



**International Indian Treaty Council 47<sup>TH</sup> Anniversary Conference**

**March 1 - 3, 2022**

**Panajachel, Sololá Guatemala**

**CONFERENCE RESOLUTION ON LANDS, TERRITORIES, RESOURCES AND THE RIGHTS AFFIRMED IN TREATIES CONCLUDED BETWEEN INDIGENOUS PEOPLES AND STATES**

Delegates representing 61 Indigenous Peoples and Nations from North, Central and South America, the Arctic and the Caribbean participating in International Indian Treaty Council (IITC) 47<sup>th</sup> Anniversary Conference in the sacred place called Lake Atitlán, Panajachel, Sololá, Guatemala, after thoughtful deliberations, adopted by consensus the following resolution to defend the inherent rights and ways of life of Indigenous Peoples and support the continuity of life for our future generations:

*Thanking the elders and ancestors for allowing us to hold the International Indian Treaty Council 47<sup>th</sup> Anniversary Conference in the Maya Kaqchikel peoples' territory at the sacred place known as "Atitlan" or Ajchiyá,*

*Taking into consideration the existence of international instruments on the rights of Indigenous peoples such as the ILO Convention 169, the Declaration by United Nations, and the American Declaration on the Rights of Indigenous Peoples which recognize the rights of self-determination, autonomy, and self-government as well as the collective right on lands, territories and resources, among others,*

*Recognizing that the existence of Indigenous peoples' wisdom, scientific knowledge and practice of the health system has prevented the loss of many lives despite the indifference of governments and the abandonment in which they have kept our peoples in the face of the COVID-19 pandemic,*

*Bearing in mind that in several countries of America, many Indigenous peoples own treaties or titles of historical, collective and communal property as well as other forms of tenure, use and conservation, recognized by the colonizing States. These Indigenous peoples and nations and their communities have occupied their lands, territories, and resources for millennia despite the lack of title of possession due to legal uncertainty in most countries, disrespected by local and national governments who strip, steal and usurp these lands and territories.*

IITC and its affiliates from five regions determine the following:

- 1) IITC expresses our outrage, concern and condemnation of the systematic policy of criminalization of Indigenous peoples, their organizations and leaders by incarcerating them without trial, of constant intimidation, assassinations and other types of violence



## Consejo Internacional de Tratados Indios CONFERENCIA 47<sup>TH</sup> ANIVERSARIO



executed by agents of States and police officers from private companies in countries such as Guatemala, Mexico and Panama.

- 2) IITC rejects the policy of militarization of governments under the pretext of the COVID-19 pandemic by imposing states of siege or states of exception to weaken the defense and resistance of Indigenous peoples for their rights; militarization facilitates the implementation of megaprojects, concessions of lands and territories as well as operations of extraction and exploitation in Indigenous territories.
- 3) IITC condemns the dispossession of Indigenous peoples' lands and territories for the States' policy of implementation of protected areas and biodiversity projects by means of encroachment, dispossession and militarized violence that favors governments and national and transnational private companies.
- 4) IITC recognizes that protected areas imposed on indigenous peoples' territories, including those pushed by the "30x30" policy of the Convention on Biological Diversity and by the UNESCO's "World Heritage" program violate indigenous peoples' access to their lands and waters, deny their free travel, prohibit the use of their resources, destroy their food systems, and restrict their right to use ceremonial centers and perform cultural practices.
- 5) IITC rejects the policy of States to create protected areas as a dispossession measure to later grant concessions to private companies for business such as logging, palm oil monoculture, and avocado cultivation as well as for use of territory for transfer of drugs or other illicit goods, among other activities.
- 6) IITC reiterates our demand for the immediate stop of the creation of protected areas, the design of biodiversity protection areas, and of the creation of natural reserves so long as there are still discussions and negotiations happening in relation to the CBD and conservation areas or protected areas.
- 7) IITC demands the indicated States to immediately cease repression, intimidation, criminalization and persecution of Indigenous peoples who defend their rights in accordance with international law. We also demand the immediate release of Indigenous political prisoners who are unjustly denied their freedom.
- 8) IITC demands the States the compliance of the contents of international instruments on the rights of Indigenous peoples and the immediate suspension of the imposition of protected areas, biodiversity projects and the creation of natural reserves in Indigenous territories since this nullifies or limits the exercise of their individual and collective rights, especially the right to an integral life.
- 9) IITC reaffirms that we, Indigenous peoples, are the legitimate owners and ancestral owners of lands, territories, resources and all values from Mother Earth and so we demand respect for the commitments accepted in collective and historical property titles as well as other forms of ownership, tenure and use legitimately owned by members of Indigenous peoples.
- 10) IITC demands compliance by States of the legal resolutions issued by public institutions such as the Constitutional Court of Guatemala in respect of Indigenous lands and territories, and the start of the return of possessions, properties, lands,



## Consejo Internacional de Tratados Indios CONFERENCIA 47<sup>TH</sup> ANIVERSARIO



territories and resources in accordance with titles of communal historical property or in accordance with historical property such as the case of Santiago Sacatepéquez and other peoples.

