

## The UN Declaration on the Rights of Indigenous Peoples.

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“We the Indigenous  
People, walk to the  
future in the foot prints  
of our ancestors.”

Preamble of the Indigenous  
People's Earth Charter.





The UNDRIP was adopted  
September 13, 2007

143 in favor  
11 abstain  
4 oppose: Australia, Canada, New  
Zealand, and the United States, all 4  
would eventually endorse the UNDRIP.

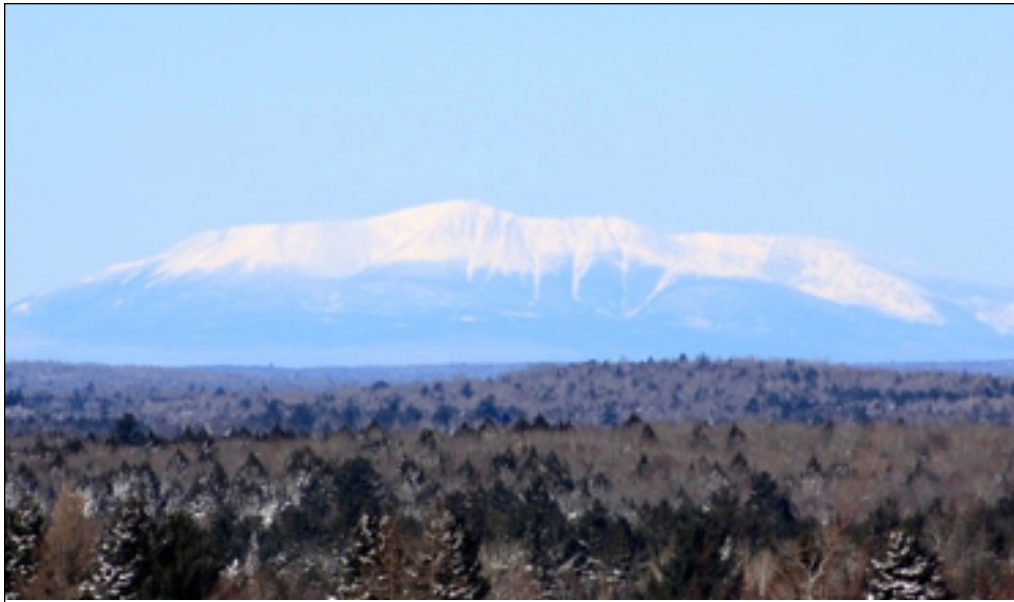


“This is an historic moment when United Nation member states and Indigenous Peoples have reconciled with their painful histories and are resolved to move forward together on the path of human rights, justice and development for all.”

UN General Secretary Ban Ki-moon at the signing of the UNDRIP



April 18, 2008 the State of Maine, under the leadership of Tribal Representatives Donna Loring and Donald Soctomah, passes a resolution in support of the UNDRIP.



December 16, 2010: The United States became the last nation to adopt the UNDRIP.

I want to be clear: what matters far more than words-what matters far more than any resolution or declaration-are actions to match those words.

