



TREATY COUNCIL NEWS

International Indian Treaty Council
Consejo Internacional de Tratados Indios

"Working For the Recognition and Rights of Indigenous Peoples"

"Trabajando Por el Reconocimiento y los Derechos de los Pueblos Indigenas"

Winter 2007

UN DECLARATION FOR RIGHTS OF INDIGENOUS PEOPLES ADOPTED BY UN HUMAN RIGHTS COUNCIL BUT DELAYED AT THE UN GENERAL ASSEMBLY

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IITC welcomes new Treaty Council News Editor Alyssa Macy (Warm Springs Indian Nation). She can be reached at alyssamacy@gmail.com

INDIGENOUS PEOPLES' CAUCUS STATEMENT

28 November 2006

UN affirms Indigenous Peoples are not equal to all other Peoples.

The Indigenous Caucus is shocked and outraged by the actions of the United Nations, who today failed to

adopt the most important international instrument for the promotion and protection of human rights for Indigenous Peoples. The Declaration on the Rights of Indigenous Peoples, which represents more than 20 years of work within the UN, constitutes the minimum standards for their survival, dignity and well-being.

The newly created UN Hu-

man Rights Council, which is the premier international body to deal with human rights, adopted the Declaration in June of this year. The Declaration was one of the substantial achievements of the Council. However, it was delivered a huge blow today by African States, most of whom had chosen not to participate

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A NATIVE RIGHTS AND TRADITIONAL LEADER IN CALIFORNIA PASSES ON

In the early morning of May 24, 2006, Mickey Gemmill, long time Native rights and traditional leader, passed on to the other side and now walks, dances, and sings with the ancestors of the Pitt River and Wintu Nations. Throughout his lifetime on Mother Earth, Mickey consistently fought for the needs and rights of Native Peoples against encroaching and foreign social, economic, and political forces. When he was coming of age, he was one of the few people in his generation

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Mickey Gemmill at protest against Calpine Energy Corporation, San Jose, CA. 1/2 7/06, On this day in front of 250 Native and non-Native protesters, he spoke eloquently and urgently about the need to protect the sacred Medicine Lake Highlands from all energy development activities. Photo by Juneen Anuine

... In the 1880s, through various "agreements" - which according to the indigenous side were imposed on them - the United States organized the partition of the vast Sioux territory into a number of small reservations. 130/ The rest of the lands were taken over by the federal Government. The smaller reservations, in turn, were further fragmented under the Dawes Act of 1887. In this manner, vast tracts of land were opened to white immigrants, contrary to the provisions of the 1868 Treaty.

It should be pointed out that in 1980, the United States Supreme Court stated, in connection with the illegal confiscation of the Black Hills of South Dakota in what was considered Sioux territory, that "... a more ripe and rank case of dishonourable dealing will never, in all probability, be found in the history of our nation" and considered that "... [U.S.] President Ulysses S. Grant was guilty of duplicity in breaching the Government's treaty obligations with the Sioux relative to ... the Nation's 1868 Fort Laramie Treaty commitments to the Sioux".

The Court also concluded that the United States Government was guilty of "... a pattern of duress ... in starving the Sioux to get them to agree to the sale of the Black Hills."

— Addressing US violations of the 1868 Ft. Laramie Treaty between the Lakota Nation and the US, First progress report submitted by Mr. Miguel Alfonso Martínez, paragraphs 308 - 310, UN Study on treaties, agreements and other constructive arrangements between States and indigenous populations Special Rapporteur. E/CN.4/Sub.2/1992/32

Cont. From Cover

throughout this standard-setting process. Africa took the lead in blocking the adoption of the Declaration, which strategy was supported and encouraged by New Zealand, Canada, Australia and the United States.

It is clear that these actions are a politicization of human rights that show complete disregard for the ongoing human rights abuses suffered by Indigenous Peoples. This betrayal and injustice severely impacts 370 million Indigenous people in all regions of the world, who are among the most mar-

ginalized and vulnerable.

On May 24, 2002, Secretary General Kofi Annan, had proclaimed that the world's Indigenous Peoples "... have a home at the United Nations." However, today's vote by opposing States clearly demonstrates that this is not the case.

United Nations Human Rights Council Recognizes the Right to Water as a Human Right

Geneva Switzerland,
November 27, 2006

Today the United Nations Human Rights Council recognized that the right to Water is a Human Right by passing an historic resolution. The third session of the newly restructured UN Human Rights Council which will meet through December 8th 2006, adopted the "Human Rights and Access to Water" resolution by consensus. This was the second resolution it adopted shortly after the Council President Ambassador Luis de Alba of Mexico opened the session.

The resolution was presented jointly by two of its several co-sponsors, Germany and Spain. Representatives of several UN states affirmed that the right of access to adequate, clean, safe water for drinking and sanitation is a vital human right for all which all countries are obligated to uphold without discrimination. They affirmed that this right is also necessary for the full realiza-

tion of other human rights including the rights to life and health. One African member state declared that "water is life," voicing the same message that Indigenous Peoples have presented at the UN for decades.

"It's so good to see that in this way our message has gotten through to states after so many years" said Andrea Carmen, Yaqui Indian Nation and Executive Director of the International Indian Treaty Council who is attending the session in Geneva. "Today when I heard state governments refer to water as life, I thought back to the words of our elders who came here for many years to speak about the sacredness of water. I remembered the words of Kee Watchman and Roberta Blackgoat of the Dine Nation and who are no longer in this world. Today I saw the message of life they brought here to the UN was heard and lives on. In a way, this resolution should be dedicated to them and all that they were able to achieve here."

The resolution cited relevant international instruments and declarations on human rights, environment and development. It called upon the Office of the High Commissioner on Human Rights to initiate "a detailed study on the scope and content of the relevant human rights obligations related to equitable access to safe drinking water and sanitation under international human rights instruments" and to report back to the Council as to its conclusions and recommendations before its 6th session, which will take place at the end of 2007.

The Right to Water is a vital human rights issue for Indigenous Peoples around the world, whose drinking water continues to be depleted and contaminated by industrial pollutants, mining, dams, water diversion projects, non-sustainable agriculture and pesticide use among many other activities taking place in and around their homelands. Many Indigenous Peoples do not have

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The UN Committee on the Elimination of Racial Discrimination calls upon Canada to immediately endorse the United Nations Declaration on the Rights of Indigenous Peoples

In a ground breaking finding, the CERD Committee today called upon Canada to reverse its position at the General Assembly and support the United Nations Declaration on the rights of indigenous peoples. The United Nations Treaty Monitoring Body also voiced concerns that trans-national mining companies, registered in Canada negatively impact on the rights of Indigenous Peoples outside of Canada

and urged Canada to "take measures" to ensure accountability of Canadian transnational mining companies with regard to Indigenous Peoples human rights in other countries.

The CERD Committee examined Canada's compliance with the International Convention on the Elimination of all forms of Racial Discrimination (CERD) at its 70th session,

in Geneva, Switzerland, on February 20th and 21st. Their findings were released today. Canada, like all countries that have ratified this legally-binding International Convention, is required to report on its compliance with the Conventions' provisions.

In its Conclusions and Recommendations, embargoed for a *Cont. Pg. 10*

32nd Anniversary Treaty Conference hosted by the Independent Traditional Seminole Nation of Florida

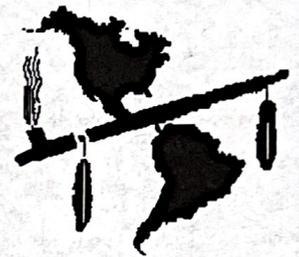
The International Indian Treaty Council held its 32nd Anniversary Treaty Conference was hosted by the Independent Traditional Seminole Nation of Florida (ITSNF) at the "Redbay Stronghold" Grounds, near Okeechobee, Florida, February 9 - 12, 2006. Over 250 participants representing Indigenous organizations, communities and Nations from throughout the United States, Canada, Mexico, Panama, New Zealand, Guatemala, Ecuador, Alaska and Taino representatives from throughout the Caribbean attended. The theme of the conference was:

"Fighting to uphold the

Creator's laws and ways as the Supreme Law of the Land; Defending the Humanity, Dignity and Right to Self-determination of the Independent Traditional Sovereign Nation of Florida and all Indigenous Peoples of the World."

An important aspect of the conference was the opportunity for participants to hear first hand the powerful experiences and perspectives, along with the historical as well as current struggles, of the Seminole Nation in their own territory. The Independent Traditional Seminole Nation of Flor-

ida (ITSNF) is a small group of Indigenous Peoples that have maintained their traditions, culture, language and sovereign way of life though many years of struggles. Participants were able to hear the stories of how they resisted the attempts by US military to forcibly remove them in the early 1800's, when many of the Seminoles were forced to relocate to Oklahoma during the "Trail of Tears". They also learned of their resistance to the federal government's repeated attempts to purchase their traditional lands in violation of an agreement known as the Worth Agreement *Cont. Pg. 9*



"Fighting to uphold the Creator's laws and ways as the Supreme Law of the Land; Defending the Humanity, Dignity and Right to Self-determination of the Independent Traditional Sovereign Nation of Florida and all Indigenous Peoples of the World."

"To our People and many other tribal Nations, Medicine Lake is a very beautiful and special place. Medicine Lake and Mt Shasta were gifts to our Peoples from the Creator, the One Above. These places are part of our creation and our teachings about how we leave this world.

There is only one place like that for us, where if you bathe in the water in the Lake, and follow the rules the Creator set down for that place, there can be healing for anyone. It is sacred to the tribes from all directions that traveled hundreds of miles to come there. It is a place of peace and healing, where you can both see and feel the spirits that are there.

Our Spiritual People and healers received knowledge and power there, and it was a place of meditation and training where they went to receive these gifts to protect all life".

Cont. From Cover and in the Pitt

River Nation to have the opportunity to learn about life and leadership from the traditional council of leaders and elders of the Nation.

This ancient knowledge invariably helped him in his unwavering commitment to take care of the people and the Earth in contemporary times while fulfilling his personal traditional roles and responsibilities. In the 1970's Mickey helped lead the movement to establish the Native American Studies Department at S.F. State University that provided an educational program for students to receive accurate knowledge about Natives.

During this time period, he also helped lead the occupation of a U.S. military facility that became known as D.Q. University and pave the way for Native students and communities to have an educational institution of their own in which to receive a higher education without having to relinquish their traditions and beliefs. He also helped to lead the takeover of Alcatraz for the benefit of all Native Peoples. Among Mickey's many accomplishments and good deeds, he is highly revered for helping to lead the occupation and holding of traditional Pitt River Territory for Pitt River People. This territory was illegally taken by the U.S. and he is well known for stating that America has no right claiming, taking or keeping this land, as Pitt River People never sold or relinquished their title to the land. On June 5, 1970, Mickey issued

the "Proclamation: To the President and the American People" that stated: "We are the rightful and legal owner of the land.. No amount of money can buy the Mother Earth; therefore, the California Indian Land Claims Commission has no meaning. The Earth is our Mother and we cannot sell her." Since then, the Pitt River Indians have successfully reoccupied a number of areas of land. Numerous books and documentaries have been produced on the Pitt River struggle to regain their land and Mickey is often cited as being a major leader in this movement. He was elected as Chairman



of the Pit River Tribe for two terms and served as a primary writer of the Indian Child Welfare Act. Mickey also spent some time in Alaska helping the Alaska Natives protect their ancestral rights, including claims to their land.