- 11) IITC demands the prompt solution of the conflict imposed between cities and towns that share common borders such as the case of Santa Catarina Ixtahuacán and Nahualá in Guatemala; repression against members of Indigenous communities who cross borders to meet with their families or to perform their ceremonial practices must be stopped.
- 12) IITC rejects racist and discriminatory policies imposed by governments that avoid their responsibility to conduct just, participatory and legitimate consultations to obtain and ensure the free, prior and informed consent of Indigenous peoples. In view of this, we demand the immediate stop of operations of extractive and mining companies given that they threaten the life and integrity of Indigenous peoples apart from the fact that they end the life of Mother Earth.
- 13) IITC demands that the States of the world and the regional and international human rights mechanisms cease and end the culture of impunity and take effective measures to enforce the protection of rights, freedom and lives of Indigenous defenders and protectors of rights to their lands, territories, waters and resources.
- 14) IITC also demands the protection of the rights of indigenous migrants and refugees, especially children and women, who have been forced to leave their lands due to forced dispossession and approval, pollution and the climate crisis effects.
- 15) The representatives of indigenous nations and peoples who actively participated in the IITC's International Indian Treaty Council 47<sup>th</sup> Anniversary Conference after knowing and analyzing the content of the resolution "*Our treaties are sacred; defending treaty rights to the land, water, food, health, consent, and self-determination*" adopted on IITC's International Indian Treaty Council 44<sup>th</sup> Anniversary Conference, fully support said resolution considering that treaties, agreements and other arrangements are vital for our peoples and for the peoples from other countries of the world.
- 16) IITC confirms the recommendations presented on January 31, 2022, to the current study on Treaties and Agreements agreed with Indigenous peoples and nations of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) calling upon EMRIP to perform the following:
  1. *To call upon all States Treaty Parties to reaffirm, honor and implement their legal responsibilities, including through constitutional recognition, for the Treaties and Agreements they concluded with Indigenous Peoples and Nations in accordance with their spirit and intent as Indigenous Peoples understand them.*
  2. *To facilitate and promote the establishment of bi-lateral processes created by mutual consent and with full and equal participation of the Indigenous and State Treaty parties to provide effective redress and remedy for past, current, and ongoing Treaty violations, that can include restitution and/or recognition of*



## Consejo Internacional de Tratados Indios CONFERENCIA 47<sup>TH</sup> ANIVERSARIO



*jurisdiction over lands, resources and territories that were confiscated or annexed in violation of the Treaties and Agreements.*

- 3. To implement and incorporate an ongoing component of the EMRIP's country engagement process focused on supporting the full and effective implementation of Treaties and Agreements and providing advice to State and Indigenous Treaty Parties for the resolution of related conflicts and based on the principles stated above.*
  - 4. To recommend to the Human Rights Council and other appropriate UN bodies the creation of an international oversight mechanism to ensure that Conservation and "Protected Areas" do not violate rights of Indigenous Peoples including to land and resources, Treaties, self-determination, free, FPIC, subsistence, cultural rights, access to water, and protection of human and Treaty rights defenders before, during and after the creation of Protected or Conservation Areas.*
  - 5. To encourage and facilitate the OHCHR to launch and host an international repository for Indigenous Treaties and Agreements to ensure effective, neutral access for all parties to original Treaty documents, as well as testimonies, oral histories, correspondence, maps, land features, boundary descriptions and other materials presenting their original spirit and intent as understood by the Indigenous Peoples concerned.*
  - 6. To recommend that all colonizing States which concluded Treaties or other Agreements with Indigenous Peoples and Nations now living in their successor States actively engage and assume responsibility to work with the successor state and the Indigenous Treaty parties to ensure that the legally binding commitments and obligations stipulated in these Treaties are conducted and fully implemented. EMRIP could initiate these historic dialogues in conjunction with recommendation #2, above.*
- 17) We express our interest in exchanging information, experiences, strategies and knowledge among Indigenous peoples from Canada, the United States, New Zealand, and others with indigenous peoples who do not yet have Treaties and Agreements recognized by the current States where they live and that only have collective and historical property titles that were stripped of during the invasion and colonization.
- 18) For all the above, IITC commits to follow up cases in countries where serious violations of individual and collective rights of Indigenous peoples occur to ensure that their rights are fully respected.

**Adopted by consensus of the participants at the IITC's International Indian Treaty Council 47<sup>th</sup> Anniversary Conference**

**Paxil Kalá, Ixim Ulew, Guatemala, March 3<sup>rd</sup>, 2022.**