyone has the right to life, liberty and security of person.

Article 8.

Everyone has the right to an effective remedy by the competent
national tribunals for acts violating the fundamental rights granted
him by the constitution or by law.

Article 17.

(1) Everyone has the right to own property alone as well as in
association with others.

(2) No one shall be arbitrarily deprived of his property.
truth and reconciliation as outlined in 26-28 from UDHR articles

Article 22.

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

ACCESS TO JUSTICE

Southeast Indigenous Peoples assert our UDHR (1948) rights to access to justice to achieve **freedom from discrimination, right to life, right to own property, right to social security, as interpreted by the UN Declaration on the Rights of Indigenous Peoples (2007)**. Violations of these fundamental rights perpetuate inequality, poverty, environmental destruction, and increased vulnerability to climate change, as show in annexes. The USA should support Indigenous Peoples' leadership in implementing all UDHR fundamental rights.

In 2015 the USA issued a law¹, changing the type and amount of subsidies that Indigenous Peoples are forced to pay **for** advocacy, **thus blocking** development of legal institutions to implement the DRIP. The USA has continued to undermine Indigenous Peoples' efforts to develop a fair, independent, impartial, open and transparent process to formalize land tenure by increasing the importance of lobbying (paying money to politician industry) and reducing the importance of the rule of law. Legal lobbying revenue has steadily increased to more than 3.4 billion² dollars per year.

This has resulted in a steady decrease of Indigenous Peoples' access to our resources as we are financially indebted to the group from which we seek redress of wrongs. Part of what we have to pay for is rehabilitating Indigenous Peoples' media image because of negative and false depictions of Indigenous Peoples in the media, including State-sponsored sports images and inaccurate educational history lessons representing Indigenous Peoples as bloodthirsty savages. When Indigenous Peoples are awarded

reparations or even basic social security support, social services are impaired by USA laws requiring that Indigenous Peoples repay money to the lobbying and advocacy industry.

BACKGROUND

Since SIPC last submission, the USA court system has become more dysfunctional than it already was³. The USA has denied that it should address climate change⁴. In 2010 and 2014, SIPC recommended that OHCHR ask the US to work with Southeast Indigenous Peoples on human rights issues by providing:

1. Resources to implement climate change mitigation measures
2. Safe access to land, water, and education.
3. Safety from violence.
4. Legal instruments to assert our right to participate in environmental planning and economic development.

There is little evidence that the USA has made efforts with Indigenous Peoples to institute effective measures, procedures, protocols, or processes to ensure these basic rights to life. These recommendations can be realized with the USA addressing access to Indigenous Peoples' territories and resources in accordance with UDHR interpreted by UNDRIP Articles 26-8.

Southeast Indigenous Peoples call the USA to learn from best practices of governments negotiating with Sámi Parliament, including those of Norway. Past recommendations that the USA accepted are from the 1st UPR cycle:

1. End the violation of the rights of Indigenous Peoples
2. Put an end to its actions against the realization of the rights of peoples to a healthy environment, peace, development and self-determination
3. Review, reform and adequate its federal and state laws, in consultation with civil society, to comply with the protection of the right to nondiscrimination established by the Convention on the Elimination of all Forms of Racial Discrimination, especially in the areas of employment, housing, health, education and justice

4. Implement concrete measures consistent with the Covenant on Civil and Political Rights, to ensure the participation of Indigenous Peoples in the decisions affecting their natural environment,
5. Formulate goals and policy guidelines for the promotion of the rights of Indigenous Peoples and cooperation between government and Indigenous Peoples
6. Guarantee the rights of indigenous Americans, and to fully implement the United Nations Declaration on the Rights of Indigenous Peoples
7. Implement the United Nations Declaration on the Rights of Indigenous Peoples at the federal and state levels

From the 2nd cycle:

1. Fully implement the United Nations Declaration on the Rights of Indigenous Peoples, and remove discriminatory legal barriers
2. Regularly consult with Indigenous Peoples on matters of interest to their communities, to support their rights to traditionally owned lands and resources and to adopt measures to effectively protect sacred areas of Indigenous Peoples against environmental exploitation and degradation
3. Respect Indigenous Peoples and ethnic minorities' rights and interests, fully consult with them on their land, autonomy, environment, language and other issues, correct the historical injustice and offer compensation

RECOMMENDATIONS

SIPC makes the following recommendations to assist the USA fulfill its voluntary pledges of the 2nd cycle, 'The United States remains committed to self-determination and self-governance, empowering tribes to make their own decisions about the future of their peoples', 'We are committed to eliminating health disparities and promoting health, and we actively enforce federal civil rights laws to help ensure that all people have equal access to health care and social service programs', and 'We are committed to equality of

opportunity in education and to helping students succeed in school, careers, and life.’

1. We call the USA to fulfill Articles 1, 2, 3, 8, 17 of the UDHR as interpreted by the UN DRIP, especially Articles 26-8 to enable southeast Indigenous Peoples’ access to
 - a. Resources to implement climate change mitigation measures
 - b. Safe access to land, water, and education.
 - c. Safety from violence.
 - d. Legal instruments to assert our right to participate in environmental planning and economic development.
2. The USA should support establishment of NHRIs enabling Indigenous Peoples to implement DRIP with the USA in the context of OHCHR recommendations and EMRIP studies, including those on ‘Access to Justice’, supported by studies on ‘Good practices and challenges in business and in access to financial services by Indigenous Peoples’, ‘Indigenous Peoples’ Rights in the Context of Borders, Migration and Displacement’, ‘Right to participate in decision making’, and ‘Free Prior and Informed Consent’.
3. USA should pass legislation directing all relevant agencies at all levels to implement all human rights instruments, including UN and OAS DRIP. This will lead to productive truth and reconciliation processes in the Southeast.
4. The USA should eliminate financial requirements for Indigenous Peoples to pursue truth and reconciliation processes with the USA. The USA should support each Indigenous People’s research and documentation efforts to develop fact-based tribunals for truth and reconciliation processes. This will strengthen the USA with facts and unification in the face of increasing threats to the USA’s integrity and survival.

¹ Revisions to Regulations on Federal Acknowledgment of Indian Tribes (25 CFR 83 or Part 83) June 29, 2015

² <https://www.opensecrets.org/lobby/>

³ Structural Reforms to the Federal Judiciary, May 8, 2019 <https://www.americanprogress.org/issues/courts/reports/2019/05/08/469504/structural-reforms-federal-judiciary/>

⁴ Trump Administration Hardens Its Attack on Climate Science, May 27, 2019. <https://www.nytimes.com/2019/05/27/us/politics/trump-climate-science.html>