



INTERNATIONAL INDIAN TREATY COUNCIL *CONSEJO INTERNACIONAL DE TRATADOS INDIOS*

"Working For The Recognition and Rights of Indigenous Peoples"
"Trabajando Por el Reconocimiento y los Derechos de los Pueblos Indigenas"

HISTORY IS MADE FOR INDIGENOUS PEOPLES AT UNITED NATIONS!

Treaty Rights, Land Rights and Self-Determination of Indigenous Peoples are recognized internationally with the adoption of the Declaration on the Rights of Indigenous Peoples by the United Nations General Assembly on September 13, 2007.



PHOTO: Indigenous Nations Delegates to the 1st United Nations NGO Conference on "Discrimination Against the Indigenous Populations of the Americas," Geneva, Switzerland 1977.

On September 13, 2007 the United Nations General Assembly adopted the Declaration on the Rights of Indigenous Peoples. One hundred forty-four states ("countries") voted in support (Montenegro registered their vote after the fact), 4 voted against and 11 abstained. The United States, Canada, Australia and New Zealand voted against the adoption, stating that in their view it "goes too far" in recognizing the rights of Indigenous Peoples. A burst of spontaneous applause from states, Indigenous Peoples and United Nations officials broke out when the final vote was posted on a huge electronic tally sheet at the front of the General Assembly hall.

This vote is of special significance for the International Indian Treaty Council (IITC), which was founded in 1974 with a mandate to bring Treaty rights and Treaty violations to the United Nations (UN). With the adoption of the Declaration, for the first time, the UN officially recognizes that the rights affirmed in Treaties are "matters of international concern, interest, responsibility and character" and that states are obligated to uphold and honor them.

The vote marks a historic day for the world's Indigenous Peoples. This is the first time that Indigenous Peoples have been recognized as "Peoples" without qualification in an international instrument. The Declaration also recognizes Indigenous Peoples'

inherent rights to self-determination, traditional lands, territories and natural resources, cultures and sacred sites, means of subsistence, languages, identities as well as their traditional life ways and concepts of development based on free, prior and informed consent, among others.

Many Indigenous delegates, states and UN representatives present at the proceedings noted that this was the first time that a UN human rights instrument had been developed with the direct and active participation of the "beneficiaries" of the rights, in this case the Indigenous Peoples of the world.

Even though a UN Declaration is not considered to be legally binding upon states, the Declaration on the Rights of Indigenous Peoples has political and moral force and delineates states' obligations to uphold these rights throughout its provisions. Indigenous Peoples around the world will be able to use the Declaration to redefine their relationships with states, address their grass-roots human rights issues and struggles, and call upon states to put the rights it recognizes into practice.

This vote culminates a decades-long struggle by Indigenous Peoples for recognition of their rights and dignity at the UN. Andrea Carmen, Yaqui Nation and IITC's Executive Director, witnessed the historic vote from the floor of the General

Assembly with other regional co-coordinators of the Indigenous Peoples' Global Caucus, as well as Indigenous dignitaries and chiefs. She stated that IITC will now focus attention on implementation of the rights affirmed in the Declaration. "We finally have an internationally-recognized standard and framework that can be utilized by Indigenous Peoples to hold states and the UN system accountable for upholding their human rights" she said after the vote. Andrea also pointed out that 3 of the 4 states voting against the Declaration (US, Canada and New Zealand) are the very states that have the most Treaties with Indigenous Peoples and Nations, Treaties which they continue to violate to this day.

Chief Willie Littlechild, Ermineskin Cree Nation and the Indigenous expert member from North America on the UN Permanent Forum on Indigenous Issues, was a participant in the process from its first days in Geneva. He was also present for the historic vote, accompanied by Chief Victor Buffalo of the Samson Cree Nation. After the final tally was projected, Willie stated with elation that, "the adoption of the Declaration finally recognizes officially at the highest level and body of the UN, the rights we have always possessed. We finally see the respect and recognition that we have fought to achieve for more than 30 years."

