

International Organization of Indigenous Resource Development

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RE: AGENDA ITEM 3 -- SPECIAL RAPPORTEUR'S REPORTS AND GENERAL DEBATE

Thank you Mr. President. Our intervention is on three very important and inter-related rights: to health, food and housing. We begin by thanking the respective special Rapporteurs for their reports to this session. Their mandates are integral to our "Making Poverty History" campaign, and are directly linked to the Special Rapporteur's Final Report of the UN Study on Treaties and Agreements.

Mr. President, we preface our remarks on three recent relevant events: (i) the UN General Assembly adoption of the UN Declaration on the Rights of Indigenous Peoples; (ii) the Committee on the Elimination of Racial Discrimination report of March 7, 2008; and (iii) the recently concluded North American region UNPF7 preparatory meeting of February 22nd and 23rd. We draw on these to comment on the following reports.

1. Paul Hunt (Health)

We would like to restate to the Special Rapporteur to "Recommend that Her Majesty the Queen of Great Britain and Northern Ireland and the Crown in the Right of Canada respect the international call to honour, respect and implement Treaties, in particular, the Treaty Right to Health, according to its original spirit and intent and as understood by Indigenous Peoples" (October 30, 2003).

Mr. President since this presentation to Special Rapporteur Paul Hunt we were very encouraged by his reference to the Treaty right to health in an address to the UN Assembly in New York. More recently there is now a Declaration of Treaty 6, 7 and 8 First Nations on the Treaty Right to Health adopted on March 17, 2005. There is also a Chiefs of Treaties No. 1 to No. 11 Resolution on their "Position on the Fundamental Laws of Treaty No. 6 in particular the Medicine Chest Clause and the Inalienable and Treaty Right to Health Care". Would the Special Rapporteur take these new Declarations in calling for implementation of our Treaty Right to Health?

2. J. Zieqler (Food)

At a recent North America Region Preparatory meeting for the UN Permanent Forum on Indigenous Issues seventh session (Vancouver, February 22 and 23, 2008), the Report to be submitted next month states:

Para 13 "Indigenous Nations and Peoples around North America are experiencing the impacts of climate change in their communities and traditional lands. These include the disappearance of traditional subsistence foods, including wild game, fish, berries, wild plants and traditional food crops and plant medicines. Water levels are rising in coastal areas. Inland water tables, lakes, streams, rivers and springs are diminishing. Artic sea ice is rapidly disappearing. New diseases affect the food chains and human health." In this regard will the Special Rapporteur call on our Treaty partners to implement our Treaty rights to food, subsistence and livelihood?

3. M. Kothari (Housing)

Mr. President, from the same UNPF7 Preparatory meeting "The participants also noted with appreciation the work of the Special Rapporteur on the right to adequate housing as a component of the Right to an Adequate Standard of Living, Miloon Kothari; during his recent mission to Canada. The participants recognized the importance of addressing violations of the right to housing and of the Treaty right to shelter for Indigenous Peoples and specifically for Indigenous women, in relation to safe housing and affordable housing for single parents. The participants called upon the PFII7 to recommend to States, Indigenous Peoples and relevant UN agencies that the recommendations from the Aboriginal Women's Forum (held October 21, 2007) be followed in implementing the right to housing as it applies to Indigenous women, their families and communities. Will the Special Rapporteur likewise consider this recommendation and call for follow up action?

4. Recent Developments

Mr. President, the above Treaty right to health, food and housing are specifically referenced in several articles of the UN Declaration on the Rights of Indigenous Peoples as adopted by the General Assembly (September 13, 2007, New York). The recent concluding observations of the CERD on the United States of America (para 29, March 07, 2008) and the previous call on Canada to adopt the UN Declaration are extremely important and encouraging to Indigenous Peoples of North America.

Together with the support of the High Commissioner for Human Rights, Louise Arbour and Special Rapporteur Rodolfo Stavenhagen whom we thank very much, as we welcome meeting new Special Rapporteur Jim Anaya, our delegation also believes it is important to move to implementation of the UN Declaration especially article 37 so we can indeed benefit fully from the ongoing legal obligations, the Treaty rights above stated.

We therefore respectfully recommend that the three Special Rapporteurs individually and/or collectively together with this the seventh session of the Human Rights Council call on all States and Indigenous Peoples, Tribes and Nations to implement the UN Declaration articles relevant to their respective mandates. Thank you.

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