Later in life Mickey helped to bring Ishi's ashes and brain home to bury his remains in

the traditional territory of the Yahi. Upon Ishi's passing, his brain was taken from his skull and examined in the name of western science and his body burned to grey dust. Of this situation Mickey said he felt morally, legally, and spiritually obligated to help return Ishi so that his spirit could finally go home. In Mickey's long standing role as a Board Member of the International Indian Treaty Council, he traveled throughout the U.S. and as far away as China to advocate for the protection of Native sacred places and the self-determination rights of the Indigenous Peoples of the western hemisphere. During this time he also helped to convene the sacred and annual Ancestral Run in Traditional Pitt River Country and later became involved in leading the Bear dance ceremonies. Mickey influenced and guided many Natives and non-Natives across the world to not be afraid to stand up for the rights of Natives. All of Mickey's family and friends love and will miss him dearly. His immediate family includes his wife Valeric and children Michelle, Faith, Michael, Victoria, Mickey, Jr., Nichelle, Brandy, Shasta, Honor, and grandchildren Derek, Levi, Desiree, Camille, Daniel, and Joseph, and mother Irene, and father Jake, and brothers Steven, Arnold, Ira, and sister Sonja.

by Mark LeBeau, M.S., a citizen of the Pitt River Nation. LeBeau can be reached via email at: mark.lebeau@ihs.gov ♦

Genographic Project to Begin Expedition to Collect Blood from Alaska Natives

Dated: July 19, 2006

The Genographic Project, a genetic research project initiated by the National Geographic Society, will commence an expedition to collect blood or other human DNA samples and oral histories from Alaska's Native peoples on July 20 2006. The expedition, led by population geneticist Spencer Wells, ultimately plans to collect more than 100,000 DNA samples from Indigenous peoples worldwide and has been met

with global opposition by Indigenous peoples citing numerous ethical and human rights concerns.

In May 2006, those concerns were affirmed by a United Nations body that recommended the Genographic Project should come to an immediate end. On the closing day of its two week meeting, the United Nations Permanent Forum on Indigenous Issues (UNPFII) announced its recommendation that "the World Health Organization and

the Human Rights Commission investigates the objectives of the Genographic Project" and request "that the Genographic Project be immediately suspended and report to the Indigenous peoples on the free, prior and informed consent of all the communities where activities are conducted or planned."

Also on May 20, 2006 several Indigenous leaders met with the representatives of the Genographic Project and

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Genographic Project Put on Hold in North America

IPCB Update - December 2006

The University of Pennsylvania Social and Behavioral Sciences IRB has temporary suspended the Genographic Project in response to a formal complaint filed by the Alaska Native Medical Center IRB. The Alaska Native Medical Center IRB said the Genographic Project failed to get the proper permissions before taking blood samples from Alaska Native peoples and have demanded all the samples be returned to Alaska immediately.

Read more at:

<http://www.ipcb.org>

Western Shoshone Victorious at United Nations: U.S. Found in Violation of Human Rights of Native Americans – Urged to Take Immediate Action

10 March 2006, Geneva Switzerland.

Today, in an historic and strongly worded decision by the United Nations Committee on the Elimination of Racial Discrimination (CERD) the United States was urged to "freeze", "desist" and "stop" actions being taken or threatened to be taken against the Western Shoshone Peoples of the Western Shoshone Nation. In its decision, CERD stressed the

"nature and urgency" of the Shoshone situation informing the U.S. that it goes "well beyond" the normal reporting process and warrants immediate attention under the Committee's Early Warning and Urgent Action Procedure.

This monumental action challenges the US government's assertion of federal ownership of nearly 90% of Western Shoshone lands. The land base covers approximately 60 mil-

lion acres, stretching across what is now referred to as the states of Nevada, Idaho, Utah and California. Western Shoshone rights to the land - which they continue to use, care for, and occupy today - were recognized by the United States in 1863 by the Treaty of Ruby Valley. The U.S. now claims these same lands as "public" or federal lands through an agency process and has denied Western Shoshone fair access to

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From pg. 5, Genographic Project Continued...



Gwich'in girl—Arctic Village, Alaska

its parent organization, the National Geographic Society (NGS), to express their overwhelming opposition to the project. Noting the project's goal to map the migratory history of humankind through DNA, Art Manual, (Shushwap Nation) and director of the Indigenous Network on Economy and Trade in British Columbia, Canada, says, "We don't need genetic testing to tell us who we are or where we come from. Our creation stories and languages inform us of our genealogy and ancestors." Referring to the Genographic Project's plans to undertake genetic analysis on the remains of Indigenous peoples' ancestors, Stan Wil-

liams (Anishinabe) of the Knowledgeable Aboriginal Youth Association in Vancouver BC notes that, "the ancestors are sacred and we cannot allow any acts of desecration on their bodies."

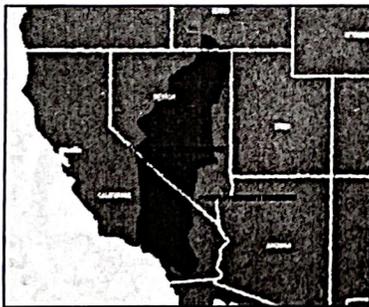
The Indigenous Peoples Council on Biocolonialism (IPCB) presented a petition to lead researcher, Dr. Spencer Wells, bearing the names of more than 850 Indigenous nations, organizations, individuals, and supporters calling on the National Geographic Society to stop the Project. "The fundamental ethical question is whether the benefits to research subjects will outweigh the risks. The answer is an ab-

solute 'no'", says Nilo Cayuqueo, (Mapuche) of Abya Yala Nexus. He further notes, "this research poses real political risks that can be used to undermine the rights of Indigenous peoples."

Despite the opposition generated by Indigenous peoples and other critics including sectors of the scientific community, the Genographic Project continues to move forward with its goals. Harry says "We do not believe that this Project is providing adequate information to Indigenous peoples regarding its purposes and the potential risks they may face if they participate. That means it

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From pg. 5, Western Shoshone Continued...



Map of Western Shoshone Ancestral lands.

U.S. courts through that same process. The land base has been and continues to be used by the United States for military testing, open pit cyanide heap leach gold mining and nuclear waste disposal planning. The U.S. has engaged in military style seizures of Shoshone livestock, trespass fines in the millions of dollars and ongoing armed surveillance of Western Shoshone who continue to assert their original and treaty rights.

Based upon these actions and a dramatic escalation of new actions threatening

irreparable harm to Western Shoshone and their environment, last year, with the support of the Univ. of Arizona Indigenous Law and Policy Program, the Western Shoshone filed a renewed legal action at the United Nations CERD. In addition to evidence of the United States' conduct, the Western Shoshone delegation also delivered over 13,000 signatures from citizens across the United States of America supporting the Western Shoshone action to CERD. This petition was a result of a campaign organized by the rights-

based development organization Oxfam America to demonstrate the widespread concern for the Western Shoshone peoples to the United Nations.

CERD rejected the U.S.' argument that the situation was not "novel" and therefore should wait to be reviewed until the U.S. submits its Periodic Report - past due since 2003. The Committee informed the U.S. that "[a]lthough these are indeed longstanding issues...they warrant immediate and effective action... [and] should be dealt with

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The follow-up of Human Rights Council Decisions: The Council's Declaration on the rights of Indigenous Peoples

UNITED NATIONS HUMAN RIGHTS COUNCIL

Fourth session
March 12 – 30, 2007

Thank you Mr. Chairman and Respectful Greetings to all delegations.

The Human Rights Council demonstrated the priority it attached to the rights of Indigenous Peoples by adopting in its resolution 1/2 29th June 2006, the text of the

United Nations Declaration on the Rights of Indigenous Peoples and transmitting it to the General Assembly. The Human Rights Council also, by this action, honoured the recommendation of the UN Permanent Forum on Indigenous issues and the Global Indigenous Caucus together

with the members of the Council who voted in favour of the historic decision.

This decision signalled a very important world call for respect. It affirmed the recognition of the rights of Indigenous Peoples being equal to all

INTERNATIONAL HUMAN RIGHTS DAY – 10 DECEMBER 2006

Statement by Indigenous Peoples' Caucus UN's human rights record challenged by Indigenous Peoples

360 million Indigenous Peoples throughout the world continue to struggle against crippling conditions of poverty, yet the United Nations remains uncertain whether to support human rights for Indigenous Peoples.

Indigenous Peoples are clearly the poorest and most oppressed societies in the world. This poverty continues because governments refuse to acknowledge indigenous title to lands and indigenous self-determination. Last week the United Nations lost credibility when the General Assembly's 'Third Committee' used a

procedural vote to prevent final adoption of the Declaration on the Rights of Indigenous Peoples.

The 'no action' motion set back twenty-three years of work to complete the human rights standard. This work involved states, human rights experts and Indigenous Peoples participating together in negotiations. The Third Committee voted to delay the adoption because some states claimed they do not know who are the Indigenous Peoples.

These states also interpreted the Declaration as

authorising secession, and enabling veto of parliaments. Such interpretations are eccentric and groundless.

The 53 African member states voted as a bloc to delay adoption of the Declaration. They risk being seen as supporters of continuing colonisation and subjugation of Indigenous Peoples.

UN member states should not be so irresponsible as to dispense such hysterical interpretations of the Declaration and international law.

They discredit the UN's

"Today, poverty prevails as the gravest human rights challenge in the world. Combating poverty, deprivation and exclusion is not a matter of charity, and it does not depend on how rich a country is. By tackling poverty as a matter of human rights obligation, the world will have a better chance of abolishing this scourge in our lifetime...Poverty eradication is an achievable goal."

UN High Commissioner for Human Rights Louise Arbour, December 2006

GENOGRAPHIC PROJECT CONTACTS

Local

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or

National

Debra Harry, Indigenous
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Biocolonialism (775) 574-
0301 or

From pg. 6, Genographic Project Continued...

will exploit vulnerable peoples for its own benefit. Many local communities and villages do not know about these global issues." In addition, Harry said "The Genographic Project has an internal list of Alaska Native peoples and villages from whom they intend to collect genetic samples. We have asked for "absolute transparency by identifying the targeted Indigenous peoples they intend to visit in advance of those visits, but they have not been forthcoming with that information.

Faith Gemmill, Gwich'in from Arctic Village, Alaska who works for the REDOIL network in Alaska states: "The idea of coming into our territories to hunt for blood samples and DNA from our bodies or from our ancestral remains is appalling! Indigenous peo-

ples are not guinea pigs, we are human beings and we deserve to be respected as such. If Alaska Natives understood fully what this project is, these researchers would not leave with one drop of our DNA nor would they be allowed to come into our territories at all."

