



**International Indian Treaty Council**  
*Consejo Internacional de Tratados Indios*

100 E. Ajo Way  
Tucson, AZ 85713  
Phone: (520) 833-9797  
Fax: (520) 833-9799  
Email: [info@treatycouncil.org](mailto:info@treatycouncil.org)  
[www.treatycouncil.org](http://www.treatycouncil.org)

---

United Nations Expert Mechanism on the Rights of Indigenous Peoples  
16<sup>th</sup> Session July 17-21, 2023

Agenda Item 10: Intersessional activities and follow up to past studies and advice  
International Indian Treaty Council Intervention presented by Andrea Carmen

Madame Chair, we thank the EMRIP for its important Study on Treaties and Agreements carried out last year, and express appreciation for its advice to the Human Rights Council.

In this regard, we highlight the decades long recommendation for a UN repository on Treaties and Agreements concluded between States and Indigenous Peoples, to include original texts as well as oral histories reflecting Indigenous Peoples understanding of what was agreed which is sometimes very different from what was recorded by settler Treaty Parties.

We also highlight the call for creation of just, bi-lateral processes to redress Treaty violations and related conflicts with equal participation and authority by state and Indigenous Treaty parties. Models and criteria for such mechanisms are contained in Articles 27, 28 and 40 of the UN Declaration. This need was also affirmed in CERD's 2022 concluding observations to the US.

We also look forward to initiating discussions with states that concluded Treaties with Indigenous Peoples during the original colonial period but whose legal obligations were not transferred to respective successor states. This includes Treaties concluded by Spain with the Yaqui Nation in what is now Mexico and with various Mayan Peoples in what is now Guatemala, as well as over 20 Treaties concluded by States with the Nation of Hawaii before it was overthrown by the US in 1893.

Finally, we request EMRIP to advise the Human Rights Council to authorize a 4<sup>th</sup> UN Seminar on Treaties, Agreements and Constructive Arrangements concluded with Indigenous Peoples to focus on implementation of EMRIP's advice as well as the recommendations of the first three Seminars. We encourage EMRIP to cohost this seminar. Thank you.

*Working for the Rights and Recognition of Indigenous Peoples  
Trabajando por el reconocimiento y los derechos de los Pueblos Indígenas*