



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #MKE-17-022

### **TITLE: Calling for U.S. to Uphold Their Obligations by Implementing the Minamata Convention on Mercury**

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**WHEREAS**, we, the members of the National Congress of American 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 the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States and the United Nations Declaration on the Rights of Indigenous Peoples, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

**WHEREAS**, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

**WHEREAS**, on October 13<sup>th</sup>, 2013, NCAI adopted Resolution #TUL-13-051 calling for US ratification of the Minamata Convention on Mercury which also highlights the extreme and detrimental impacts of mercury exposure for unborn and developing children including neurological impacts from multiple sources including through disproportionate use of dental amalgams, abandoned gold mines and coal-fired power plants; and

**WHEREAS**, less than a month after NCAI adopted Resolution #TUL-13-051, the United States became the first nation to sign the Minamata Convention on November 6<sup>th</sup>, 2013, while at the same time depositing its Instrument of Acceptance to become a party to the Convention; and

**WHEREAS**, 128 Countries are currently State Parties to the Minamata Convention which was officially adopted on January 19, 2013; and

**WHEREAS**, American Indian and Alaskan Tribal Nations continue to be impacted by open and seeping abandoned mercury and gold mines in areas such as California, South Dakota, Nevada and Alaska which emit mercury without remediation efforts and can lead to significant health impacts on Indigenous Peoples, especially children, in those regions; and

**WHEREAS**, the Minamata Convention Article 12 on Contaminated Sites states that each “Party shall endeavor to develop appropriate strategies for identifying and assessing sites contaminated by mercury or mercury compounds” and will employ “any actions to reduce the risks posed by such sites shall be performed in an environmentally sound manner incorporating, where appropriate, an assessment of the risks to human health and the environment from the mercury or mercury compounds they contain;” and

**WHEREAS**, the health and wellness of Tribes and their future generations will directly benefit from the implementation of the Minamata Convention provisions by the United States, in particular

- Article 3: Mercury Supply Sources and Trade; and
- Article 4: Mercury-Added Products (MAPs), which include measures to phase down the use of mercury based dental amalgam; and
- Article 7: Artisanal and Small-Scale Gold Mining (ASGM); and
- Article 8: Emissions; and
- Article 9: Releases; and
- Sources of Land and Water Releases Covered; and
- Article 10: Environmentally Sound Interim Storage of Mercury; and
- Article 11: Mercury Wastes; and
- Article 12: Contaminated Sites: which calls on State parties to adopt guidelines on the environmentally sound interim storage of mercury, taking into account international trade of hazardous wastes and disposal and other relevant guidance; and
- Article 16: Health Aspects; and

**WHEREAS**, exposure to mercury continues to be a matter of urgency for American Indian and Alaskan Native Tribal Nations because it severely impacts the subsistence rights and traditional diets of Indigenous Peoples, in particular consumption of contaminated fish by women of childbearing age and pregnant women which have serious impacts on the developing brain, kidneys, and nervous systems of unborn and nursing babies and young children.

**NOW THEREFORE BE IT RESOLVED**, that National Congress of American Indians (NCAI) and its members request that the United States take meaningful steps to ensure the full and effective implementation of the Minamata Convention on Mercury and take meaningful steps towards implementing it, in accordance with its Federal Trust and Treaty Responsibilities to Tribal Nations; and

**BE IT FURTHER RESOLVED**, we encourage Tribes to assess sources of mercury contamination on their lands and will work to reduce exposure to their Tribal communities and commit to work actively with local, state and federal governments to identify and remedy mercury contaminated sites; and

**BE IT FURTHER RESOLVED**, that NCAI and its members do hereby respectfully request the opportunity to fully participate in decisions regarding the implementation of the Minamata Convention on Mercury; and

**BE IT FINALLY RESOLVED**, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

**CERTIFICATION**

The foregoing resolution was adopted by the General Assembly at the 2017 Annual Session of the National Congress of American Indians, held at the Wisconsin Center in Milwaukee, WI, Oct 15, 2017 - Oct 20, 2017, with a quorum present.

  
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Jefferson Keel, President

**ATTEST:**

  
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Juana Majel Dixon, Recording Secretary