



2016 Annual Convention Tulalip, Washington

RESOLUTION #16 - 46

“UNITED STATES CONSULTATION WITH TRIBES REGARDING ANY INTERNATIONAL NEGOTIATIONS WITH ANY AND ALL INTERNATIONAL AGENCIES”

PREAMBLE

We, the members of the Affiliated Tribes of Northwest Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian Treaties, Executive Orders, and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise to promote the welfare of the Indian people, do hereby establish and submit the following resolution:

WHEREAS, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific tribal concerns; and

WHEREAS, ATNI is a regional organization comprised of American Indians/Alaska Natives and tribes in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of the ATNI; and

WHEREAS, the United States is negotiating a number of multilateral and bilateral international instruments and mechanisms, including but not limited to treaties, agreements, memoranda, declarations, resolutions, standing bodies, review bodies, and platforms; and

WHEREAS, many of these instruments and mechanisms directly impinge, or if adopted would impinge upon tribal sovereign rights and jurisdiction; and

WHEREAS, the State Department has failed to engage tribes in formal government-to-government consultations or achieve free, prior and informed consent on negotiating positions that directly impinge, or if adopted would impinge, upon tribal sovereign rights and jurisdiction; and

WHEREAS, the United States, through direct State Department authority or through delegated authority to delegations, have taken positions that directly abrogate, or if adopted would abrogate, tribal sovereign rights and jurisdiction; and

WHEREAS, in particular, the United States Patent and Trademark Office in negotiations at the World Intellectual Property Organization has introduced text into negotiations that could lead to a binding international treaty that assert the plenary authority of intellectual property offices around the world to regulate indigenous genetic resources, traditional knowledge and traditional cultural expressions; and

WHEREAS, the United States Patent and Trademark Office is asserting this same authority within the United States; and

WHEREAS, the United States Patent and Trademark Office is asserting that our cultural heritage can only be protected for a limited duration of time and with limited protections; and

WHEREAS, the United States Patent and Trademark Office is asserting that it has the authority to place our traditional knowledge into the public domain, and that the majority of our traditional knowledge is in the public domain, beyond our right to free, prior and informed consent for its access and use, and other rights as embodied in the United Nations Declaration on the Rights of Indigenous Peoples and tribal treaties; and

WHEREAS, the United States Patent and Trademark Office is asserting that it has the authority to unilaterally limit tribal sovereign authority, which is subject to limitations of rightful claims by non-tribal citizens, businesses and corporations to access and use our traditional knowledge without our free, prior and informed consent; and

WHEREAS, the United States Patent and Trademark Office has never consulted U.S. tribes on these issues in 16 years and 31 sessions of discussions and negotiations; and

WHEREAS, the United States Patent and Trademark Office is taking positions and introducing text that, if adopted, would abrogate tribal sovereign rights and jurisdiction; and

WHEREAS, the United States Patent and Trademark Office is engaging in these actions to diminish tribal sovereignty without the express intent of Congress; and

WHEREAS, tribal sovereign authority over genetic resources, traditional knowledge and traditional cultural expressions has never been ceded to the United States, nor expressly abrogated by an act of Congress; now

THEREFORE BE IT RESOLVED, that the State Department and the Agencies tasked with leading U.S. Delegations immediately begin a consultation with the tribes to create a process with their free, prior and informed consent that will ensure tribal consultation, consent and participation in all international negotiations that impinge upon tribal sovereign rights and jurisdiction; and

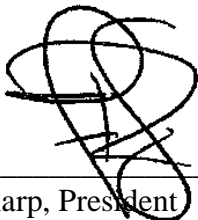
BE IT FURTHER RESOLVED, that the United States Patent and Trademark Office engage in government-to-government consultations and consent with tribes over their positions and textual recommendations being made at the World Intellectual Property Organization; and

BE IT FURTHER RESOLVED, that the United States Government direct the United States Patent and Trademark Office to accommodate tribal sovereign rights and authority, and remove proposed text that if adopted, would abrogate tribal sovereign rights and jurisdiction; and

BE IT FURTHER RESOLVED, that the United States Government ensure that in the transition to the next Administration that actions will be taken to ensure tribal consultations and consent in the development of policies, rules, and legislation that affirms our sovereign rights and authority over our genetic resources, traditional knowledge and traditional cultural expressions.

CERTIFICATION

The foregoing resolution was adopted at the 2016 Annual Convention of the Affiliated Tribes of Northwest Indians, held at Tulalip Resort Casino, Tulalip, Washington on September 26–29, with a quorum present.



Fawn Sharp, President



Norma Jean Louie, Secretary