Harry calls on the media to help carry this critical information to Alaska's villages, especially those most remote, to ensure they are adequately armed with information to protect their rights and interests."

For more information regarding Indigenous concerns and opposition to the Genographic Project, visit the IPCB website at: www.ipcb.org/issues/human_genetics

Please call cell +1 857 222 7508 if you are on media deadline.

Key National Geographic

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From pg. 6, Western Shoshone Continued...

as a matter of priority." The United States was "urged to pay particular attention to the right to health and cultural rights of the Western Shoshone... which may be infringed upon by activities threatening their environment and/or disregarding the spiritual and cultural significance they give to their

ancestral lands."

CERD presented its decision to the Western Shoshone this morning. The decision details the U.S.' actions against the Western Shoshone and calls upon the United States to immediately:

- Respect and protect

the human rights of the Western Shoshone peoples;

- Initiate a dialogue with the representatives of the Western Shoshone peoples in order to find a solution acceptable to them, and which complies with their rights;

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Panelists at the 2006 Treaty Conference

(Left to right): IITC Board President Francisco Cali and Seminole representatives Vincent Jimmie and Danny Billie.



Cont. Pg. 3 which was made between the US and the Seminole in 1842.

A primary goal of the conference was to build awareness and support for the ITSNF struggles to maintain and protect their sacred sites, traditional lands, cultural resources and self-determination.

The conference also highlighted the importance, through presentations from delegates from many Nations and regions, of Indigenous Peoples' relationship with the land as well as

current struggles to protect sacred sites and uphold the sacred Treaties and Agreements which defend those relationships.

In addition to recognition of traditional land rights as a basis of cultural survival, the conference focused on other critical issues of concern to the Independent Traditional Seminole Nation of Florida and the other participants, including Environmental Protection and Health. An emphasis was placed on building and strengthening networks of Indigenous groups and communities on issues of

shared concern including mercury contamination, pesticides and POPs contamination, mining activities as well as genetic manipulation and patenting of traditional subsistence foods in Indigenous territories.

2 Resolutions adopted by consensus at the Conference, "Protection of Indigenous Sacred Places, Burial and Spiritual Rights" and "Support for the Independent Traditional Seminole Nation of Florida", are included in this issue of Treaty Council News. These and other conference resolutions are posted on our web page, www.treatycouncil.org.

Resolution of the Protection of Indigenous Sacred Places, Burial and Spiritual Rights'

The commission on the Protection of Sacred Places, Burial, Cultural and Spiritual Rights at the 32nd International Indian Treaty Council Conference calls upon the IITC to reaffirm all the resolutions for the protection of sacred places, burial, cultural and spiritual rights adopted at previous IITC conferences and to adopt the following resolutions based on the considerations presented by participants in this Commission:

The IITC resolves to support Indigenous Peoples, Nations, Pueblos, tribes, communities, bands, traditional spiritual practitioners, family, clans and organizations in their efforts to define, administer, protect and preserve their sacred places such as those connected to the earth, wind, water, fire, plants, animals including the womb of the woman and the birthing places of all female nations and all indigenous sacred burial sites

from disturbance, development and destruction.

The IITC reaffirms its support for efforts to oppose attempts by the State of California, the United States government and Calpine Energy Corporation to mine geothermal energy within the sacred Medicine Lake Highlands which would negatively impact the cultures of Indigenous peoples who have used

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From pg. 2, UN Human Rights Council Recognizes Water continued...

reliable access to safe clean drinking water in their communities.

The United States is not a member of the Human Rights Council and did not speak during the discussion on the resolution. Canada, a member of the Council did not take the floor to speak but did not vote

against the resolution. It was adopted by consensus of all 49 member states.

The International Indian Treaty Council (IITC) an Indigenous Non-Governmental Organization has been involved in working on the protection and recognition of indigenous human rights since 1977.

See the UN Office of the High Commissioner on Human Rights web site for more information about the current session of the UN Human Rights Council

For more information:
www.treatycouncil.org
www.ohchr.org

From pg. 3, CERD Calls on Canada continued...

day on account of objections citing "factual errors" by the Canadian government, the CERD Committee noted Canada's past support "and positive contributions" to the Declaration on the rights of Indigenous Peoples, stating that it "regrets" the recent change in Canada's position. The Committee called upon Canada to "support the immediate adoption of the Declaration at the United Nations General Assembly".

NGO (Non-Governmental Organization) "Shadow reports" were submitted by the Indigenous Nations and organizations calling attention to the discriminatory position and actions of Canada in its opposition to the Declaration's provisions upholding Free, Prior and Informed Consent, Rights to Land and Resources, Self-Determination and Treaty Rights. They pointed out that Canada was one of only two countries which voted against the Declaration when it was adopted last year by the UN Human Rights Council. Canada continues to actively lobby against its adoption at the UN General Assembly unless changes are made to seriously weaken its provisions. This would create "second class rights" for Indigenous Peoples in Canada and

around the world.

"Canada has continued to insist on the inclusion of discriminatory language in the Declaration as a requirement for its approval". This was one of several charges presented to the CERD by the International Indian Treaty Council (IITC) and the Confederacy of Treaty Six First Nations (CT6FN), representing



18 First Nations in Alberta. IITC is an Indigenous Organization with Consultative Status to the UN Economic and Social Council. They were among several organizations representing First Nations of Canada which filed "shadow" or parallel reports to the CERD, challenging the Canadian government's report.

The reports submitted by these organizations as well as the Assembly of First Nations (AFN), the British Columbia First Nations Leadership Council and the Native Women's Association of Canada (NWAC) addressed a range of policies and practices violating Indigenous Peoples' human rights in and outside of Canada. Indigenous Peoples' submissions were considered along with the Canadian Government's report when CERD conducted its review of Canada on Tuesday and Wednesday, February 20th and 21st 2007.

In addition to Canada's position on the UN Declaration, these submissions addressed a range of other urgent concerns for Indigenous Peoples. Of particular concern of many First Nations and their organizations is Canada's "modification" and "non-assertion" policies, demanding that First Nations relinquish aboriginal rights to land and natural resources in the settlement of land claims. The Committee voiced concern that these rights are being settled primarily through litigation at a disproportionate cost to Indigenous Peoples. The Committee urged Canada, "to engage, in good faith, in negotiations based on recognition and reconciliation" of Indigenous rights.

"Our Treaties are Sacred. We must protect them!

...As long as the sun shines, the river flows and the grass grows"

- Confederacy of Treaty Six First Nations Elders.

Situation of the Yaqui Nation and the Indiscriminate Use of Pesticides

June 16, 2006

Mr. Mr. Okechkwu Ibeanu,
Special Rapporteur of the Commission on Human Rights

c/o Office of the High Commissioner for Human Rights
Hand Delivered

Re: Situation of the Yaqui Nation and the indiscriminate use of pesticides

Dear Special Rapporteur Ibeanu,

Please receive our respectful greetings. It is with great appreciation that we noted your report to the 62nd Session of the Commission on Human Rights, now to be considered by the new Human Rights Council. (E/CN.4/2006/42/Add.1).

We note the Mexican government's response to our previous communications, much more detailed now, a more serious response befitting the severity of the problem. We note with great appreciation that these concerns are in

response to your mandate and continue to appreciate your continuing interest and concern.

We regret very much that you were unable to attend our conference at Vicam, Rio Yaqui, Sonora, where the problems associated with these chemicals are severe. In addition to the following declarations in the Spanish language, we also include with this communication a CD made by the Pesticide Action Network of the same tragic problem with the Huichole

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ENOCH RIVER CREE DECLARATION

Of the International Indigenous Nations Treaty Summit

November 12 – 13, 2006

Enoch Cree Nation, Treaty No. 6 Nations' Territory

With the understanding that we as Indigenous Peoples and Indigenous Nations are a critical and integral part of the universal family of Peoples and Nations; and

Recognizing that the International Indigenous Nations Treaty Summit held in Enoch Cree Nation, was attended by Chiefs, Leaders, Elders and other authorized rep-

resentatives of Indigenous Nations and Peoples from North, Central and South America, Africa, and the Pacific; and

Affirming that the fundamental sacredness of our Indigenous understanding of our treaties and the relationships they represent is based on our traditions, histories, our ceremonial ways, our relationships with our lands that

are reflected in our creation stories, blood and sacrifices of our ancestors; and

Affirming also that Treaties and Agreements between states and Indigenous Nations are to be regarded from our respective spiritual understandings; and

Understand-

Cont. Pg 24

"1. Indigenous peoples have the right to the recognition, observance and enforcement of Treaties, Agreements and Other Constructive Arrangements concluded with States or their successors and to have States honour and respect such Treaties, Agreements and other Constructive Arrangements.

2. Nothing in this Declaration may be interpreted as to diminish or eliminate the rights of Indigenous Peoples contained in Treaties, Agreements and Constructive Arrangements."

Article 37 from the United Nations Declaration on the Rights of Indigenous Peoples, as adopted by the UN Human Rights Council June 29th, 2006

From pg. 11, Situation of Yaqui Nation Continued...

Peoples of Sinaloa, a neighboring state to Sonora. A delegation of Huichole attended the conference, as did representatives of the Mayo Tribe, and other Indigenous Peoples afflicted with these same denials of basic human rights.

We attach the following declarations taken from residents of the Rio Yaqui area, primarily Vicam and Potam, by Yaqui volunteers, indicating the depth and persistence of the problem:

Statements taken by Francisco Javier Villegas Paredes, Agricultural Parasitologist, and volunteer to our project:



Community participants at May 2006 Conference, Potom Rio Yaqui, Senora, Mexico. Photo courtesy of Jeff Conat.

without any kind of protection. A Doctor Levcmia diagnosed his illness before he died, attributing his death to agricultural chemicals.

agricultural machinery his father, an agricultural worker, kept at home. He began to have a high temperature, vomiting and a loss of appetite. Dr. Levcmia also diagnosed his illness a result of his contact with and the indiscriminate spraying of chemicals in the area.

3. Declaration of 22 November 2005

1st Case: Upon a visit to the home of Mr. And Mrs. German Yocupicio, in Potam, Río Yaqui, the declarant was told by Mrs. Yocupicio of her child, who died of cancer. His was called "Polo," and was a student at university studying geology. While in University he began to show symptoms, his eyes swelled up, loss of weight, and constant pains. His mother took him to doctors, first in the Capital of Sonora, Hermosillo, then Vicam, and back to Hermosillo. He was diagnosed as having cancer of the bone. The mother believes that he died as a result of all of the chemi-

Cont. Pg 17

1. Declaration of 15 November, 2005

Mr. Jisay Acosta died from pesticides. A farmer all of his adult life, he applied pesticides by hand, over time,

2. Declaration of November 20, 2005

Relates that a child, Rigoberto Cota Amarillas, age 6, died of pesticides poisoning. From age 4 he played with

From pg. 7, Follow-up of Human Rights Council Decisions Continued...

other peoples. The UN Declaration presents a new framework for "partnership for action and dignity" in concert with Treaties and the Second International Decade.

