

Assembly Joint Resolution

No. 42

Introduced by Assembly Member Williams
(Principal coauthor: Assembly Member Alejo)
(Coauthor: Senator Monning)

March 24, 2014

Assembly Joint Resolution No. 42—Relative to indigenous peoples.

LEGISLATIVE COUNSEL'S DIGEST

AJR 42, as introduced, Williams. Indigenous peoples: declaration of rights.

This measure would express the Legislature's endorsement of, and commitment to, the principles of the United Nations Declaration on the Rights of Indigenous Peoples.

Fiscal committee: no.

1 WHEREAS, The United Nations General Assembly adopted
2 the United Nations Declaration on the Rights of Indigenous Peoples
3 on September 13, 2007, establishing a new systemic standard of
4 recognition, respect, and protection for the rights of indigenous
5 peoples of the world; and
6 WHEREAS, The United Nations Declaration on the Rights of
7 Indigenous Peoples was approved by the National Latino Congreso
8 on January 31, 2010, in El Paso, Texas, and has been endorsed by
9 hundreds of Native American, Latino, and progressive community
10 organizations across this country; and
11 WHEREAS, On November 5, 2009, at a historic summit in
12 Washington, D.C., hosted by President Barack Obama, Chairman
13 Joe Kennedy from the Timbisha Shoshone Tribe of the Western

1 Shoshone Nation delivered a message on behalf of the indigenous
2 peoples and nations of North America calling for immediate action
3 by the President of the United States to support the United Nations
4 Declaration on the Rights of Indigenous Peoples; and

5 WHEREAS, In December 2010, the United States announced
6 support for the United Nations Declaration on the Rights of
7 Indigenous Peoples. In announcing this support, President Obama
8 stated: “The aspirations it affirms, including the respect for the
9 institutions and rich cultures of Native peoples, are one we must
10 always seek to fulfill... What matters far more than any resolution
11 or declaration, are actions to match those words.” The United
12 Nations Declaration on the Rights of Indigenous Peoples addresses
13 indigenous peoples’ rights to maintain culture and traditions
14 (Article 11); to maintain religious traditions, customs, and
15 ceremonies (Article 12); to participate in decision making in
16 matters that would affect their rights (Article 18); and to maintain
17 spiritual connections to traditionally owned lands (Article 25); and

18 WHEREAS, As of June 2013, the federal Advisory Council on
19 Historic Preservation (ACHP) approved the United Nations
20 Declaration on the Rights of Indigenous Peoples. ACHP will now
21 incorporate the United Nations Declaration on the Rights of
22 Indigenous Peoples in the review process of Section 106 of the
23 National Historic Preservation Act; and

24 WHEREAS, The “Doctrine of Discovery,” emanating from the
25 European invasion and subsequent colonization after 1492 of the
26 continents later to be known as the Americas, has served as an
27 instrument of dehumanization and genocide of the indigenous
28 peoples and nations of the Americas; and

29 WHEREAS, The “Report of the Special Rapporteur of the rights
30 of indigenous peoples, James Anaya, Addendum,” in
31 recommending that the states of the United States develop state
32 policies to promote the goals of the United Nations Declaration
33 on the Rights of Indigenous Peoples, states the following:

34 “Although competency over indigenous affairs rests at the federal
35 level, states of the United States exercise authority that in various
36 ways affects the rights of indigenous peoples. Relevant state
37 authorities should become aware of the rights of indigenous peoples
38 affirmed in the Declaration on the Rights of Indigenous Peoples,
39 and develop state policies to promote the goals of the Declaration

1 and to ensure that the decisions of state authorities are consistent
2 with it”; and

3 WHEREAS, This resolution is not intended to create, and does
4 not create, any rights or benefits, whether substantive or procedural,
5 or enforceable at law or in equity, against the State of California
6 or its agencies, departments, entities, officers, employees, or any
7 other person; and

8 *Resolved by the Assembly and the Senate of the State of*
9 *California, jointly*, That the Legislature of California expresses its
10 endorsement of, and commitment to, the principles of the United
11 Nations Declaration on the Rights of Indigenous Peoples adopted
12 by the United Nations General Assembly; and be it further

13 *Resolved*, That the Chief Clerk of the Assembly transmit copies
14 of this resolution to the President, Vice President, and Attorney
15 General of the United States, the Speaker of the House of
16 Representatives, the Majority Leader of the Senate, to each Senator
17 and Representative from California in the Congress of the United
18 States, the Legal Adviser to the United States Department of State,
19 the United Nations High Commissioner for Human Rights, the
20 Chair of the Human Rights Committee of the United Nations, and
21 the United Nations Special Rapporteur on the rights of indigenous
22 peoples.

O