

NULHEGAN-COOSUK TRIBE, ABENAKI NATION

Submission to the Study of the Expert Mechanism on the Rights of Indigenous Peoples (expertmechanism@ohchr.org)

I have been invited to respond to your call for submissions. I am the Honorable Charles Delaney-Megeso and I attended three sessions of the United Nations Permanent Indigenous Forums, both before and after the 2007 ratification of the International Indigenous Declaration by the member states of the United Nations (I attended two sessions before 2007 and one in 2013). I am a citizen of the Nulhegan-Coosuk Tribe, Abenaki Nation.

In 2007, the **Nulhegan-Coosuk Tribe of the Abenaki Nation** struggled successfully to be accepted by the state of Vermont, USA, as Original Peoples – 2007 Minority Status. In 2010, we were recognized as a tribe by the state. Also in 2010 we petitioned the Vermont State Legislature to adopt the International Indigenous Declaration of the United Nations, but the State Legislature declined to do so.

Since our struggles to be accepted and recognized by the state, we have primarily worked to educate the greater society about our culture and what still needs to be changed.

Our traditional lands are held in trust, not indigenous title, and the trust dictates how tribal peoples may use the lands.

Our tribal identifying documents such as birth, death, and marriage certificates are not recognized by state courts or as public records, nor are our traditional Council Courts recognized by state or federal government authorities.

The Vermont State Health Department does not respect our children's native heritage when awarding custody of the children for welfare reasons.

The Nulhegan-Coosuk Tribe of the Abenaki Nation are active as individuals in the community.

Our tribes in Vermont gather yearly for a Heritage Weekend, which is open to the public and is financed by private concerns. We promote this weekend as an opportunity for the general public to learn about our history and about who we are now. Also, each tribe has its own tribal gatherings.

Although what we have achieved as tribes and as a nation in Vermont is certainly worthwhile, we are still denied our rights to land and our right to cultural education in public schools.

The state history taught in public schools does not accurately the facts about the European entry into Vermont. Nor is the Vermont Eugenics Program, which forced sterilization of Abenaki's, discussed. Our heritage and identity are denied except when they are used politically as it serves the state and the greater communities.

In 2009, the state governor appointed me chair of the Vermont Commission on Native American Affairs (VCNAA). In this position, I wrote and worked with the Commission to promote the

legal criteria for state tribal recognition. Today four tribes are recognized by the state of Vermont.

Last year, I wrote our tribal traditional Constitution, which is now in the amendment process and will be ratified by July 31, 2015. This Constitution is based on our cultural traditions for self-government.

The Grand Council of the Wabanaki Confederacy – New England, USA, and Quebec, Canada, has recognized our progress, and has asked our Nulhegan-Coosuk Tribe to host this year’s meeting of the Abenaki Nation. This meeting will be held August 19-23, 2015, at Shelburne Farms, Shelburne, Vermont. We would welcome a the attendance of a representative of the United Nations at the public sessions of this meeting. This representative could then observe how the UN Indigenous Declaration is being applied in New England and Quebec.

In the mid-1990s, I represented the Abenaki Mazipskwik Tribe at a meeting of the Council of Elders of the Moskitia Nation on the Atlantic coast in Nicaragua. We signed a treaty agreement between our peoples and the Council ratified it. I made arrangements for the Council’s president, Rodolfo Rivera Hill, to travel to Washington, DC, for meetings with US State Department, the Organization of American States, and other policy makers. These meetings were intended to ease tensions between the Nicaraguan government and the Moskitia Nation. I encouraged the Council Elders to initiate demarcation of tribal lands. Later on, the Nicaraguan government became involved in this demarcation. Today, 51% of Nicaraguan land is Indian through demarcation.

Through the years, I have made many journeys to Bilwi, Nicaragua, and have lived with Moskitia peoples there as part of various post-war reconstruction projects.

My time as a legal researcher in Vermont and in Washington for my uncle, who was a tribal judge for the Missisquoi Abenakis helped give Abenakis the legal footing in their campaign for recognition. Based in part on this experience, I was elected in 2010 and re-elected in 2014 as an Assistant Judge for Chittenden County, Vermont. My duties as judge include administering various parts of county government and establishing and judging the facts in civil and family courts.

A NOTE ABOUT THE UN’S INTERNATIONAL INDIGENOUS DECLARATION: Based on my experience at the sessions of the Permanent Indigenous Forums which I attended, I would like to suggest that a tribunal be formed at a world-court level that would adjudicate between original peoples and member states to ensure just actions.

During my participation at the UN Indigenous Forums, only representatives of Non-Government Organizations and of member states were recognized and able to ask questions. This meant that representatives of Indian tribes, such as myself, were marginalized and felt blocked and unable to fully participate. Because of this, I feel that the process did not represent tribal nations adequately, but rather represented the views and decisions of member states and NGOs.

In 2013, the UN Permanent Indigenous Forum met in New York City, USA. One-half of a day was spent on Nicaragua, Atlantic Coast. Special Rapporteur James Anaya had worked in Nicaragua promoting changes to make the national law more equitable. Laws were then made by the government that were intended to honor traditional land demarcation, but unfortunately, these laws are not being properly enforced. Illegal land titles are still being sold, and farmers and corporations intending to extracting resources from the Indian-titled lands are still taking possession of land that is not legally theirs.

The Nicaraguan government agreed to appoint Moskitia and Myanga judges, but this is not happening because the government claims that none are qualified. The Indian peoples feel that this is an excuse to keep them from positions of influence.

Sincerely,

Hon. Charles Delaney-Megeso

Citizen Nulhegan-Coosuk Tribe, Abenaki Nation