

United Nations Permanent Forum on Indigenous Issues 16th session, April 24 - May 5, 2017
Item 8, Discussion on the Theme “10th Anniversary of the UN Declaration on the Rights of Indigenous Peoples, Measures taken to implement the Declaration”
Statement by the International Indian Treaty Council presented by Saul Vicente Vasquez

Thank you Madame Chair. In the name of my organization I congratulate you on your election.

The International Indian Treaty Council (IITC) acknowledges the positive steps to implement the UN Declaration on the Rights of Indigenous Peoples as reflected in the EGM report on this theme. However we are very concerned by the lack of implementation of by some States that were active champions for its adoption as well as others who voted against it but have since changed their positions.

For example the Declaration of Tecpan, adopted on March 9th 2017 by participants at the 3rd International Indigenous Peoples Corn Conference, expressed opposition to the Guatemalan government’s current refusal to recognize the Mayan legal system: *“We reject the discriminatory attempt by the government of Guatemala to deny the recognition of Mayan juridical systems, which existed for thousands of years prior to colonization, through the proposed Constitutional Reform. These systems are recognized in Article 34 of the UN Declaration...which Guatemala has committed to uphold.”*

We call for an end to the glaring discrepancies between many States’ international commitments and, in some cases in their national legislation, and their actions on the ground. In particular we highlight the ongoing failure of many States to implement or even recognize the right to free prior and informed consent (FPIC), replacing it with the much-reduced concept of “consultation” or with nothing at all.

For example on January 24th of this year, the United States’ new President issued an Executive Order expediting approvals for “high priority” infrastuctire projects including two pipelines strongly opposed by Indigenous Peoples. The Order and Memorandums failed to acknowledge or recognized the rights of the impacted Indigenous Peoples including to FPIC regarding development projects that affect their lands, waters and Treaty rights.

The full and effective implementation of FPIC, recognized in various articles of the Declaration, is a fundamental aspect of self-determination. FPIC is the basis for harmonious relations which the UN Declaration seeks to promote.

IITC therefor proposes that the next UNPFII Expert Group Seminar in 2018 focus specifically on measures and protocols to ensure implementation of the right to free, prior and informed consent as affirmed in the UN Declaration. This should include an in depth analysis of the content of its 4 components: “free”, “prior”, “informed; and “consent”. The EGM could consider good practices as well as well as challenges in implementation of FPIC and include participation by Indigenous Peoples, States and UN Experts.

We affirm that the implementation of the Declaration cannot be achieved without free, prior and informed consent.

Thank you.