

# Indigenous Peoples and Nations Coalition

39 rue du Prieuré 1202 Geneva, Switzerland  
Email [angull2002@yahoo.com](mailto:angull2002@yahoo.com) Phone 076 618 7873

July 10, 2017

EMRIP 10<sup>th</sup> session

Item 3 New Mandate Activities and Methods of Work

Ambassador Ronald Barnes

Greetings distinguished Participants,

The increased mandate of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) has been unilaterally reduced by the set limitations of the Outcome Document of the High Level Plenary masquerading as a World Conference on Indigenous Peoples. The mandate is not universal. GA resolution 60/251 calls for universality based on the equal right and self-determination of all peoples. The Outcome Document qualifies the right to domestic law of occupying colonial States. I therefore am grateful that the resolution coming from the January 2013 meeting of Denmark delivered to the General Assembly stated that "Ronald Barnes did not agree to the resolution". The majority of Tribal Governments in Alaska called for promoting the international legal and political status of Alaska as expressed in Alaska Inter-Tribal Resolution 2005-10. I represent the *free political institutions* as expressed from Article 73 of the Charter of the United Nations. Free political institutions are the opposite of puppet government or institutions. International law makes it clear that if an colonial of occupying States makes an agreement with a puppet entity, the State made an agreement with itself. It is not a binding agreement. IPNC calls upon EMRIP to develop a method of work that allows for universality in implementing Indigenous Rights, not only through the Declaration on the Rights of Indigenous Peoples but also for the international law rights of Indigenous Peoples who have international treaties or for Indigenous Peoples whose rights are based on international law obligations such as Alaska and Hawaii. The late Professor Miguel Alfonso Martinez made it clear in his final Treaty Study report that the burden of proof is upon States to prove that they have legitimately acquired Indigenous Territory or that Indigenous Peoples have ceded their right to self-determination to their territories. States must proof they acquired title and dominion.

The first three paragraph of GA resolution 60/251 should also be the basis of setting the tone for establishing the mandate and thus the methods of work of EMRIP based on the applicable rules and procedure that must apply to effectively guide the work of EMRIP. What must also be considered is the discrimination in the reduction of the mandate through the denial of equal participation and the recognition of the right to self-determination without any qualifications.

\*IPNC is not an ECOSOC NGO but is accredited to the World Conference Against Racism and to the Durban Review Conference.

Determining the method of work starts with establishing the mandate of EMRIP with what you can do in the scope of your mandate and also determining that there is no set limit on what you cannot do.

#### Methods of Work

The universality of the Declaration must be examined to determine if EMRIP has the capacity to make per conclusions and recommendations to States so States who have international obligations cannot claim the territorial integrity principle under Article 2 paragraph 7 of the Charter of the United Nations. Indigenous Peoples with international rights should not be reduced by the limitation of the so-called World Conference on Indigenous Peoples. Aside from the conclusions and recommendations, EMRIP must assess its own mandate to allow itself to develop a method of work or develop its own special procedure to allow itself to make substantive recommendations to the Human Rights Council to transfers cases to the appropriate treaty bodies, Special Procedures and other bodies of the United Nations to more appropriately address grave human rights violations. There are treaty bodies who have created special procedures to allow for such transfers without the objection of Stats.

I therefore ask if EMRIP can determine the scope and application of its mandate so that it can properly determine what methods of work it can establish to facilitate international cases.

I thank you Mr. Chair