The Secretary General "stressed that human rights forms the third of three pillars" of the United Nations. The work and role of this Council is vital for defending and upholding the Human Rights of Indigenous Peoples and indeed all Peoples within the UN system. We respectfully call upon all UN member states to support the vital role and place of this Council. Every effort must be

made to promote and strengthen its role and stature.

We therefore register our profound concern with the way in which an historic human rights decision by the first session of this Council (in only its second decision) was undermined by the General Assembly's Third Committee in New York on Tuesday of this week, November 28, 2006. The adoption of the UN Declaration on the Rights of Indigenous Peoples was a positive forward looking and courageous step by this Council, a product of 24 years of work in the United Nations, which was celebrated by Indigenous Peoples as well

as many states around the world.

Unfortunately, the Council's stature, dignity and its future effectiveness as a robust, authoritative and independent guardian of human rights within the UN system was called into question by some states for reasons that were purely political and had nothing to do with human rights. Their concerns with the content of the Declaration were mischaracterizations, misinterpretations, and posed as procedural matters intended to block its progress. After pledging to uphold the highest standards in the promotion and protection of

Cont. Pg 22

From pg. 8, Western Shoshone Continued...

- Adopt the following measures until a final decision or settlement is reached on the status, use and occupation of Western Shoshone ancestral lands in accordance with due process of law and the U.S.' obligations under the Convention;
- Freeze all efforts to privatize Western Shoshone ancestral lands for transfer to multinational extractive industries and energy developers;
- Desist from all activities planned and/or conducted on Western Shoshone ancestral lands;
- Stop imposing grazing fees, livestock impoundments, hunting, fishing and gathering restrictions and rescind all notices already made.

The decision is historic in that it is the first time a United Nations Committee has issued a full decision against the U.S. in respect to its highly controversial Federal Indian law and policy. The decision expressed particular concern that the U.S.' basis for claiming federal title to Western Shoshone land rests on a theory of "gradual encroachment" through a "compensation" process

in the Indian Claims Commission. The decision highlights that this same process was found by the Inter-American Commission on Human Rights to violate "international human rights norms, principles and standards that govern determination of indigenous property interests." When the U.S. last appeared before the Committee in 2001, Committee members expressed alarm and concern that U.S. laws regarding indigenous peoples continue to be based on the outdated, colonial era "doctrine of discovery."

The Committee gave the U.S. a July 15, 2006 deadline to provide it with information on the action it had taken. The decision issued today demonstrates a solid commitment by the United Nations human rights system to make the Western Shoshone's struggle a priority. Whereas indigenous peoples have been active at the United Nations for several decades, the decision today also brings a breath of hope to indigenous communities across the U.S. and globally where the negative effects of U.S. policy and influence reach. In its decision, the Committee drew particular attention to its General recommendation 23 (1997) on the rights of indigenous peoples, in

particular their right to own, develop, control and use their communal lands, territories and resources.

Comments from Western Shoshone Delegation to United Nations (March 10, 2006):

"We have rights to protect our homelands and stop the destruction of our land, water, and air by the abuses of the United States government and the multinational corporations. The situation is outrageous and we're glad the United Nations Committee agrees with us. Our people have suffered more nuclear testing than anywhere else in the world and they're continuing underground testing despite our protests. Yucca Mountain is being hollowed out in order to store nuclear waste. We cannot stand for it – this earth, the air, the water are sacred. People of all races must stop this insanity now in order to secure a safe future for all."
Joe Kennedy, Western Shoshone.

"The Western Shoshone Nation is very thankful to the Committee members for their decision affirming U.S. discrimination and destructive policies do go on unaccounted for. Truth is what it is – that can never change. We pray for the healing of our peoples, the land and the harassment and destruc-

Cont. Pg 17



Western Shoshone leader and elder Mary Dann passed away April 2005, shown here with her sister Carrie who carries on the struggle.

From pg. 9, Resolution of the Protection of Sacred Sites Continued...

the highlands region for traditional healing, ceremonial instructional purposes as well as the natural environment of this sacred area.

The IITC resolves to support and work with Indigenous Nations, traditional spiritual practitioners, grassroots people, and organizations to prevent the use of reclaimed waste water to make artificial snow on the San Francisco Peaks which is sacred to 13 Indigenous Nations in the Southwest and to challenge the United States Federal Courts and the United State Forest Service for allowing this proposal to go forward against the widespread opposition by Indigenous peoples of the Southwest, the proposed expansion and use of reclaimed waste water will place substantial burden on traditional spiritual practitioners free exercise of religion and destroy the sensitive ecological environment of the sacred San Francisco Peaks.

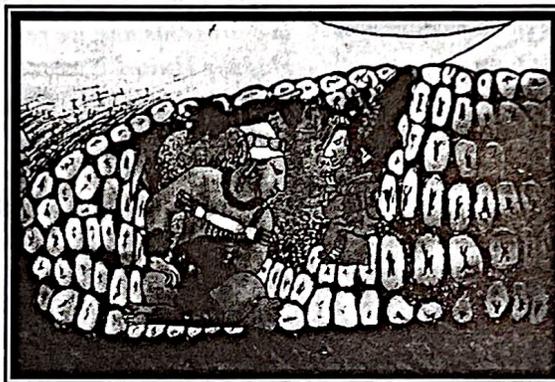
The IITC will support the adoption of Indigenous regional, national, and international legislation designed to strengthen and/or enforce laws for the absolute protection and preservation of sacred places, sites, burials, cultural property and spiritual rights in perpetuity so that all sacred places will be further protected and preserved for Indigenous Peoples and their descendents. Therefore be it resolved that the IITC will assist in protecting and preserving the following areas:

The IITC will offer support to the Independent Traditional Seminole Nation of Florida and their traditional spiritual practitioners to protect burials, sacred sties and springs.

These areas include the Miami Circle and the city of Marineland where human remains and burial mounds are located and are being threatened by development and to assist in helping return human remains and funerary objects now being held by the state of Florida.

The IITC will continue to support Western Shoshone efforts to protect their sacred spiritual areas in particular De-na-bo (Mount Tenaboli), Bu-hee-mu-tu (Blue Point),

Horse Canyon and the hot springs located throughout Newe Sogobia (Western Shoshone Territory) and to



oppose any mining or energy exploitation in these areas.

The IITC supports and reaffirms any and all efforts to block the construction of a major telescope initiated by the National Science Foundation and Veritas on Kitt Peak which is sacred to the Tohono O'odham Nation in Arizona and Mexico, the proposed telescope will destroy the spiritual integrity of the mountain.

The IITC supports and affirms all actions to block the proposed development of oil refineries and all other oil related development by the Three Affiliated Tribes of North Dakota.

These actions would desecrate the sacred Missouri River and numerous sacred sites and burials the proposed development will further destroy the environmental quality of the region.

The IITC recognizes and supports the Biloxi-Chitimacha Choctaw Confederation of Muskogees and the Pointe-Au-Chien Nation in Mississippi, whose traditional lands, burials and sacred places are being threatened by global warming, hurricanes, sea level rise, the elimination of Mississippi River sediment and erosion due to oil and gas development in the Gulf Coast region.

The IITC reaffirms its support of Oxajuj Ajpop in Guatemala from desecration and destruction of the Tulam Tzu sacred site also known as the Rosario Naranjo Archeological Site, in order to stop all construction at this sacred place. This sacred place where Mayan ancestors performed prayer and healing ceremonies is under constant attack due to the removal of sacred objects and human remains. The ancestors of the Mayan people demand a stop to the destruction of this site.

The IITC will continue to monitor the status of the Indigenous Taino (Jibaro People) of Boriken (Puerto Rico) with particular attention to Kaguana Ceremonial Center as well as the on-going desecration of other sacred places, ancestral remains, and related cultural property on the island. The IITC will continue to offer assistance in an advisory capacity to the Taino (Jibaro) community in the on-going struggle for their human rights.

Cont. Pg 15

Be it further resolved on this day of February 12, 2006 that the IITC resolves the following: to assist in protecting the Petroglyphs in Albuquerque, New Mexico, the Black Hills

(Paha Sapa), Glen Cave Burial Site, Homer Lake, Chumash Wind Caves, Cane Hill Slim Buttes, and 1,700 sacred places of worship in Mercer County North Dakota, and all other

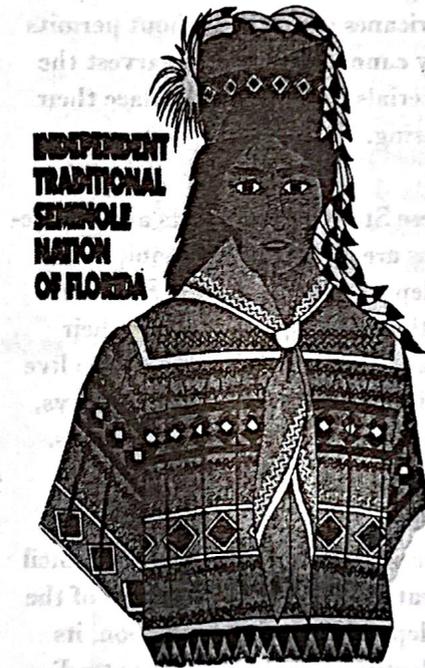
Indigenous sacred places and burial sites from destruction, disturbance, desecration, development caused by social, economic, or political activity.

Resolution in Support of The Independent Traditional Seminole Nation of Florida

The Independent Traditional Seminole Nation of Florida has owned, occupied and used their traditional ancestral lands, now found in central Florida, since time immemorial. In spite of the genocide of the Trail of Tears the Independent Traditional Seminole Nation has remained on its lands and territories. It has never left and will never leave.

In the late 1600s and early 1700s, the Nation signed a treaty with the Crown of Spain that recognized the traditional ancestral lands and territories of the Seminole Nation, measuring an expanse of 5 million acres. When the United States took over from Spain, they also agreed to recognize and respect the same Seminole Nation's lands and territories.

But almost immediately, the so-called "Seminole Wars" began - wars that were provoked by the United States. In order to end these wars, in 1842, the United States signed the Worth Agreement with the Seminole Nation recognizing these same lands and territories as the Seminole Nation, agreeing to respect their land and resource rights and their right "to be left alone." The Worth agreement was ratified by then President Polk in 1842. A 20 mile wide corridor was also created around the Seminole Nation's lands and territories, where non-Seminole people would come to



request safe passage through the Seminole Nation. All non-Seminole could be detained by the Seminole Nation under the Treaty, to be turned over to the State.

The Worth Agreement, signed by General Worth on behalf of the United States with the Seminole Nation, continues to be valid and legally binding obligation of the United States. Its international character as an agreement between two sovereign Nations continues to this day. But the United States has the position that the Indian Land Claims Commission "settled" Seminole Nation claims to the land and that the Seminole Nation's title to its land has been extinguished. Two of the three Semi-

nole Tribes have accepted Land Claims Commission settlements. But the Independent Traditional Seminole Nation of Florida has never accepted money for their lands and continues to have a valid claim to the whole of their ancestral lands.

As the United States has broken the Worth Agreement they no longer have jurisdiction as recognized by the same Treaty, and until they return and comply with their word, the Seminole Nation will not recognize the United States jurisdiction.

