

Agenda Item 3b- Environment

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North American Indigenous Peoples Caucus Statement

UNPFII – 10th Session

EDWARD WEMYTEWA

Madam Chairwoman,

I bring you greetings from the Indigenous Peoples of North America, that many of us call *Turtle Island*.

We call upon the United Nations Permanent Forum on Indigenous Issues to encourage all States to conduct cumulative impact studies, and implement the principles of the precautionary approach in industrial development, mineral extractive industries, and environmental standards, including impacts on cultural and spiritual values.

Throughout the UN climate negotiations, indigenous peoples have consistently urged stronger, more meaningful Indigenous participation. The following recommendations are reiterations of, and additions to recommendations made during the 2nd and 3rd Sessions of the Permanent Forum in 2003 and 2004:

- 1) The creation of a mechanism to report and provide consistent recommendations directly to the Convention on Climate Change.
- 2) That existing UN Indigenous mechanisms, be accredited and participate at the Framework Convention on Climate Change at the same level as other UN Agencies and Programs.
- 3) The creation of a dedicated fund to support participation of indigenous peoples from developing and developed countries in Framework Convention on Climate Change processes.
- 4) Support of the Cochabamba Peoples' Agreement and the Declaration on the Rights of Mother Earth.
- 5) We recommend acknowledgment of Indigenous Peoples' right to forests and compilation of best practices on forests.
- 6) We recommend that the UNPFII call for the formal recognition of sacred areas.
- 7) We reiterate the concerns about displacement of Indigenous Peoples from their traditional lands and territories resulting from conservation efforts.
- 8) That jointly with Indigenous Peoples, States immediately revisit their water laws and take action to protect the sanctity of water.
- 9) We urge all states to acknowledge that we oppose any and all patenting and genetic modification on life.

10) We urge full implementation of the rights of free, prior and informed consent.

11) We recommend low or deferred interest business loans to the renewable resource sector.

12) We recommend an expert study on the most efficient method of transferring the world energy sources to clean, renewable resources.

13) We further call upon the Permanent Forum to recognize and protect Indigenous Peoples' collective rights over their traditional knowledge, genetic resources, and traditional cultural expressions.

Thank you for your time.

Permanent Forum on Indigenous Issues
May 16th to May 27th, 2011
UN Headquarters, New York, NY
North American Indigenous Peoples Statement

Agenda Item 3 (b): Environment

Madam Chairwoman,

I bring you greetings from the Indigenous Peoples of North America – what some of our indigenous peoples of the North call *Turtle Island*.

We call upon the UNPFII to encourage all States to conduct cumulative impact studies with implementation of the principles of the precautionary approach, regarding prior, existing and planned industrial development, mineral extractive industries, and environmental standards-setting involving chemical regulation policies before allowing new or expanded activities to occur in or near Indigenous communities including effective assessment of impacts to cultural and spiritual values.

Throughout the UN climate negotiations, known as the United Nations Framework Convention on Climate Change (UNFCCC) indigenous peoples have consistently pushed for mechanisms to strengthen indigenous meaningful participation. The following recommendations are reiterations of, and additions to recommendations made during the 2nd and 3rd Sessions of the UNPFII in 2003 and 2004:

- 1) The creation of a mechanism such as an Indigenous Peoples Working Group to report directly to the UNFCCC and provide consistent recommendations including inter-sessional meetings;
- 2) That the existing UN Indigenous mechanisms, including the Economic and Social Council's functional commission, the PFII, and the Human Rights Council's Special Rapporteur and Expert Mechanism on the Rights of Indigenous Peoples be accredited and participate at UNFCCC and intersessional meetings. This participation should be at the same level as other UN Agencies and Programs.
- 3) A change to the existing UNFCCC Voluntary Fund or the creation of a dedicated fund to support participation of indigenous peoples from developing and developed countries in the UNFCCC processes.
- 4) Support of the Cochabamba Peoples' Agreement and the Declaration on the Rights of Mother Earth.
- 5) Madam Chair, resulting from the International Expert Group Meeting on Indigenous Peoples and Forests, the North American Indigenous People's Caucus (NAIPC) recommends the UNPFII to call upon States to recognize Indigenous Peoples' rights to

forests and to call upon relevant UN agencies to undertake a compilation of best practices on forests as well as a compilation of relevant provisions of UN human rights instruments for defending Indigenous Peoples' rights to lands, territories, and resources.

6) Upon review of the report of UNPFII, 3rd Session (2004) Section 6. Environment, Parks and Protected areas, and in implementing "Article 11, Section 1" of the Declaration on the Rights of Indigenous Peoples, we recommend that the UNPFII call for the formal recognition of sacred areas, including indicators for taking into account culturally, spiritually and historically significant areas of Indigenous Peoples.

7) Upon review of the report of the UNPFII-9, Section 131 we reiterate the concerns about displacement of Indigenous Peoples from their traditional lands and territories resulting from conservation efforts.

8) Recalling UNPFII-6 (2007) recommendation 53 that States review, with the direct participation of Indigenous Peoples, their laws on water rights, protection, regulation and the treaties, land claims, and self-government agreements that they have entered with Indigenous Peoples, taking into consideration the sanctity of water, reflected in those agreements. We recommend that the PFII reiterate this recommendation and call for immediate action by the States. (REFER TO CONFERENCE ROOM PAPER BY THE AMERICAN INDIAN LAW ALLIANCE AND THE SEVENTH GENERATION FUND REGARDING "THE RIGHT TO WATER AND INDIGENOUS PEOPLES" TO BE ADDRESSED IN A HALF-DAY SESSION AT THE TENTH SESSION, UNPFII, 16-27 MAY 2011.)

9) The NAIPC urges all states to acknowledge that we as Indigenous Peoples stand opposed to any and all patenting and/or genetic modification on life forms. If these processes affect the seeds and all other biological diversity originating in and indirectly affecting our lands, waters, and territories, we urge the UNPFII to ensure all UN agencies fully implement the standards and rights of free, prior and informed consent by all parties involved.

10) The NAIPC recommends that the World Bank and the International Monetary Fund provide low or deferred interest business loans to the renewable resource sector to increase investment and development, and that International Fund for Agricultural Development and the United Nations Industrial Development Organization (UNIDO) commission an expert study on the most efficient method of transferring the world energy sources from oil, coal and nuclear power to clean renewable resources.

11) The NAIPC calls upon the UNPFII to request the World Intellectual Property Organization (WIPO) member States to ensure equal and meaningful participation by Indigenous Peoples, and full implementation of the rights of free, prior and informed

consent by Indigenous Peoples in WIPO processes that affect them as a means to recognize and protect Indigenous Peoples' collective and inalienable rights over their traditional knowledge (TK), genetic resources (GR), and traditional cultural expressions (TCE), and this recognition be reflected in any future outcomes of the WIPO negotiations.

In conclusion, reference can be made to the NAIPC report which was compiled at the preparatory meeting held in Blue Lake, CA, on March 18-20, 2011. Thank you, Madam Chair, and congratulations on your new responsibility.