

My name is Petuuche Gilbert. I am the Realty Officer for the Pueblo of Acoma Realty and Natural Resources Office, which is located in New Mexico. I am here along with my counterpart, Laura Watchempino, of the Acoma Haaku Water Office.

My comments revolve around emphasizing a rights based approach for Native Americans, which emanate from a globally based perspective in understanding and respecting the evolving human rights of indigenous peoples.

The **United Nations Declaration on the Rights of Indigenous Peoples** was adopted by the UN General Assembly on September 13th 2007. It is the most comprehensive, universal document on the human rights of indigenous peoples.

Native Americans applauded the adoption of the UN Declaration on the Rights of Indigenous Peoples which affirms and recognizes a full range of our human rights and includes articles referencing the rights of indigenous peoples to their lands, territories and natural resources.

We urge nation-states, including the United States who along with three other states voted against the UN Declaration, to fully implement, honor and respect our rights to land and natural resources. The US must respect our right to protect our traditional home lands.

We urge that the United States and all federal agencies and regulatory arms of the government to take into account the principle of free, prior and informed consent, which is emphasized in the UN Declaration. As Acoma people along with other Native American tribes we have extreme concern for negative impacts on our lands, territories and natural resource. These lands areas are aboriginal land currently in our possession via treaties and/or other federally recognized laws but it also includes ceded or lost land but nonetheless aboriginal land. In this respect, our concern is for all of the area defined as the Acoma Culture Province, some of it is our Indian Reservation but other areas are now private, state and federal land.

Within the Acoma Culture Province and with the lands claimed by Native American tribes the principle of free, prior and informed consent (FPIC), must be applied by federal and state agencies seeking to approve project development, such as uranium mining.

1) **Free** is defined as the absence of coercion and outside pressure, including monetary inducements (unless they are mutually agreed on as part of a settlement process). It must include the absence of any threats or retaliation if it results in a decision to say "no".

2) **Prior** is defined as a process taking place with sufficient lead time to allow the information-gathering and sharing process to take place, according to the decision-making processes decided by the Indigenous Peoples in question. It must take place without time pressure or time constraints. A plan or project must not begin before this process is fully completed and an agreement is reached.

3) **Informed** is defined as having all relevant information reflecting all views and positions. This includes the input of tribal leaders and traditional elders, with adequate time and resources to find and consider information that is impartial and balanced as to potential risks and benefits, based on a precautionary principle regarding potential threats to health, environment or traditional means of subsistence.

4) **Consent** can be defined as the demonstration of clear and compelling agreement, using a mechanism to reach agreement which is in itself agreed to under the principle of FPIC, in keeping with the decision-making structures and criteria of the Indigenous Peoples in question. Agreements must be reached with the full and effective participation of the authorized leaders, representatives or decision-making institutions as decided by the Indigenous Peoples themselves.

The Declaration is a forty-six article Declaration. Let me just read one article:

Article 27. States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

For referencing to this important document and for citing it in any documents of the Nuclear Regulatory Commission, please go to: www.ohchr.org.

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