The Independent Traditional Seminole Nation continues to occupy and use their ancestral and traditional lands in the ways dictated by Creator and natural law. The Nation hunts and fishes on these lands and territories and gathers raw materials for its traditional housing, the Chickees, and plants for traditional medicines and ceremony. The land is the Independent Traditional Nation's school, where children and youth are taught by elders and teachers about their traditional knowledge and ceremony, the gathering of plants and material, asking for the tree and felling it for their traditional housing and other uses. The land serves as a basis for the Independent Traditional Seminole Nation art.

The federal government

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From pg. 15, Resolution In Support of Independent Seminole Nation Continued...

and the state of Florida have both created parks, Big Cypress National Park in the northern portion, and a new, carbon copy of the National park, a new State park in the heart of Independent Seminole Nation territory. Members of the Independent Traditional Seminole Nation are prohibited from entering these parks, their own traditional ancestral lands, without a permit. They are required to get permits to gather and hunt. Without a permit and sticker, the materials that they gather are confiscated and left on the spot. The Independent Traditional Seminole Nation rejects these restrictions imposed by the State and Federal governments. Only if Creator says that they need a permit will they feel a need to comply. And Creator has never required a permit for Seminole traditional land use.

After a legal struggle, the Independent Seminole Nation is now able to gather medicines but its members are still required to get permits for felling cypress and gathering palm fronds. With the support of Conservation organizations and environmental groups motorcycles and recreational vehicles have been prohibited in the parks. The state authorities now have a bidding process for cypress and the gathering of palm fronds. Those who pay can gather - those who don't, can't.

There are also burial mounds and burial sites located within these parks and are being disturbed by sports hunters and others who do purchase permits to enter the parks.

Although the people continue to carry on and to pass their customs and traditions to their future generations on their lands, they do so without notice to the federal and state

authorities. But ceremonies at Sacred Sites located within the parks are being increasingly restricted. For example, the Green Corn Dance has been curtailed to 3 acres, although people have to hunt and to gather plants for the ceremony.

Most pressing is the need of many villages to rebuild after the many hurricanes of 2005. Without permits they cannot gather and harvest the materials they need to replace their housing.

These State requirements and restrictions are straining the people. The Independent Traditional Seminole Nation continue to insist on their treaty right "to be left alone" to live their lives in their traditional ways, consistent with the Creator's laws.

RESOLUTION of the 31st Annual International Indian Treaty Council Treaty Conference in Support of the Independent Seminole Nation, its collective human right to its traditional lands and self determination, and its Treaty right "to be left alone."

CONSIDERING, the situation of the Independent Traditional Seminole Nation of Florida;

KEEPING IN MIND, that the International Covenant on Civil and Political Rights recognizes the right of all Peoples, including the Seminole Peoples' right of self determination;

ALSO KEEPING IN MIND, that Article 27 of the International Covenant on Civil and Political Rights recognizes the right to practice language, culture and religion; and that

the Human Rights Committee has recognized that this Article 27, particularly for Indigenous Peoples, requires control of lands and resources in order to enjoy this right;

RECALLING, that the a Treaty with the Spanish Crown and with its successor State, the United States, recognizes the Independent Traditional Seminole Nation's right to their ancestral lands, territories and natural resources;

FURTHER RECALLING, that the Worth Agreement with the United States recognizes the Independent Traditional Seminole Nation's lands, territories and natural resources, and their right "to be left alone,"

CALLING UPON all of the members and the governments of the Miccosukee and Seminole Tribe of Florida, Inc., to support the Independent Traditional Seminole Nation's human rights and Treaty right to be left alone, to be free from governmental regulation and restriction on the occupation and use of their traditional and ancestral lands, territories and resources,

BE IT RESOLVED, that the International Indian Treaty Council supports the Traditional Independent Seminole Nation's in their struggle to maintain their collective human and treaty rights. The International Indian Treaty Council will raise these issues at all appropriate international fora to protect these rights.

Adopted by consensus on February 11, 2006 ♦

From pg. 13, Western Shoshone Continued...

tion to stop. While others are allowed the freedom of religion, we are kept from the very same right. The Neve (people) use this ancestral land for sacred ceremonies. The federal agencies prevent our access to some of these important areas. Our ancestors' burials are being dug up and placed into local museums' basement storage areas because of surge of gold mines and nuclear developments. This is an outrage to our people!" Judy Rojo, Western Shoshone.

"This battle has been going on for quite some time, but we've seen a dramatic increase in the federal government and

the companies' rush to finalize what they consider a settlement in order to get a hold of our lands for activities that are contaminating our water and our air. Again, we are very pleased that our rights are finally being taken seriously and we look forward to positive actions being taken by the U.S." Steven Brady, Western Shoshone.

"We are Shoshone delegates speaking for a Nation threatened by extinction. The mines are polluting our waters, destroying hot springs and exploding sacred mountains—our burials along with them--attempting to erase our signature on the land. We are coerced and

threatened by mining and Federal agencies when we seek to continue spiritual prayers for traditional food or medicine on Shoshone land. We have endured murder of our Neve people for centuries, as chronicled in military records, but now we are asked to endure a more painful death from the U.S. governmental agencies—a separation from land and renewal. We thank our past leaders for their persistence and courage and the CERD for this monumental step" Bernice Lalo, Western Shoshone.

From pg. 12, Situation of Yaqui Nation Continued...

icals that were used around the area in agricultural production.

2nd Case: (5 May 2005) A child of 6 years, Guadalupe Armatos Castro scarcely 6 years of age, subjected to the spraying of pesticides. He was employed as an applicator and sprayed these substances without any protection for years.

3rd Case: Roberto Garcia Castro, 38 years of age, suffered the effects of chemical products. He began suffering the effects of these products at the age of 25, with lack of breath and cancerous tumors.

4th Case: A 4 year old child (unnamed) died as a result of the re-



Mayo youth speaker at Pesticide Conference, Potam Rio Yaqui, Senora Mexico. Photo Courtesy of Jeff Conat.

peated and indiscriminate aerial spraying of chemicals 300 meters from his home.

3. Testimony of Roberto Encinas Castro, undated, taken by the same volunteer, Francisco Javier Villegas Paredes (undated):

Mr. Encinas was employed at a company called Tepeyac. In 1984 he was in charge of chemical products used in agricultural production. There were no protections offered by the company against the chemicals, (NH3 urea and phosphates.) he began to suffer vomiting and constant dizziness, and to this

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Donations can be mailed to:
International Indian Treaty Council
2390 Mission St, Suite #301,
San Francisco, CA 94110

United Nations Working Group on Indigenous Populations

July 28 - August 4, 2006

Agenda Item 5: Standard-setting: (a) Future priorities for standard-setting activities; and (b) Possible new studies to be undertaken.

Joint Statement by the International Indian Treaty Council, Confederacy of Treaty 6 First Nations, Movimiento de la Juventud Kuna, International Organization of Indigenous Resource Development, Mohawk Nation of Kahnawake, Society for Threatened Peoples, Earth Peoples, Lao Human Rights Council, Buffalo River Dene Nation, Pacific Concerns Resources Center, Indigenous Environmental Network, Alaska Community Action on Toxics, Sami Council, RAIPON, Yaquis Unidos por la Madre Tierra (Sonora Mexico), Dewanadat Apua Jayapura/Papua, Indigenous Peoples and Nations Coalition, Union de la Fuerza Indígena Campesina (Mexico), Fundación para la Promoción del Conocimiento Indígena (Panama), Comité Intertribal Memória e Ciência Indígena/ITC (Brazil), Huicholes y Plaguicidas (Mexico), Consejo de Pueblos Nahuas del Alto Balsas (Guerrero Mexico), CONAIE (Confederación de las Nacionalidades Indígenas de Ecuador/ Confederation of Indigenous Nations of Ecuador), and Centro para la autonomía y desarrollo de los pueblos indígenas-CADPI (Nicaragua)

Thank you Mr. Chairman. We call the attention of this Working Group to the urgent need for a review of current relevant Standards as well as a comprehensive new Study on the widespread and devastating impacts of the production, export and unmonitored use of banned, prohibited and dangerous toxics, especially pesticides, on the human rights of Indigenous Peoples around the world.

For exposed Indigenous communities, families and workers, a range of Human Rights are violated by these practices. These include the Rights of the Child under the Convention Article 24, the Rights to Health, Food Security, Development, Life, Physical Integrity, Free Prior Informed Consent and the Right of Peoples not to be Deprived of their own Means of Subsistence.

Infants and unborn babies are among the most seriously affected in exposed communities, and are particularly susceptible to such toxics when they are in their mothers' wombs and as nursing infants. Cancers and

birth defects in children are being reported in increasing numbers. Also widely reported are deaths among young children as well as adults from acute poisoning by exposure to toxic contamination via aerial spraying of crops, and the unmonitored and unregulated use and storage of dangerous pesticides in rural communities. The development, health and potential of our Future Generations is at stake.

Industrialized countries such as the United States produce and export of toxic chemicals to "developing" countries even after they have been banned in their own countries due to known serious health effects. Existing International Trade Policies as well as Environmental Conventions such as the Rotterdam Convention permit countries to export toxic chemicals and pesticides which have been banned for use in the producing country as long as the receiving countries are informed of the dangers. But no assurances are made by either the producing or receiving states that these warnings will reach the exposed workers, communities or

families, that mandated regulatory measures to protect them will be enforced, or the principle of free prior informed consent will be observed.

The International Journal of Occupational and Environmental Health noted that between 1996 and 2000, the United States exported nearly 1.1 billion pounds of pesticides identified as known or suspected carcinogens, an average rate of almost 16 tons per hour. Most were sent to the developing world for use in agriculture. According to the International Labor Organization, 65 to 90 percent of the children estimated to be working in Africa, Asia and Latin America are working in agriculture. These children are often continuously exposed to toxic pesticides in the fields, in their food and water, and in their homes.

In 1997 in Sonora, Mexico, a study was conducted by a University of Arizona scientist in homelands of the Yaqui Indians. This study detected high levels of multiple pesticides in the cord blood of newborns and in *Cont. Pg 19*

mother's milk, and found severe learning and development disabilities in Yaqui children living in agricultural areas.

Testimonies presented by Indigenous communities in Mexico, Guatemala, Colombia, Ecuador, the United States and other countries document the use of banned pesticides without precautionary measures or protective gear, including aerial spraying of fields with workers and families present, as well as communities, homes and schools. Severe permanent birth defects, childhood leukemia and children born with tumors are among the most severe and rapidly increasing effects reported.

Because these toxics bioaccumulate, persist and travel in the environment, Arctic Indigenous Peoples report high levels of contamination of mothers' breast milk and subsistence foods. Recent studies done

in Canada also documented higher than acceptable levels of these toxins in the blood and cells of a cross-section of young people. This is clearly a global problem affecting large numbers of Indigenous Peoples with permanently damaging and widespread impacts on the enjoyment of their human rights.

