

UN Permanent Forum on Indigenous Issues, 12th Session May 22, 2013
Intervention on Item 7(a) Human Rights
Presented by Danika Littlechild, International Indian Treaty Council

Thank you Madame Chair.

As we are all aware, being recognized Indigenous “peoples”, with an ‘s’ in the UN Declaration took years to negotiate. A core principle of the UN Declaration is found in the second preambular paragraph, *affirming* that indigenous peoples are equal to all other peoples. This is vital to the implementation of the Declaration, and the realization of our rights under other UN Human Rights instruments and UN treaties.

A long-awaited Legally Binding International Treaty on Mercury, officially named the “Minimata Convention on Mercury” was adopted by States at the 5th Intergovernmental Negotiating Committee session in January of this year. The *Minimata Convention* is the first new multi-lateral environmental Convention to be negotiated at the United Nations since the adoption of the UN Declaration on the Rights of Indigenous Peoples by the UN General Assembly.

Madame Chair, the term “Indigenous communities” and not “Indigenous Peoples” was used in a preambular paragraph of the treaty. We were not included in the operative text of the treaty. In a consensus based treaty negotiation process, a few states opposed and prevented the use of the term “peoples,” despite the fact that they have endorsed the *UN Declaration on the Rights of Indigenous Peoples*.

Bolivia stated for the official record that it was “rather worrying” if the use of the term “indigenous communities” instead of “indigenous peoples” would set a “precedent”, considering the international standard set by the *UN Declaration on the Rights of Indigenous Peoples*. We are in strong agreement with this concern. We are outraged that decades of work on the UN Declaration was undermined in the finalization of the text of this treaty.

Madame Chair, we cannot understand why States who voted in favor of the Declaration still refused to include the term “Indigenous Peoples” which is so important for the full recognition of our rights and status in the international arena. It is clear that we still have a lot of work to do in the fight for our recognition and human rights in the environmental programme of the UN. We need to be vigilant in our participation and monitoring of the implementation of the UN Declaration. As such, we recommend that the Study on the Optional Protocol include particular emphasis on the importance of the most basic recognition of us as “Peoples” by the United Nations, its bodies and specialized agencies including at the country level, and States.

We strongly recommend that the Permanent Forum express their concern regarding this matter and officially communicate to the United Nations Environmental Program and state parties, their obligations under article 42 of the UN Declaration.

Thank you Madame Chair.