

United Nations Expert Mechanism on the Rights of Indigenous Peoples

7th Session, July 7- 11, 2014

International Indian Treaty Council Intervention, Item 7: *United Nations Declaration on the Rights of Indigenous Peoples*

Thank you Mr. Chairman and respectful greetings to all delegations.

Treaties between Indigenous Nations and States were of highest priority for the first Indigenous delegations that arrived at the United Nations 1977. These delegates who opened the doors for us all in this body were mandated to bring to the UN the violations of these Treaties and to reinforce the Nation to Nation relationship they represent. Even before then, Chief Deskaheh of the Haudenosaunee and Maori Spiritual Leader Ratana from Aotearoa came to the League of Nations in Geneva as representatives of Treaty Nations in 1923 and 1925. But these leaders were not given a seat at the table. They were not even allowed in the building. We have come a long way since then. Whatever the different views regarding how far we have come at the UN since then, and how far we still have to go, I am sure we all agree that today, we are in the building.

In 2007, with the adoption of the UN Declaration on the Rights of Indigenous Peoples, Treaties and Agreements between States and Indigenous Peoples were recognized as having international character and standing.

The UN Study on Treaties, Agreements and Other Constructive Arrangements [E/CN.4/Sub.2/1999/20] was carried out by the late Special Rapporteur Miguel Alfonso Martinez under the UN Working Group on Indigenous Populations, the predecessor body to the EMRIP. For this reason many of us thought that it was appropriate that the report of the 2nd of 3 follow up expert seminars called for by the Treaty Study and approved by ECOSOC, was officially submitted to the EMRIP 3rd session in 2010 as UN document number A/HRC/EMRIP/2010. To be clear it was posted as an official UN Expert Seminar Report, not a Conference Room paper. This report laid the groundwork to move forward towards the 3rd Seminar which took place immediately following the EMRIP's 5th session in 2012.

The Global Indigenous caucus at the EMRIP 4th session in 2011 read a statement strongly endorsing the 3rd Seminar. It was read by Devasish Roy, current member of the UN Permanent Forum from the Asia region and traditional chief of the Indigenous Peoples of the Chittagong Hill Tracts who have an historic Treaty with the British Crown. All three follow up expert seminars on Treaties, Agreements and other Constructive Arrangements were coordinated by the Office of the High Commissioner on Human Rights and we appreciate their efforts in this regard.

The International Character of Treaties and Agreements between States and Indigenous Peoples, as well as the rights they affirm and the relationship they represent are underscored and affirmed in the UN Declaration's preamble and in Article 37. These rights are cross cutting and impact Indigenous Peoples and States in all regions, addressing a number of inherent rights affirmed in the UN Declaration including rights to traditional lands, territories, waters and natural resources, as well as rights to self-determination, health, conflict resolution, subsistence and right to food, culture and traditional knowledge, language, education and free prior and informed consent to name a few. The UN Declaration preamble also affirms that they are the basis for strengthened partnerships between States and Indigenous Peoples.

Continued work on this issue, in particular work to implement the important recommendations of this Seminar, requires that we have the strongest possible position from which to advance this effort, including at the World Conference and bodies in the UN system. We are hampered in this regard by the realization that the 3rd Seminar has not been yet posted as an official report for this session of the EMRIP with a UN reference number. We understood that this would be the case. As currently posted on the web page of the OHCHR it does not have the character of an official UN Document and is more informational in character. The experts who have the right to expect that their efforts will be officially included as a UN document with a number and an official standing.

We express appreciation and welcome CRP 1 submitted by EMRIP member and former EMRIP chair Chief Wilton Littlechild for this session which compiles the recommendations from all 3 UN Treaty Seminars. This will be a very useful document for all Indigenous Peoples interested in carrying these recommendations forward including at the World Conference. What is missing is the posting of the actual 3rd seminar report to accompany this important contribution by Chief Littlechild on behalf of the EMRIP..

The IITC respectfully requests that the members of EMRIP request the EMRIP Secretariat post this report as an official UN document without delay. This report represents the input of over 40 Indigenous Peoples, Nations and organizations from around the world, as well 17 States and 7 UN agencies, at an official UN Expert meeting. It represents an important benchmark in over 30 years of work in the UN Human Rights system on this theme and will be the basis for next steps including strategies for implementation of its recommendations within the UN system. It needs and deserves an official standing and a UN document number.

We request and recommend that the EMRIP members also submit the 3rd TAOCA Seminar report to the Human Rights Council along with its report for presentation in September of this year, as a positive and forward looking next step. It could also be presented in that way to the HLPW-WCIP on behalf of the EMRIP and/or the OHCHR.

Thank you.