

21 MAY 2009 AM
Caleen Sisk-Franco

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United Nations Permanent Forum on Indigenous Issues
Item 4a. Human Rights
Collective statement on Unrecognized and Unrepresented Peoples
Reading: Chief Caleen Sisk-Franco, Winnemem Wintu Tribe

4A

Dear Madame Chair, Permanent Forum Members, Member States, UN Agencies and Indigenous brothers and sisters :

For hundreds of years, Indigenous peoples have struggled to resist and survive the affects of colonial legal domination and conquest, which in certain locations this created a legal divide between recognized and "unrecognized" indigenous peoples and in others it has completely denied their existence through an "unrepresented" status. This assembly applies to multiple historical tribes and indigenous peoples worldwide; it is no coincidence that many of us sit on prime land and natural resources historically desired by governments and corporations for profit and expansionist agendas. Many more have been forcefully relocated, removed and/or pushed into Diaspora across hemispheres, creating global migrations and displacement of indigenous peoples. This matter affects indigenous peoples in every continent. The effects are profound and require the attention of the UN Permanent Forum on Indigenous Issues and the international community.

This collective statement is the product of a first and historic side-event held on May 18, 2009, during the Permanent Forum. The panel brought together Indigenous Women leaders from around the world, North America, South America, the Pacific, South-East Asia, and Africa, to begin identifying the common conditions that this colonial legal atrocity has produced in the lives of indigenous peoples, and in particular indigenous women and children. The panel discussed some of the common issues affecting historical tribes, migrant indigenous women and their children born and raised outside of their territories, pastoral indigenous peoples and indigenous peoples in voluntary isolation, indigenous peoples with recent or no contact—all which are currently struggling with discrimination under the rule of law as unrepresented and unrecognized indigenous peoples.

Noting that all peoples should have the human right to be free from discrimination, unrecognized and unrepresented peoples currently do not have equal rights and protections to land, water, culture, identity, and child welfare protection as recognized indigenous peoples.

Noting that unrepresented and unrecognized tribes have less than equal rights to fair judicial review, unrecognized and unrepresented peoples are more vulnerable to discrimination, especially in exercising their right to land use, practice and preservation of culture, and in turn contributes to the cultural genocide of these peoples.

Acknowledging the importance of the right to equal and fair judicial review, unrecognized and unrepresented peoples can not engage the state in legal address to their specific needs specifically related to land, natural resources, cultural custodialship, and their economic sustainabilities.

Further noting that unrepresented and unrecognized Indigenous women experience greater levels of discrimination due to the compound affect of ethnicity, gender, class, language, and, in particular, non-represented and unrecognized status.

Recognizing that the unrepresented and unrecognized status is a discriminatory status which denies the rights of historic, traditional tribes from the free exercise of their aboriginal rights and those basic human rights guaranteed under the Declaration on the Rights of Indigenous People...

We submit the following recommendations to the UN Permanent Forum:

1. We **strongly recommend** to the UNPFII the inclusion of an item on unrepresented and unrecognized indigenous peoples in its 2010 agenda.
2. We **urge** the UNPF to create a Task Force on unrepresented and unrecognized indigenous peoples, to include direct consultation with unrepresented and unrecognized indigenous peoples.
3. We **request** of the PF to appoint or designate a rapporteur to undertake a study on the conditions of unrepresented and unrecognized indigenous peoples, including but not limited to migrant peoples and their families born outside of their traditional territories.

We draw the attention of the UNPF, relevant UN Agencies and Member-states to the following matters:

1. **We draw attention** to the United States governments continuing efforts to suppress the rights of the Winnemem Wintu Tribe in California who are defending their historical territories, watersheds and the survival of their cultural practices against the US Government's discriminatory statutes and practices which deny the rights of historic, traditional tribes from the free exercise of their aboriginal rights and those basic human rights guaranteed under the Declaration on the Rights of Indigenous People.
2. **We draw attention** to the PF the case of Flor Crisostomo (see La Red Xicana Indigena statement on Urban and Migrant Indigenous Issues 2007), the face of migrant indigenous women in the US, Flor is in sanctuary in Chicago, Illinois resisting her order of deportation and is confronting the risk of federal charges with no legal recourse by either Mexico or the US for the effects of displacement due to Free Trade Agreements (NAFTA).
3. **We draw special attention** to the present conditions of the Alifuru women and youth, see GIWC Statement on Human Rights 2008, who were incarcerated by the Indonesian government and prosecuted with charges of treason for possessing traditional fabric and presenting their traditional dances publicly. We urge the UNPF, Council on Human Rights, and the Special Rapporteur to report on the human rights violation of the Alifuru people
4. **We draw attention** to the conditions of La Cuenca Amazonia (COICA) and encourage the PF to urge UN Agencies and Bolivia to promote the preservation of their right to self determination and territory, in order to secure their good health, education and livelihood.
5. **We draw attention** to the PF the excessive militarization due to the construction of the US-Mexico wall which is restricting the access to traditional foods, ceremonial sites, and are contaminating the water and riverbanks on the territory of the Lipan-Apache *divided by US-Mexico* border.