The adoption was immediately heralded by the President of the UN General Assembly and a range of UN Officials. UN Secretary General Ban Ki-moon issued a statement warmly welcoming the adoption as a "triumph" and a "historic moment" for Indigenous Peoples around the world. He also called upon "Governments and civil society to urgently advance the work of integrating the rights of Indigenous Peoples into international human rights and development agendas, as well as the policies and programs at all levels, so as to ensure that the vision behind the Declaration becomes a reality."

IITC Board Member Bill Means, Oglala Lakota, who also participated in the process of drafting the Declaration when it began in the early 1980's, stated "this has been a thirty year struggle since the first Indigenous Peoples' conference at the UN in Geneva, Switzerland in 1977. The principles of Self-Determination, Treaty

Rights, and the protection of our cultures and languages contained in the Declaration are basic Human Rights to build on. The UN has finally realized that 400 million Indigenous Peoples around the world can no longer be ignored or excluded from the family of Nations."

The Declaration will have far reaching impacts for Indigenous peoples in many countries. Francisco Cali, IITC Board president and a Mayan Kachiquel from Guatemala has also been involved in this process for many years. He confirmed that "for the Indigenous Peoples of Guatemala the adoption of the Declaration by the UN General Assembly is a historic moment because is it the fruit of so many years of

1. Indigenous peoples have the right to the recognition, observance and enforcement of Treaties, Agreements and Other Constructive Arrangements concluded with States or their successors and to have States honour and respect such Treaties, Agreements and other Constructive Arrangements.

2. Nothing in this Declaration may be interpreted as to diminish or eliminate the rights of Indigenous Peoples contained in Treaties, Agreements and Constructive Arrangements.

-- Article 37, United Nations Declaration on the Rights of Indigenous Peoples

direct negotiations between states and Indigenous Peoples, including the Mayan Peoples of Guatemala."

He also expressed appreciation for the active role played by the government of Guatemala, along with Mexico, Peru and countries from the European Union, Latin America and Nordic regions who took the lead to work closely and respectfully with Indigenous Peoples. These states took on the challenging, and at times seemingly impossible, task of supporting the development of a Declaration that could be adopted by the UN General Assembly but which also strongly upholds the fundamental rights that Indigenous Peoples insisted must be maintained.

The Guatemalan government stated after the vote, "the Declaration is the expression of the political will of the international community to recognize the rights of Indigenous Peoples." Ecuador hailed it as "the beginning of a new opportunity to remedy injustice."

The Human Rights Council Declaration text, adopted in June 2006 in Geneva, was supported by most Indigenous Peoples and many states. But its progress towards adoption was stalled last year in New York by a split decision in the General Assembly's "Third Committee" which addresses Human Rights. A group of member states, in particular African states who had not been actively involved in the process, insisted on more time for consultations in order to address their concerns and questions. The last round of negotiations attempting to reconcile differences between the states which supported adoption of the Human Rights Council text and the African states was initiated in May. The goal was to seek a solution that would ensure adoption with minimal changes, maintaining the integrity of the Human Rights Council text, while also creating enough state support to prevent very unfriendly amendments which were certain to be proposed during the voting process by states such as Canada.

These negotiations, which did not include any Indigenous Peoples' representatives, produced 9 amendments to the text adopted by the Human Rights Council. Indigenous Peoples from all regions were given very little time to respond to these proposed modifications once they were finalized in the final days before the vote. But most of those who responded expressed that this "modified" version should be supported, or at least not opposed, if it could guarantee that no further amendments would be included from the floor. Although some Indigenous Peoples could not agree with the modifications, most noted that they did not include any changes to key provisions upholding self-determination, land and natural resources, free prior informed consent, Treaties, and others. On that basis, and to protect those essential provisions from being undermined, most Indigenous Peoples either expressed their support for adoption of the modified text, or stated, as did IITC, that they would not oppose it under the circumstances. A few

stated provisional support but with expressed reservations regarding one or two of the amendments.

The modified Declaration with the 9 changes was put forth for adoption on September 13th and had the support of the vast majority of UN member states. No amendments were presented on the floor.

