

United Nations Permanent Forum on Indigenous Issues Tenth Session
New York, 16th – 27th May, 2011

Agenda item: 4. Human rights: (b) Dialogue with the UN Expert Mechanism on the Rights of Indigenous Peoples

Joint statement by the International Indian Treaty Council, Assembly of First Nations, Ermineskin Cree Nation, and the Project Access participants from the North America, Arctic, Latin America and Caribbean, Pacific and Africa regions (Natodua Jua Kalai Womens' Association, Dupoto Forest & Wildlife Association, Asia Pacific Indigenous Youth Network, Chiefs of Ontario, Chickaloon Native Village, Congresso General Kuna, Organizacion Nacional Indigena de Colombia, Asamblea de Pueblo Gaurani de Bolivia, Red Indígena de Turismo de México A.C, Mesa de Organización de Comunidades de Pueblos Originarios de Almirante Brown, Ekalesia Kelisiano Tuvalu, Bangsa Adat, AlIFURU)

Presented by Andrea Carmen, International Indian Treaty Council

Thank you Madame Chair.

We recognize the important change of position by New Zealand, Canada and the United States in the past year, leaving no States in opposition to the UN Declaration on the Rights of Indigenous Peoples. However, some States continue their attempts to qualify the rights affirmed in the Declaration and limit their interpretation to the confines of existing national laws and policies.

In this regard, we affirm the important role of the UN Expert Mechanism on the Rights of Indigenous Peoples and its mandate to advise the UN Human Rights Council regarding implementation of the rights of Indigenous Peoples. Of particular importance is the EMRIP's current study on Indigenous Peoples' Right to Participate in Decision making, including consideration of relevant provisions in the UN Declaration. These include Articles 5 and 18, as well as all of its provisions affirming self-determination, Treaty rights and free prior and informed consent.

We appreciate the EMRIP's report on its third session [A/HRC/15/36] presented by President Jose Carlos Morales to the UN Human Rights Council's 15th session in September 2010. We highlight paragraph 36 which states ***"free, prior and informed consent must be interpreted and understood in light of the fact that contemporary international human rights law affirms that indigenous peoples have the right to self-determination and this will have implications for how the requirement of "consent" is understood."***

Madame Chair, we also fully support the recommendation in paragraph 94 of the Permanent Forum's report for the 9th session which "encourages the Expert Mechanism on the Rights of Indigenous Peoples and the Human Rights Council to continue the process of addressing rights

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related to treaties and agreements... including through the consideration and implementation of the recommendations resulting from the first two United Nations treaty seminars, held in 2003 and 2006, and by taking steps to hold a third seminar as mandated by the Economic and Social Council”.

In keeping with this recommendation, we express our appreciation to the EMRIP 3rd session in July 2010 for its formal acceptance of the report of the 2nd UN Seminar on Treaties, Agreements and Other Constructive Arrangements [A/HRC/EMRIP/2010/5] on Samson Cree Nation territory.

We also thank the Office of the UN High Commissioner on Human Rights for its assistance in the preparation of this report, in conjunction with Indigenous Peoples’ representatives. Continuing this work in these and other UN bodies, including at the 3rd UN Seminar on Treaties, Agreements and Other Constructive Arrangements planned for 2012 and in discussions at the upcoming World Conference on Indigenous Peoples in 2014, is of vital importance. We request the continued support of the UN Permanent Forum in this regard.

In closing Madame President, we thank the past members of the EMRIP, congratulate the new and continuing members, and confirm our commitment to support the EMRIP’s important mandate for the rights of Indigenous Peoples in the UN System.

Thank you.