Signatories as of 5.20.2009:

La Red Xicana Indigena, Member ENLACE-North (Continental Network Indigenous Women)
Winnemem Wintu Tribe
Na Koa Ikaika Ka Lahui Hawaii
The Indigenous Worlds Association
Bansa Adat Alifuru
Touaregh Tribal People (Niger)
Coordinadora de las Organizaciones Indígenas de la Cuenca Amazonica (COICA)
California Indian Heritage Council
Lipan Apache Women's Defense
Lipan Apache Band of Texas
Centro Sin Fronteras, Chicago, Ill
International Indigenous Women's Network (FIMI) Comision de instrumentos internacionales del
Enlace Continental de Mujeres Indigenas

Coalision de mujeres de Ocosingo Chiapas

Las Huellas del Jaguar Chiapas

Coorporacion de mujeres mapuche de Aukinko Zomo Chile

“El derecho (o falta de derecho) de los pueblos indígenas “No Reconocidos” y/o “No Representados”: La implementación de la Declaración de Pueblos Indígenas



UNPFII-Evento Paralelo
Lunes, 18 de mayo 2009
1:15-2:45 pm

UNESCO SALA DE CONFERENCIA, 9o Piso
2 UN PLAZA, DC2 BUILDING
(Enseguida del MILLENIUM HOTEL
Entrada por calle 44th, entre 1st y 2nd Ave)

Por cientos de años, los pueblos indígenas han luchado y resistido por sobrevivir los efectos del legado de dominación y colonización legal, que en ciertos lugares del mundo ha creado una dicotomía legal entre pueblos reconocidos y no reconocidos y en otros lugares se ha negado completamente la existencia por medio de un estado “no representado”. Este ensamblaje se aplica a múltiples pueblos históricos y pueblos indígenas a nivel mundial, no es coincidencia que muchos están situados en territorios primos y con recursos naturales históricamente deseados por gobiernos y corporaciones para sus ganancias y agendas expansionistas. Muchos más han sido forzosamente trasladados, desplazados y/o empujados a la diáspora a nivel hemisférico, creando migraciones y desplazo global de pueblos indígenas. Los efectos son profundos y requieren la atención del Foro Permanente de Asuntos Indígenas y la comunidad internacional. Este panel unirá a mujeres indígenas de alrededor del mundo para identificar las condiciones comunes que esta atrocidad colonial y legal ha producido en las vidas de los pueblos indígenas.

Moderadora

Rosalee González (Xicana), La Red Xicana Indígena (ENLACE-North)

Panelistas

Caleen Sisk-Franco, Jefa de la Tribu Winnemem Wintu Tribe
Mililani Trask, Kanaka Maoli. UNPFII, Previa Experta Indígena del Pacífico; The Indigenous Worlds Association; y Na Koa Ikaika KaLahui Hawaii

Pelpina Sahureka, Cabecera de Relaciones Exteriores de la Bangsa Adat Alifuru

Flor Crisostomo, Zapoteca & **Celia H. Rodriguez**, Xicana-Odami, La Red Xicana Indígena

Maria Saravia, Coordinadora de las Organizaciones Indígenas de la Cuenca Amazónica (COICA)

Margo Tamez, Lipan Apache Band of Texas

Comentarios de Clausura

(Tentativo) Isabel Ortega, Presidente, Asamblea de Parlamentarios Indígenas de las Américas

Organizadoras: La Red Xicana Indígena (Member organization, ENLACE-North Am), Winnemem Wintu Tribe, FIMI (International Forum of Indigenous Women), The Indigenous Worlds Association; Na Koa Ikaika KaLahui Hawaii; Lipan Apache Women Defense