Acknowledging that some Indigenous Peoples feel the final Declaration as adopted by the UN General Assembly does not go far enough, or contains too many compromises with states made over the years to enable its final adoption, Andrea Carmen stressed that the Declaration itself affirms that it is only a "minimum standard." In addition, Article 45 states that "Nothing in this Declaration may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future," providing an additional overarching safeguard.

Therefore, while affirming all the core rights that Indigenous Peoples fought for throughout the process, the Declaration also leaves the door wide open to advance even stronger recognitions of Indigenous Peoples' rights in the future. This could be done through the development of a UN Convention that would be legally-binding upon states, or through adoption of a strong "American Declaration on the Rights of Indigenous Peoples" which is currently under development by states and Indigenous Peoples in the Organization of America States. Quoting one well-known Indigenous leader, Ms. Carmen affirmed that "this Declaration is the floor, it's not the ceiling!"

While celebrating the historical significance of the day, Indigenous Peoples from the countries who voted against the Declaration at the General Assembly also expressed strong condemnation for their

positions. IITC Board Member Ron Lameman, from the Confederacy of Treaty Six First Nations in Canada stated, "As Nations who have been involved in this process from the beginning, we want the record to state that our Nations are extremely concerned and disappointed in the stance that has been taken by the Government of Canada. We also condemn all of the work that they have done in their attempt to actively undermine over two decades of very difficult and precedent - setting work that was done collectively by Indigenous Peoples with states, including Canada and all of the states who are now in opposition." Similar views were expressed by many other representatives of First Nations from throughout Canada.



PHOTO: IITC Executive Director Andrea Carmen and Chief Wayne Moonias of Louis Bull Cree First Nation hold the IITC banner as Indigenous Peoples and supporters protested in front of the New Zealand, Canadian and Australian UN Missions in New York on August 30th, 2007.

The IITC expresses our deep appreciation to the UN Working Group on Indigenous Populations and its Chair Madame Erica Irene Daez; the UN Subcommittee for the Prevention of Discrimination and Protection of Minorities; the UN Commission on Human Rights and the Chairmen of its Intersessional Working Group on the Draft Declaration Ambassador Urrutia and Luis Enrique Chavez of Peru; and the UN Human Rights Council and its first President Ambassador

Luis de Alba of Mexico. These bodies and UN officials played vital roles in advancing and supporting the Declaration in its progress through the UN system over the years, working hand in hand with Indigenous Peoples throughout the process.

The IITC, in particular, thanks all of the Indigenous leaders who worked tirelessly to develop and defend the Declaration, keep it strong and move it forward. These include IITC Board members, Directors, spiritual leaders and staff who have walked ahead of us into the spirit world. Today we remember with great honor and affection Phillip Deer, Ed Burnstick, Kawaipuna Prejean, Bill Wahpepah and Ingrid Washinawatok, along with respected elders and chiefs from many Nations such as Tony Blackfeather, Leon Shenandoah, Roberta Blackgoat, Kee Watchman, Tomas Banyacya, Grandfather David, Harrison Bull, Cecil Currie, Albert Lightning and Leo Cattleman, among others. We express our gratitude for their leadership, vision and commitment to this effort. We will carry this struggle forward with the wisdom, dedication and strength that they have imparted to us.

The adoption of the Declaration marks an historic step forward for the world's Indigenous Peoples in our struggles to defend our rights from the local to the international levels. It is but one of many steps to be taken along this path. IITC and many others will now begin to focus on implementation of the Declaration in their local communities, at the national level in the respective countries, at the UN Human Rights Council and a range of other international bodies. States are called upon by the Declaration to act in good faith to implement its provisions. We will work to monitor this solemn commitment, and to ensure that our peoples will be able to see the results.

For all our relations.

IITC Mission

The International Indian Treaty Council (IITC) is an organization of Indigenous Peoples from North, Central, South America and the Pacific working for the Sovereign and Self-Determination of Indigenous Peoples and the recognition and protection of Indigenous Rights, Traditional Cultures and Sacred Lands.

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