

United Nations Permanent Forum on Indigenous Issues 12th session, May 20 – 31, 2013
Agenda Item 6, Discussion on the World Conference on Indigenous Peoples
Intervention by the International Indian Treaty Council (IITC),
Presented by Roberto Borrero, May 27th, 2012

Thank you Mr. Chairman.

The International Indian Treaty Council considers that the High-level Plenary of the UN General Assembly, to be called the World Conference on Indigenous Peoples, in the best case scenario, will provide States, Indigenous Peoples and the UN System with an historic opportunity to commit to strategies and mechanisms for the full and effective implementation of the inherent rights affirmed by the United Nations Declaration on the Rights of Indigenous Peoples. To repeat, its focus and purpose must be implementation.

We have expressed concerns, shared by other Indigenous Peoples, that the World Conference might instead be used by some States in an attempt to diminish, qualify or redefine the rights affirmed in this hard fought minimum standard, or to limit the intended scope of its implementation. We are firmly resolved and will stand united with the Indigenous Peoples of the world to ensure that this will not happen. Discrimination must not be tolerated in any body or process of the United Nations which is based on the fundamental principles of International human rights law and the tenants of the UN Charter which include non-discrimination.

Unfortunately, we saw that our concerns may well be justified when a blatantly discriminatory intervention was read last week by the United States of America government representative in this body under agenda item 7 addressing the UN Declaration on the Rights of Indigenous Peoples. This intervention by the United States is now available on the US State Department web page, the most objectionable was their reiterated position that the rights of self-determination as recognized under international law for ALL PEOPLES is somehow a different right for Indigenous Peoples.

In fact, the US government tried but failed over a number of years to include this discriminatory distinction in the actual text of the UN Declaration itself during the development of the text in Geneva. Although they were not able to achieve the inclusion of such racially discriminatory language in the Declaration itself, the US resurrected it when they decided to "lend their support to the Declaration in December 2010.

At that time Indigenous Peoples did not accept this attempt to redefine international law as affirmed in the UN Charter and the Covenants, or to diminish the internationally recognized

minimum standard of the UN Declaration. We do not accept it now. The representative of the International Indian Treaty Council who spoke last week under the agenda item 7 b challenged this attempt to redefine self-determination for Indigenous Peoples. He pointed out that the over 300 legally binding Nation to Nation Treaties concluded by the US with Indigenous Nations, identified by the US Constitution as the "Supreme Law of the Land", are both the evidence and affirmation of US recognition of this right from the beginning of their contact with the Indigenous Nations of this land.

We request that the United Nations Permanent Forum on Indigenous Issues at its 12th session make a formal statement expressing its concern and joining with the Indigenous Peoples of this land in rejecting discriminatory attempts by the United States or any other State to diminish the rights affirmed in the UN Declaration in this body and at the High Level Plenary which carries our name. This is an historic opportunity for full and effective implementation, in good faith and partnership. The time for racial discrimination and all doctrines which justify it is the past. Their proper place is in the dust bin of history.

For all our relations. Thank you.