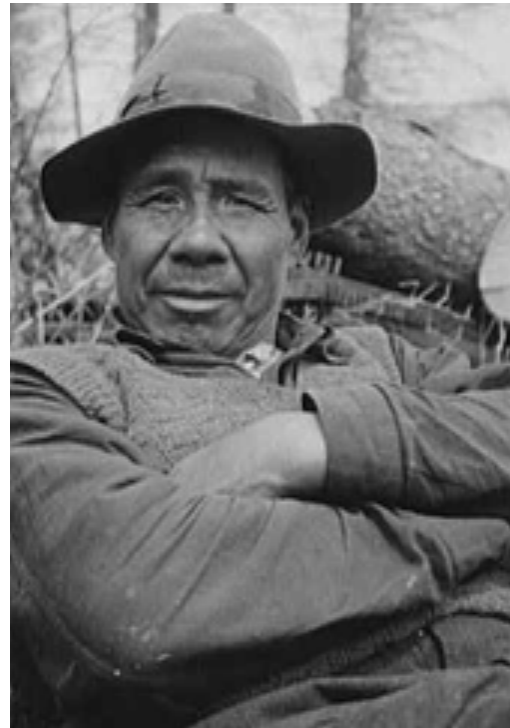
Barak Obama

In a non-binding text, the declaration sets out the individual and collective rights of Indigenous Peoples, as well as their rights to culture, identity, language, employment, health, education and other issues.

## What does it do?

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- Emphasizes the rights of Indigenous Peoples to maintain and strengthen their own institutions, cultures and traditions.
- Prohibits discrimination.
- Promotes full and inclusive participation in all matters that concern them.
- Protects the right to pursue economic development in keeping with their own visions of economic and social development.
- Protects their right to remain distinct.





The MICSA and the MIA are in serious nonconformance with the UNDRIP.



These acts have created structural inequities that have resulted in conditions that have risen to the level of human rights violations. These structural inequities have become entrenched over the past 30 years.

## No Tribe enters into an agreement to remain impoverished.

- The subjugation of Wabanaki people under the framework of these laws severely impact the capacity of the Wabanaki in economic self-development, cultural preservation and the protection of natural resources in Tribal territory.
- Life expectancy for the 4 Maine Wabanaki Tribes averages approximately 25 years less than that of the Maine population as a whole.
- Only 1% of the Houlton Band of Maliseets population exceeds 55 years of age.
- Unemployment rates within Wabanaki communities range up to 70%.
- Many traditional Wabanaki Food sources are no longer safe to eat due to toxic contamination by the paper mills that discharge pollutants into Wabanaki waters.
- The incarceration rate of Passamaquoddy people in state prisons is 6 times that of the general population.





**Compromised rights:**  
Section 1735(b) of the MICSA  
and Section 6204 of the MIA.

These two sections of law are in conflict with multiple articles of the UNDRIP, including articles 3,4,5,19,23,37,32,34 and 40.

# Responsible Parties:

The principal actors have been the State of Maine and the US Government.

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Despite executing its first foreign treaty with the Wabanaki, the State of Maine did not recognize Indigenous sovereignty until compelled to do so by *Passamaquoddy v. Morton* decided January 20, 1975.



## 30 §6204. LAWS OF THE STATE TO APPLY TO INDIAN LANDS

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The State of Maine insisted that state laws apply to the Tribes except in Narrow instances.

Maine's insistence on its continued control over the Wabanaki except in certain instances has resulted in the crisis experienced by Wabanaki peoples and threatens their ability to function as distinct, independent governments, something the MICSA was supposed to guarantee.



**2006-2008:  
The Tribal State Work  
Group:**

Principal negotiators for the State and Federal Governments verify that the MIA should be viewed as dynamic and flexible.

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To this day, there has never been a substantial amendment to the MIA.



## **The role of the Courts:**

The court has disregarded the rules of federal indian law and statutory interpretation that evolved from almost two centuries of Indian Law jurisprudence.

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Penobscot Nation v. Stilphen

Houlton Band of Maliseet Indians v. Ryan

Aroostook Band of Micmacs v. Ryan

State of Maine v. Johnson.



# **Trust and Responsibility:**

## The role of the US Federal Government

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The Federal government has been completely absent from any initiative to address the framework of the MICSA and MIA. The Federal government has the responsibility to fix what was prompted in 1980 as a model settlement because it has not only failed to end the stark disparities in Wabanaki living conditions, but continues to restrict their capacity to self-determine solutions to these issues.







*"... the most important part of the negotiated settlement as far as the Tribes are concerned was that we would exercise self-government without interference of the State of Maine as they had controlled our lives for the last 160 years" Reuben Phillips, Penobscot negotiator*