



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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17 May 2017

Dear Mr. Allegra,

I write to inform you that in the course of its 92nd session, the Committee on the Elimination of Racial Discrimination has further considered, under its early warning and urgent action procedure, the situation of the indigenous peoples living along the border between the United States of America and Mexico.

The Committee would like to remind the State party that in its previous 82nd session, it had addressed allegations concerning the potentially discriminatory impact that the construction of the border wall might have on the Kikapoo, Ysleta del Sur Pueblo and Lipan Apache indigenous communities, in its letter of 1 March 2013, and requested the State party to include relevant information in its overdue periodic report.

The Committee is informed about allegations of worsening of the situation of indigenous peoples in the same area. It is informed that the discriminatory effect of the previously constructed border wall has not been remediated. Moreover, the Government's planned expansion of the border wall, as announced through the executive order for "Border Security and Immigration Enforcement Improvements" of January 25, 2017, will allegedly have an adverse impact on the communities living along the border, especially indigenous communities.

Reportedly, the new order is more expansive than previous initiatives, and it was implemented without any type of consultation or consideration of potentially affected communities including indigenous communities.

Mr. Theodore Allegra
Deputy Permanent Representative of the United States
of America to the United Nations Office
Geneva
Email: mission.usa@ties.itu.int

The Committee is concerned that these allegations, if verified, could hinder the full enjoyment of rights under the Convention. The Committee recalls the concerns expressed in its letter of 1 March 2013 as well as recommendations made in paragraph 24 of its concluding observations (CERD/C/USA/CO/7-9, para. 24) of August 2014, that requested the State party to “(a) Guarantee, in law and in practice, the right of indigenous peoples to effective participation in public life and in decisions that affect them, based on their free, prior and informed consent; (b) Take effective measures to eliminate undue obstacles to the recognition of tribes; (c) Adopt concrete measures to effectively protect the sacred sites of indigenous peoples in the context of the State party’s development or national security projects and exploitation of natural resources, and ensure that those responsible for any damages caused are held accountable”.

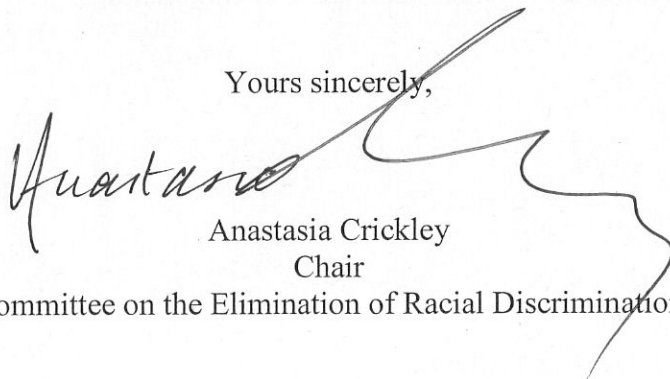
In accordance with Article 9 (1) of the Convention and article 65 of its Rules of Procedure, the Committee requests that the State party submit information on all of the issues and concerns as outlined above by **17 July 2017**, as well as on any action already taken to address these concerns.

In particular, it requests that the Government of the United States of America provide information on:

- (a) The impact of the executive order of 25 January 2017 on the rights of affected indigenous peoples to have access to their lands and resources that they own or traditionally use;
- (b) Measures envisaged to reverse the negative impact of the expansion of the border wall on the rights of indigenous peoples;
- (c) Measures taken to ensure the free, prior and informed consent of the indigenous peoples, or genuine consultation, in decisions affecting them.

Allow me to express the wish of the Committee to continue to engage in a constructive dialogue with the Government of United States of America, with a view to provide it with assistance in the effective implementation of the Convention.

Yours sincerely,



Anastasia Crickley
Chair

Committee on the Elimination of Racial Discrimination