

Assembly Joint Resolution No. 42

RESOLUTION CHAPTER 105

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

[Filed with Secretary of State August 11, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

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

This measure would express the Legislature's endorsement of the principles of the United Nations Declaration on the Rights of Indigenous Peoples. The measure would, among other things, also call for increased awareness, sensitivity, and respect for issues of sovereignty related to the heritage of Native Americans and indigenous peoples.

WHEREAS, The United Nations General Assembly adopted the United Nations Declaration on the Rights of Indigenous Peoples on September 13, 2007, establishing a new systemic standard of recognition, respect, and protection for the rights of indigenous peoples of the world; and

WHEREAS, The United Nations Declaration on the Rights of Indigenous Peoples was approved by the National Latino Congreso on January 31, 2010, in El Paso, Texas, and has been endorsed by hundreds of Native American, Latino, and progressive community organizations across this country; and

WHEREAS, On November 5, 2009, at a historic summit in Washington, D.C., hosted by President Barack Obama, Chairman Joe Kennedy from the Timbisha Shoshone Tribe of the Western Shoshone Nation delivered a message on behalf of the indigenous peoples and nations of North America calling for immediate action by the President of the United States to support the United Nations Declaration on the Rights of Indigenous Peoples; and

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

WHEREAS, As of June 2013, the federal Advisory Council on Historic Preservation (ACHP) approved the United Nations Declaration on the Rights

of Indigenous Peoples. ACHP will now incorporate the United Nations Declaration on the Rights of Indigenous Peoples in the review process of Section 106 of the National Historic Preservation Act; and

WHEREAS, The “Doctrine of Discovery,” emanating from the European colonization after 1492 of the continents later to be known as the Americas, has had profound and lasting negative effects on the cultures and populations of the indigenous peoples and nations of the Americas; and

WHEREAS, Although jurisdiction over indigenous affairs resides with the federal government, state governments exercise authority in areas that affect the indigenous peoples within the state. As such, state governments should be aware of the principles outlined in the United Nations Declaration on the Rights of Indigenous Peoples and consider these principles in the various decisions of state authorities; and

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

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of California expresses its endorsement of the principles of the United Nations Declaration on the Rights of Indigenous Peoples adopted by the United Nations General Assembly, and recognizes the call for increased awareness, sensitivity, and respect for issues of sovereignty, sacred and historic sites and traditions, and other vital aspects of the heritage of Native Americans and indigenous peoples implicit in those principles, notwithstanding the nonbinding nature of the declaration; and be it further

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