We greatly appreciate the concern of Special Rapporteur Madame Ouhachi-Vesely and her successor Mr. Okechukwu Ibeanu, UN Rapporteur on the Adverse Effects of the Illicit Movement and Dumping of Toxic and Dangerous Products and Wastes on the Enjoyment of Human Rights, regarding the impacts of the export of banned pesticides for Indigenous communities in Mexico and other countries.

During her visit to the United States in December 2001 Madame Ouhachi-Vesely expressed strong

words for the US practice of exporting chemicals, pesticides, and waste banned domestically to developing nations. "Allowing the export of products recognized to be harmful is immoral," she said.

Rapporteur Ibeanu likewise expressed his concerns in a written statement presented at a recent conference coordinated by IITC in Potam Pueblo, Rio Yaqui, attended by over 300 participants from impacted Indigenous communities in Mexico, US and Guatemala. He confirmed that the use of such chemicals in communities left "individuals and communities unable to make informed choices", in some cases "further aggravating conditions of poverty" because of their negative impacts on human health and the environment.

We therefore urgently request this session of the WGIP to initiate a Study on the Global Human

Rights impacts of the export, use and failure by states to monitor dangerous and banned pesticides and other toxics, and the failure to safeguard the human health and development of Indigenous Peoples as a result. We also call upon the WGIP to request that the Office of the High Commissioner on Human Rights organize a Conference on this issue in 2007, in conjunction with the relevant Special Rapporteurs, in order to evaluate the problem, assess the Human Rights impacts in light of relevant international and national standards and recommend additional remedies or standards to this body as required.

Thank you for your consideration of this critical matter affecting Indigenous Peoples around the world. For all our Relations. ♦

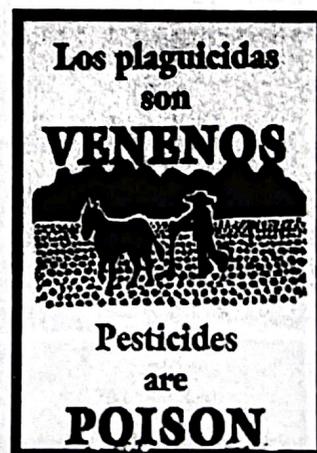
IITC "Pesticides are Poison" booklet now available online

"Los Plaguicidas son Venenos" manual ahora disponible en internet:

http://www.hesperian.org/newbooks_envirohealth.htm

To find out more about the "North-South Indigenous Network Against Pesticides project" of the IITC, or to order a copy of the "Pesticides are Poison" handbook in English or Spanish, contact the IITC in San Francisco, or email angel@treatycouncil.org.

Para más información sobre la "Red Indígena Contra los Plaguicidas Norte y Sur," proyecto del CITI, o para pedir una copia del manual "Los Plaguicidas son Venenos," en inglés o español, comuníquese con CITI en San Francisco o escriba por e-mail a: angel@treatycouncil.org.



Grupo de trabajo de las Naciones Unidas sobre las Poblaciones Indígenas

28 de julio a 4 de agosto del 2006

Punto 5 del Orden del Día: Elaboración de normas: (a) Prioridades futuras para las actividades de elaboración de normas y (b) Posibles nuevos estudios a realizar.

Declaración conjunta del Consejo Internacional de Tratados Indios y la Confederación de Primeras Naciones del Sexto Tratado, Movimiento de la Juventud Kuna, International Organization of Indigenous Resource Development, Mohawk Nation of Kahnawake, Society for Threatened Peoples, Earth Peoples, Lao Human Rights Council, Buffalo River Dene Nation, Pacific Concerns Resources Center, West Papua, Indigenous Environmental Network, Alaska Community Action on Toxics, Sami Council, RAIPON,

Yaquis Unidos por la Madre Tierra, Dewanadat Apua Jayapura/Papua, Union de la Fuerza Indígena Campesina (México), Fundacion para la Promocion del Conocimiento Indígena (Panama), Yaquis Unidos por la Madre Tierra (Sonora Mexico), Dewanadat Apua Jayapura/Papua, Indigenous Peoples and Nations Coalition, Union de la Fuerza Indígena Campesina (México), Fundacion para la Promocion del Conocimiento Indígena (Panama), Comité Intertribal Memória e Ciência Indígena/ITC (Brasil), Huicholes y Plaguicidas (México), Consejo de Pueblos Nahuas del Alto Balsas (Guerrero Mexico), CONAIE (Confederacion de las Nacionalidades Indígenas de Ecuador/ Confederation of Indigenous Nations of Ecuador) y Centro para la autonomia y desarrollo de los pueblos indígenas-CADPI (Nicaragua)

Gracias Sr. Presidente. Hacemos un llamado a la atención de este Grupo de Trabajo en la urgente necesidad de una revisión de las normas relevantes actuales y la realización de un nuevo Estudio Integral de los impactos extensivos y devastadores de la producción, exportación y uso no vigilado de tóxicos proscritos, prohibidos y peligrosos, especialmente los plaguicidas, sobre los derechos humanos de los Pueblos Indígenas a través del mundo.

Para las comunidades, familias y trabajadores indígenas quienes quedan expuestos, estas prácticas violan una amplia gama de Derechos Humanos, entre ellos los derechos del niño conforme al Convenio sobre la materia en su artículo 24; los derechos a la Salud; la Seguridad Alimentaria; el Desarrollo; la Vida; la Integridad Física; el Consentimiento Libre, Previo e Informado y el derecho de los Pueblos a que no les Priven de sus propios Medios de Subsistencia.

Los recién nacidos y los aún no nacidos son algunos de los más gravemente afectados en las comunidades expuestas, ya que son especialmente susceptibles

a estos tóxicos en la matriz de sus madres, igualmente como infantes lactantes. Se ha informado que el número de casos de cánceres y defectos de nacimiento en los niños va en aumento. Asimismo, se ha informado ampliamente sobre muertes entre niños muy jóvenes y adultos por envenenamiento agudo al exponerse a la contaminación tóxica que resulta del rocío aéreo de las cosechas y el uso y almacenaje sin monitoreo o regulación de plaguicidas peligrosos en las comunidades rurales. El desarrollo, la salud y el potencial de nuestras futuras generaciones está a riesgo.

Países industrializados como los Estados Unidos están produciendo y exportando productos químicos tóxicos a los países "en vías de desarrollo" aun después que se han prohibido en sus propios países por sus graves efectos ya conocidos en la salud. Las Políticas de Comercio Internacional y los Convenios Ambientales, entre ellos el Convenio de Rotterdam permiten que los países exporten productos químicos tóxicos y plaguicidas cuyo uso esté prohibido en el país productor, siempre que se informe a los países

destinatarios sobre los peligros. Pero nada garantiza que los Estados productores o destinatarios hará llegar estos avisos a los trabajadores, comunidades o familias expuestos. Tampoco existen garantías de que se harán cumplir las medidas reglamentarias obligatorias para proteger a estas personas o que se respetará al principio del consentimiento libre, previo e informado.

En la revista *International Journal of Occupational and Environmental Health* ["Revista Internacional de Salud Laboral y Ambiental"] se llamó la atención al hecho de que, entre 1996 y 2000, los Estados Unidos exportó casi 1.1 mil millones de libras de plaguicidas (casi 500 millones de kilogramos) identificados como cancerígenos ya conocidos o sospechosos, a un ritmo promedio de casi 16 toneladas (14.5 toneladas métricas) por hora. La mayor parte se envió a los países en desarrollo para su uso en la agricultura. Según la Organización Internacional del Trabajo, se estimaba que entre el 65 y el 90 por ciento de los niños que trabajan en África, Asia y Latinoamérica están trabajando en la agricultura. Estos niños a

Cont. Pg. 21



menudo quedan expuestos en forma continua a los plaguicidas tóxicos en los campos, en su alimentación, en el agua y en sus casas.

En 1997 en Sonora, México, una científica de la Universidad de Arizona realizó un estudio en las tierras tradicionales de los indígenas Yaqui. En este estudio se detectaron altos niveles de múltiples plaguicidas en la sangre del cordón umbilical de los recién nacidos y en la leche materna de sus madres. Además se descubrieron graves problemas de aprendizaje y desarrollo en los niños Yaqui que viven en las zonas agrícolas.

Los testimonios presentados por las comunidades indígenas en México, Guatemala, Colombia, Ecuador, los Estados Unidos y otros países han documentado el uso de plaguicidas prohibidas sin medidas preventivas o ropa de protección, incluso por medio del rocío aéreo de los campos cuando los trabajadores y sus familias han estado presentes y además, sobre sus comunidades, casas y escuelas. Entre los efectos más graves, cuya incidencia se está aumentando rápidamente, se han denunciado graves y permanentes

defectos del nacimiento, la leucemia infantil y el nacimiento de niños con tumores.

Ya que estos tóxicos se bioacumulan, persisten y se desplazan en el ambiente, los Pueblos Indígenas del Ártico han denunciado altos niveles de contaminación en la leche materna de las madres y en las comidas de subsistencia. En estudios recientemente elaborados en Canadá, también se han documentado niveles más altos que lo aceptable de estos tóxicos en la sangre y las células de una selección representativa de jóvenes. Esto claramente es un problema mundial que afecta a grandes cantidades de Pueblos Indígenas, caracterizado por impactos permanentes, dañinos y ampliamente extendidos que afectan el goce de sus derechos humanos.

Agradecemos profundamente a la Relatora Especial Ouhachi-Vesely y su sucesor, el señor Okechukwu Ibeanu, el Relator de las Naciones Unidas sobre los Efectos Nocivos para el Goce de los Derechos Humanos del Traslado y Vertimiento Ilícitos de Productos y Desechos Tóxicos y Peligrosos, por su interés en los efectos para las comunidades Indígenas en

México y otros países, de la exportación de plaguicidas prohibidos.

Durante su visita a los Estados Unidos en diciembre del 2001, la señora Ouhachi-Vesely se pronunció en términos enfáticos sobre la práctica de los Estados Unidos de exportar a las naciones en vías de desarrollo, los productos químicos, plaguicidas y desechos prohibidos en dicho país. "Es inmoral permitir la exportación de productos una vez que éstos están reconocidos como dañinos," afirmó.

El Relator Ibeanu, por su parte, expresó sus preocupaciones en una declaración por escrito que se presentó ante una conferencia que CITI coordinó recientemente en Potam Pueblo, Río Yaqui y que contaba con la participación de más de 300 personas de comunidades indígenas afectadas en México, Estados Unidos y Guatemala. En dicha declaración, confirmó que, por las inadecuadas condiciones del uso de estos productos químicos en las comunidades "tanto los individuos como las comunidades no pueden tomar decisiones informadas acerca de los productos", a veces "agravando aún más las condiciones de la pobreza" por sus efectos adversos sobre

la salud humana y el ambiente.

