



**INTERNATIONAL INDIAN TREATY COUNCIL
42th ANNUAL CONFERENCE
SEPTEMBER 9-11, 2016
PU'UHONUA VILLAGE, WAIMANALO, OAHU, HAWAII**

Resolution on Treaties and Other International Standards

The delegates at this conference representing Indigenous Peoples from North, Central, and South America, the Arctic, Caribbean and the Pacific, adopt by consensus the following resolution to defend the Rights of Indigenous Peoples:

1. We reaffirm that the international standing of Treaties is a founding principle of the International Indian Treaty Council.
2. We reaffirm that Nation to Nation Treaties can only be amended or abrogated with the full free prior and informed consent of both the State and Indigenous Treaty Partners.
3. We reaffirm that our Treaty rights to Land, Water, Food and Subsistence, Health, and Free Prior and Informed Consent are legally binding obligations of State and Indigenous Treaty Partners.
4. We reaffirm that the Nation to Nation Treaties concluded between States and Indigenous Nation are evidence of our original sovereign independent status and our continuing and undiminished rights to self-determination under International Law.
5. We commit to continue advancing, affirming and utilizing Treaties and Treaty rights to support struggles to protect Indigenous Peoples' rights. These include rights to lands and territories, waters, health, food sovereignty, self-determination, culture and sacred places, and free prior and informed consent regarding unsustainable development and environmental contamination. IITC reaffirms our opposition to the Tar Sands Development, Dakota Access Pipeline and other non-sustainable development projects that violate Treaties and Treaty rights.
6. We restate our firm opposition to designating as terrorists, criminals and/or "enemies of the State" Indigenous human, Treaty and environmental rights defenders. IITC will continue to support, protect and defend Indigenous human, Treaty and environmental rights defenders utilizing international processes and bodies, and will work for the creation of just mechanisms for redress and remedies for Indigenous Peoples impacted by corporate human rights violations.
7. We continue to call for new and/or strengthened UN mechanisms to monitor implementation by States of the UN Declaration on the Rights of Indigenous Peoples including its provisions on Treaties and Treaty rights.

We reiterate our call for the UN Treaty Bodies, including the Committee for the Elimination on Racial Discrimination (CERD), Human Rights Committee (HRC), and other processes such as the Universal Periodic Review to focus additional consistent attention on holding States accountable for implementation of the UN

Declaration on the Rights of Indigenous Peoples including the rights affirmed in Treaties concluded between Indigenous Peoples and States.

We will continue to work for a strengthened mandate for the UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) by the UN Human Rights Council to include monitoring implementation of Treaties and Treaty rights. A strengthened EMRIP mandate should include oversight for implementation of the recommendations from the UN Study on Treaties, Agreements and other Constructive Arrangements and the 3 UN Treaty Seminars including creating a UN registry of Treaties between Indigenous Peoples and States.

8. We note with appreciation the final adoption in June 2016 the OAS American Declaration on the Rights Indigenous Peoples Article 24 which affirms Article 37 of the UN Declaration but further strengthens it by calling upon States to recognize the true spirit and intent of Treaties and to give due consideration to the understanding of the Indigenous Peoples in this regard. In addition it supports IITC's call for the creation of an international oversight body to address Treaty violations as follows:

“When disputes cannot be resolved between the parties in relation to such treaties, agreements and other constructive arrangements, these shall be submitted to competent bodies, including regional and international bodies, by the States or indigenous peoples concerned”.

9. We recognize the right of Indigenous Nations to enter into Treaties with each other to continue and strengthen their Nation to Nation relationships and address common concerns as an exercise of self-determination. A current example is the Buffalo Treaty between the Blackfeet Confederacy and other Indian Nations in the US and Canada.

10. We reaffirm the Treaty Right to Culture. We will continue to work for the international repatriation of our Ancestral Remains and sacred items through the establishment of a new UN process with the full participation of the affected Indigenous Peoples as called for in Articles 12 and 13 of the United Nations Declaration and Operative Paragraph 27 of the World Conference on Indigenous Peoples Outcome Document.

11. We call upon original State Treaty Partners (prior to the establishment of the successor States now in place) to take responsibility for their respective continuing legal obligations and to renew direct relationships with their Indigenous Treaty Partners. In this regard, for example, we call for an Indigenous unit within the British Commonwealth Secretariat to address the relation of the Indigenous partners with the Crown.

12. Finally, we will continue to advance and solidify recognition of Indigenous Peoples and Nations within the UN System by providing technical assistance to the Nation of Hawaii and other Indigenous Nations who are seeking UN Permanent Observer Status at the United Nations General Assembly in keeping with IITC's long-standing position in this regard as well as the Outcome Document of the Global Preparatory meeting of Indigenous Peoples in Alta Norway for the World Conference on Indigenous Peoples (June 2013): *“Pursuant to the universal application of the right of self-determination for all Peoples, recommends that the UN recognize Indigenous Peoples and Nations based on our original free existence, inherent sovereignty and the right of self-determination in international law. We call for, at a minimum, permanent observer status within the UN system enabling our direct participation through our own governments and parliaments. Our own governments include inter alia our traditional councils and authorities.”*

***Adopted by Consensus September 11th 2016,
Waimanalo, Hawaii***