

Interactive Hearing for organization of the United Nations General Assembly High Level Plenary Meeting to be called the World Conference on Indigenous Peoples (HLPW-WCIP)
Intervention by the International Indian Treaty Council, Assembly of First Nations, United Confederation of Taino People and the Federation of Saskatchewan Indian Nations
Topic 2: Indigenous Peoples' Lands, territories, resources, oceans and waters
Presented by Andrea Carmen, IITC, June 17th, 2014

Thank you Mr. Chairman and respectful greetings to the President of the General Assembly, United Nations experts and agencies, Indigenous Peoples and States delegations. We address this interactive hearing representing Indigenous Peoples, Nations, Governments, Societies and Organizations from 5 regions.

We thank Mr. Cali Tzay for his important comments, and we look to the CERD Treaty Body as an increasingly important mechanism of oversight for the implementation of the rights of Indigenous Peoples. CERD General Recommendation 23 adopted in 1997 makes a particularly strong proposal for specific and concrete action by States regarding the restitution of lands and resources taken from Indigenous Peoples without their free and informed consent that should be taken into account in the recommendations addressing this theme in the outcome document.

The Nations and Peoples submitting this statement call for inclusion in the HLPW-WCIP outcome document of recommendation 2 under theme 2 in the Alta outcome document now under discussion, that: ***“the General Assembly call for the establishment, in conjunction with Indigenous Peoples, of an international mechanism to provide oversight, redress, restitution and the implementation of Treaties, agreements and other constructive arrangements between Indigenous Nations and States and successor States;”***

The need for an international mechanism for oversight and redress of violations of Nation-to-Nation Treaties when disputes cannot be resolved between the Parties was underscored in the UN Study on Treaties, Agreements and Other Constructive Arrangements by Special Rapporteur Miguel Alfonso Martinez [E/CN.4/Sub.2/1999/20] and all three of the follow-up UN Seminars on this theme. It was also agreed by consensus of States and Indigenous Peoples at the Organization of American States negotiations for an American Declaration of the Rights of Indigenous Peoples in April 2012, specifically in Article 23.

The rights affirmed in Treaties and Agreements between States and Indigenous Peoples, as well as “the relationship they represent” are underscored in the UN Declaration’s preamble and in Article 37. They are cross cutting and impact Indigenous Peoples and States in all regions. These Treaties address a number of rights affirmed in the UN Declaration including rights to traditional lands, territories, waters and natural resources, as well as rights to self-determination, health, conflict resolution, subsistence and right to food, culture and traditional knowledge, language, education and free prior and informed consent to name a few. The UN Declaration preamble also affirms that they are the basis for strengthened partnerships between States and Indigenous Peoples, a principle that must be upheld in both the process and the outcome document adopted at the HLPW-WCIP.

We thank you for this opportunity and hope that our recommendations will be included in the zero-draft as well as the final outcome document for the HLPW-WCIP.