Por lo tanto, solicitamos urgentemente que en esta sesión del Grupo de Trabajo sobre las Poblaciones Indígenas se inicie un Estudio de los Efectos a Nivel Mundial en los Derechos Humanos de la exportación de los plaguicidas y otros tóxicos peligrosos y prohibidos, su uso, la falta de monitoreo por parte de los Estados y la consecuente falta de protección a la salud humana y el desarrollo de los Pueblos Indígenas. Asimismo, instamos al Grupo de Trabajo sobre las Poblaciones Indígenas a solicitar que el Alto Comisionado para los Derechos Humanos organice una Conferencia sobre este tema en 2007, conjuntamente con los Relatores Especiales en la materia, para evaluar el problema, valorizar los efectos sobre los Derechos Humanos a la luz de las normas correspondientes internacionales y nacionales y recomendar otras medidas correctivas o normas a este organismo, según lo que sea necesario.

Gracias por su consideración de este asunto crítico que afecta a los Pueblos Indígenas en las distintas partes del mundo. Para todas nuestras Relaciones. ♦

From pg. 2, Follow-up of Human Rights Council Decisions Continued...

human rights in seeking election to this Council and as reminded by Secretary General Kofi Annan on 19th of June, some member states voted very differently in the Human Rights Council and in New York.

Notwithstanding all this, Mr President, our spirit is not broken. We now look forward to working to-

gether with the Human Rights Council and States on a new path within a framework of dialogue and cooperation to focus on implementation. We respectfully recommend implementation of your decision to adopt the UN Declaration on the Rights of Indigenous Peoples with a program of action.

We urge you, with the High Commissioner for Human Rights and the full and effective participation of Indigenous Peoples, to begin a process of working groups or seminars on mechanisms for effective implementation. This would be a significant and ongoing contribution by this Council to the protection of Human Rights.

From pg. 7, Int'l Human Rights Day Continued...

reputation on human rights and cast doubt upon the integrity of the UN. The United Nations is sending mixed messages about whether the promotion and protection of human rights is a genuine major objective of the new Millennium.

The United Nations should be held accountable through democratic and transparent procedures wherever the will of the peoples of the world is un-

der threat.

The creation of the Human Rights Council has been a positive step. The Human Rights Council decided, by an overwhelming majority, to adopt the Declaration on the Rights of Indigenous Peoples, at its first session in June 2006.

In particular, Indigenous Peoples call for the immediate adoption of the

Declaration on the Rights of Indigenous Peoples, without amendment, by the UN General Assembly.

The Indigenous Peoples Caucus calls upon the United Nations to double its commitment and efforts to promote human rights as the major pillar for the global development, equally, of all peoples.



Andrea Carmen, Executive Director, International Indian Treaty Council was selected as the Rapporteur for the United Nations Expert Seminar on Indigenous Peoples' Permanent Sovereignty Over Natural Resources and Their Relationship to Land, Geneva, Switzerland January 25-27 2006. Shown with the Seminar Chairperson Tom Calma, Human Rights and Equal Opportunity Commission of Australia. Photo courtesy of Valerie Tali-man.

The full report with conclusions and recommendations from the Seminar [E/CN.4/Sub.2/AC.4/2006/3]

is available on the IITC and the UN High Commission on Human Rights web site.

From pg. 17, Situation of Yaqui Nation Continued...

day his physical condition continues to have problems primarily with his lungs and difficulty breathing. He now has an office job with a similar company, but they also store agricultural chemicals and the odors continue to plague him. We (the volunteer) have told him to quit his job as he is permanently damaged.

4. Declaration of Bertha Miranda, January 27, 2006

Mrs. Miranda's daughter worked packing vegetables in the fields at a farm. She became pregnant but out of necessity continued to work. Although she had no problems during her pregnancy and all appeared all right, the child was born with the help of the community midwife. It was born with a deformed face, and just stopped breathing. We consulted with a doctor in Ciudad Obregon, and he said that her contact with chemicals had affected the fetus. She also comments that it is good that we are informing the community so that this does not happen to others.

5. Declaration of Lourdes Guillen Aguilera, January 16, 2006. Please note that the Declarants request anonymity as they fear they will be fired from their jobs if their identity is revealed.

We are young couple anticipating their first child, worked at a farm called Los Hoyos. We were required to fumigate crops with no protection from the chemicals used. Our baby was born with a disfigured face and without a cerebellum. We believed it was the will of God. But we finally consulted a doctor who told us it was the work and lack of protection against the chemicals. I know believe these chemicals are strong, because we are doing the planting and the harvesting of vegetables. There is no other way for us.

6. Declaration of Mrs. Teofilia Palomarez Baycuri, 18 January 2006

My 9 year old child Jesus attended 4th grade at the Javier Torrez Bedet School. He used to tend goats with his cousin. He began to be sick but I didn't pay much attention until one night he complained of a headache, and I gave him some pills, but they did not do any good. Later on that night he was burning up with fever and I took him to the hospital but there were no doctors, so I took him home. The next day I took him to a doctor in Vicam and the doctor sent us to the hospital in Ciudad Obregon. By that time my child had lost

consciousness and the next day he died in the hospital. The doctor said that a chemical had entered his body but I did not believe it, until his cousin told me that they would stop while tending their goats to watch airplanes fumigate the fields. I think the work of informing people with help although there have been more children that have died, such as my nephew who also died. It was a similar case. Thank you.

These testimonies do not relate anything new. They do reflect the persistence and depth of the human suffering and denial of the right to life and health of the Yaqui in and around the agricultural areas of Rio Yaqui.

We hope this material will aid you in the exercise of your mandate. If you have any questions or comments, please do not hesitate to contact us.

For all our relations,

Alberto Saldamando, General Counsel, IITC

cc:

Mr. Rodolfo Stavenhagen, S/R on Indigeneous Human Rights

Andrea Carmen, IITC Executive Director

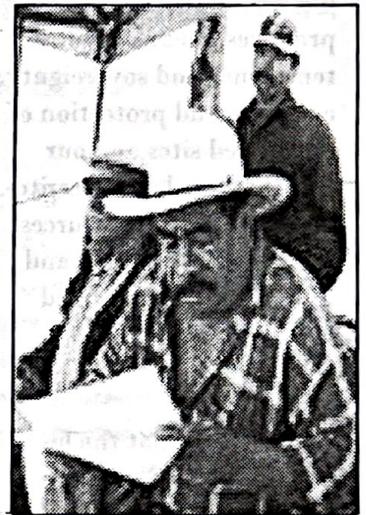


Photo courtesy of Saul Vicente, IITC

Traditional Yaqui Authorities presented a Declaration at a Press Conference in Vicam Pueblo, Rio Yaqui Sonora Mexico, December 7th, 2006 halting the use of banned pesticides and all aerial spraying of toxics in agricultural fields here, now resulting in cancer and death for community members

Reading the Declaration is Sr. Cirilo Valenzuela, designated representative of the Traditional Yaqui Authorities. Seated to his right is the Governor of Vicam Pueblo, Gilberto Flores Lopez.

For the full text of the Declaration in Spanish and English go to IITC's web site.

ing that the inherent rights, responsibilities and relationships encompassed in treaties impact every aspect of our lives, including our health, cultural practices, means of subsistence and food sovereignty, access to and protection of our sacred sites and our rights to our lands, territories and natural resources, to self determination and free, prior and informed consent; and

Considering that the legally-binding Nation to Nation Treaties which were freely, entered into by Indigenous Peoples with non-indigenous governments constitute an important body of international law; and

Recognizing the vital contribution and role of the United Nations Study on Treaties, Agreements and Constructive Arrangements and the work of its Special Rapporteur Miguel Alfonso Martinez, and strongly endorsing its conclusions and recommendations; and

Reaffirming the call by the UN Study on Treaties, Agreements and Constructive Arrangements for the international recognition of our Treaties with states, as well as effective and accessible mechanisms to provide international redress

for Treaty violations and abrogations; and

Appreciating the important recent advances in this regard by international bodies and mechanisms including the UN Committee on the Elimination of Racial Discrimination (CERD), the UN Human Rights Committee, and the OAS Inter-American Human Rights Court; and

Calling attention to the reality that Canada and other states continue to undermine our Treaties and related Treaty Rights, specifically by:

Failing to honour their treaty obligations to Indigenous Peoples by denying their rights to land, such as those who have had their reserves illegally surrendered in Canada and through similar actions in other parts of the world.

Developing policies and laws designed to extinguish states' legal recognition and responsibility under Treaties and Agreements made with Indigenous Peoples.

The unilateral passing of laws and regulations terminating and limiting the exercise by Indigenous Peoples of Treaty and Land Rights, for example, Can

gotiated settlements and even unilateral, non-consensual state decisions as "treaties."

Refusing to recognize the essential rights of free, prior and informed consent, permanent sovereignty over lands, territories and natural resources and self-determination which are implicit and explicit in existing Treaties and agreements.

Denying, undermining, and diminishing rights recognized and upheld in Treaties to social services, child and family wellness, traditional subsistence, health care, education, culture, spiritual practices and language among others.

8) Continuing, in courts and other processes, to disregard and deny Indigenous understandings, interpretations and oral histories regarding our treaties and agreements, as well as the rights affirmed for all Peoples under international law.

The participants in the International Indigenous Nations Treaty Summit meeting in Enoch Cree Nation, Treaty No. 6 Territory, November 12 - 13, 2006



ada's gun registry legislation.

Interpreting Treaties as domestic rather than as international agreements and establishing so-called "settlement" processes based on unilateral decisions by the state parties.

Attempting to diminish the legal standing of Treaties by referring to modern ne-

DECLARACIÓN DE ENOCH RIVER CREE

de la Cumbre Internacional de Naciones Indígenas sobre Tratados

de 12 a 13 de noviembre de 2006

celebrada en la Nación Enoch Cree, en Territorios de las Naciones del Tratado Seis

para su presentación ante el Seminario de Expertos de las Naciones Unidas sobre Tratados, Acuerdos y Arreglos Constructivos

celebrado de 14 a 17 de noviembre de 2006 en el territorio de los

Maskwacis Cree

Con el entendimiento que nosotros como Pueblos y Naciones Indígenas formamos una parte esencial e integral de la familia universal de Pueblos y Naciones; y

Reconociendo que la Cumbre Internacional de Naciones Indígenas sobre Tratados que se celebró en la Nación Enoch Cree donde asistieron jefes, líderes, ancianos y otros representantes autorizados de Naciones y Pueblos Indígenas de Norteamérica, América Central, América del Sur y el Pacífico; y

Afirmando que el carácter fundamentalmente sagrado de nuestro entendimiento Indígena sobre nuestros tratados y las relaciones representadas en los mismos se basa en nuestras tradiciones, historias, costumbres ceremoniales, relaciones con nuestras tierras que se manifiestan en nuestras historias de creación, nuestra sangre y el sacrificio de nuestros ancestros; y

Afirmando que los tratados y acuerdos entre Estados y Naciones Indígenas deberán ser considerados según nuestro entendimiento espiritual tradicional; y

Entendiendo que los derechos inherentes, las responsabilidades y relaciones inherentes abarcados en los tratados tienen un impacto sobre todos los aspectos de nuestras vidas, entre ellos nuestra salud, nuestras prácticas culturales, medios de subsistencia, soberanía alimentaria, acceso y protección de nuestros sitios sagrados y nuestros derechos a nuestras tierras, territorios y recursos naturales, a la libre determinación y al consentimiento libre, previo e informado; y

Considerando que los tratados vinculantes de nación a nación que fueron celebrados libremente por los Pueblos Indígenas con los gobiernos no indígenas constituyen un elemento importante de derecho internacional; y

Reconociendo la contribución y el papel esenciales que ha jugado el estudio de Naciones Unidas sobre los Tratados, Acuerdos y Arreglos Constructivos y el trabajo de su Relator Especial, el Doctor Miguel Alfonso Martínez y apoyando enérgicamente sus conclusiones y recomendaciones; y

Reafirmando el llamado hecho en el

estudio de Naciones Unidas sobre los Tratados, Acuerdos y Arreglos Constructivos por el reconocimiento internacional de nuestros tratados, acuerdos y arreglos constructivos con Estados, así como contar con mecanismos eficaces y accesibles de reparación en el ámbito internacional por violaciones y abrogaciones de los tratados; y

Apreciando los avances recientes e importantes en este respecto, logrados por organismos y mecanismos internacionales, entre ellos el Comité sobre la Eliminación de Discriminación Racial de la ONU (CERD), el Comité de Derechos Humanos de la ONU y el Tribunal Interamericano de Derechos Humanos de la OEA; y

Llamando atención a la realidad que Canadá y otros Estados continúan menoscabando nuestros tratados y los derechos relacionados a los tratados, específicamente, a través de:

La falta de respetar sus obligaciones de los Tratados con los Pueblos Indígenas negándoles sus derechos a la tierra, como aquellos que han presenciado la cesión ilícita de sus reservas en Canadá, así como otras acciones similares en otras partes del mundo.

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La elaboración de políticas y leyes destinadas a extinguir el reconocimiento jurídico de los Estados y la responsabilidad de ellos conforme a los tratados y acuerdos celebrados con los Pueblos Indígenas.

La aprobación unilateral de leyes y reglamentación que dan por terminado o limitan el ejercicio de los derechos de los tratados y los derechos de la tierra, por ejemplo la legislación canadiense sobre el registro de armas de fuego.

Interpretando los tratados como acuerdos domésticos en vez de acuerdos internacionales y el establecimiento de los denominados procesos de "arreglo" conforme a decisiones unilaterales por los Estados partes.

Las pretensiones de menoscabar la capacidad jurídica de los tratados a través de clasificar los arreglos negociados modernos y hasta inclusive las decisiones unilaterales no consensuadas tomadas por Estados como "tratados."

El rechazo a reconocer los derechos esenciales de consentimiento libre, previo e informado, la soberanía permanente sobre las tierras, territorios, recursos naturales y la libre determinación que son implícitas y explícitas en los tratados y acuerdos existentes.

La negación, agravio y menoscabo de los derechos reconocidos y amparados por los tratados a servicios sociales, el bienestar para niños y familias, sub-

sistencia tradicional, servicios de salud, educación, cultura, prácticas espirituales y el idioma, entre otros.

La persistencia en tribunales y otros procesos en despreciar y negar el entendimiento, la interpretación e historias orales Indígenas sobre nuestros tratados y acuerdos, así como los derechos afirmados para todos los Pueblos conforme al derecho internacional.

Los asistentes a la Cumbre de Naciones Indígenas sobre Tratados celebrada en la Nación Enoch Cree, en el territorio del Tratado Seis del 12 a 13 de noviembre de 2006.

Por lo tanto declaramos lo siguiente:

Afirmamos y apoyamos las siguientes luchas de Naciones Indígenas para hacer valer los Tratados y los derechos reconocidos por los mismos, entre ellos la soberanía y libre determinación:

Los esfuerzos de la Nación Onion Lake Cree y otras naciones del Tratado Seis para hacer valer su soberanía conforme al Tratado Seis y el derecho internacional.

La lucha de los Maori contra la ley de Nueva Zelanda sobre la zona intermareal y el lecho marino así como otra legislación nacional que pretende contravenir y perjudicar el Tratado de Waitangi, y específicamente las acciones de Te Whanau a Apanui para asegurar sus derechos en su totali-

dad en lo que respecta a su nación, tierras, territorios y recursos naturales.

Los Yaqui de Río Yaqui, Sonora, México y su caso ante la Organización de Estados Americanos (OEA) para defender sus derechos a la tierra, agua y hacer valer la autoridad tradicional Yaqui.

La lucha de la Nación Cree Lubicon Lake por sus tierras.

El Tratado de Fuerte Laramie de 1868 entre EEUU y la Nación Lakota y la defensa de la sagrada Paha Sapa (Colinas Negras)

Los esfuerzos de la Nación Western Shoshone para hacer valer sus derechos conforme al Tratado de Ruby Valley en el ámbito internacional, inclusive el CERD.

Los esfuerzos de las primeras naciones de hacer valer y aplicar el Tratado Jay y Tratado Lambull que apoyan los derechos de las Primeras Naciones de cruzar fronteras.

El reconocimiento y plena implementación de los derechos de del la Nación Kuna respecto a sus tratados, tierras y recursos en Panamá y Colombia.

El derecho de la Nación Moskitia conforme al derecho internacional a ejercer su soberanía bajo una nueva constitución aprobada por 386 comunidades.

La declaración de reconocimiento de tierra por las Naciones del Tratado Siete que fue presentada al gobierno de Canadá.

La declaración de soberanía de la Nación Kakisiwew-Ochapowace y otras

naciones del Tratado Cuatro según su tratado y su rechazo de la ley impositiva de Canadá.

La plena conservación e implementación del proceso de libre determinación de la Nación Pimicikamak conforme a sus leyes, derechos de tratado y derechos y facultades concedidos por el Gran Creador.

La implementación de los Akaitcho Dene de su tratado que fue negociado y concluido en 1900.

Participaremos y apoyaremos activamente las iniciativas educativas de los tratados y la cosmovisión de las Naciones Indígenas para proteger a nuestras generaciones futuras contra enajenación, asimilación y genocidio.

Apoyaremos la elaboración de Tratados entre nuestras Naciones Indígenas para nuestro apoyo y desarrollo mutuo.

Apoyaremos la creación de estrategias agresivas a niveles nacionales e internacionales para concentrar esfuerzos en las decisiones jurídicas claves que perjudican los derechos de los tratados.

Apoyaremos la necesidad crítica de crear mecanismos internacionales eficaces para vigilar el cumplimiento de los Tratados entre Estados y Pueblos Indígenas y asegurar el derecho a reparación en el caso de abrogaciones o violaciones.

Apoyaremos el reconocimiento de

salud, educación, viviendas, el derecho de subsistencia, paz y seguridad, el consentimiento libre, previo e informado y la soberanía sobre recursos naturales así como la libre determinación como derechos inherentes de todos los Pueblos y Naciones Indígenas que son declarados en los tratados, acuerdos y arreglos constructivos.

Continuaremos el reclamo a las Naciones Unidas, a otros organismos internacionales y Estados para que reconozcan y hagan valer los derechos consagrados en los tratados celebrados con Pueblos Indígenas y que creen mecanismos eficaces para esos fines con la plena participación de los Pueblos Indígenas concernidos.

Reafirmamos la recomendación que el Alto Comisionado de las Naciones Unidas para los Derechos Humanos organice, en asociación con el Grupo de Trabajo de la ONU sobre Poblaciones Indígenas y las Naciones y Organizaciones de Tratados Indígenas una conferencia mundial sobre Tratados, Acuerdos y Arreglos Constructivos de los Pueblos Indígenas que se llevara a cabo durante los primeros cinco años de la Segunda Década Internacional de la ONU de los Pueblos Indígenas del Mundo.

Nos comprometemos a seguir celebrando Cumbres de Naciones sobre Tratados anuales para compartir información, fomentar alianzas, crear estrategias y soluciones y unir nuestros esfuerzos para defender nuestros derechos como Pueblos y Naciones con tratados a nivel internacional y

en nuestras tierras.

Además declaramos que seguir abogando por los derechos de los tratados utilizando el estudio de las Naciones Unidas sobre Tratados, Acuerdos y Arreglos Constructivos entre Pueblos Indígenas y Estados, la Declaración de los Derechos de los Pueblos Indígenas de las Naciones Unidas, la Declaración Interamericana de los Derechos de los Pueblos Indígenas de la OEA y cualquier otro mecanismo, convenio u organismo internacional pertinente.

Titawiyh saweyhtam Wiyohhtawiy-maw mamawo askiyw iyntwaysiynyw wiyihcikewin. Koh itotamahk oma eh aspih kiskisiyahk kakiyh niykanohatakoyahkok nikehteyayiminak miyna wiyawaw ohcih ayaniskac oteh niykan awasisak.

Que nuestro Padre bendiga esta Declaración Mundial Indígena que ha sido escrito.

Hacemos esto en honor de nuestros antepasados y en nombre de las generaciones futuras.

Adoptada por consenso en esta fecha el día 13 de noviembre de 2006 en la Nación Enoch Cree.

International Indian Treaty Council Consejo Internacional de Tratados Indios

Mission & Objectives

Mission

The International Indian Treaty Council (IITC) is an organization of Indigenous Peoples from North, Central, South America and the Pacific working for the Sovereignty and Self-Determination of Indigenous Peoples and the recognition and protection of Indigenous Rights, Traditional Cultures and Sacred Lands.

Objectives:

- To seek, promote and build official participation of Indigenous Peoples in the United Nations and its specialized agencies, as well as other international forums.
- To seek international recognition for Treaties and Agreements between Indigenous Peoples and Nation-States.
- To support the human rights, self-determination and sovereignty of Indigenous Peoples; to oppose colonialism in all its forms, and its effects upon Indigenous Peoples.
- To build solidarity and relationships of mutual support among Indigenous Peoples of the world.
- To disseminate information about Indigenous Peoples' human rights issues, struggles, concerns and perspectives.

Declaration de Proposito y Objetivos

Declaración de propósito del CITI

El Consejo Internacional de Tratados Indios (CITI) es una organización de Pueblos Indígenas del Sur, Centro, Norteamérica y del Pacífico; que trabaja por la soberanía y la libre determinación de los Pueblos Indígenas, asimismo, por el reconocimiento y la protección de los derechos de los indígenas, los tratados, sus culturas tradicionales y las tierras sagradas.

Objetivos:

- Representar, promover y fortalecer la participación oficial de los Pueblos Indígenas en la Organización de las Naciones Unidas y en las agencias especializadas de dicho organismo, también en otros foros internacionales.
- Obtener el reconocimiento internacional de los tratados y acuerdos entre los Pueblos Indígenas y los distintos Estados.
- Apoyar la lucha por los derechos humanos, la autodeterminación y la soberanía de los Pueblos Indígenas rechazando el colonialismo en todas sus formas y los efectos que éste tiene sobre los Pueblos Indígenas.
- Fortalecer la solidaridad y relaciones de apoyo mutuo entre los pueblos indígenas del mundo.
- Difundir la información sobre la situación de los derechos humanos de los Pueblos Indígenas, sus luchas, inquietudes y perspectivas.

Address Correction Requested

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