

Indigenous Peoples and Nations Coalition
Indian Council of South America
Koani Foundation and *Ke Aupuni o Hawaii*

Monday 11 July 2016
Ambassador Ronald F. Barnes
EMRIP 9th Session 11 – 15 July 2016

Mr. Chair

The current EMRIP is a failure. It has failed to address the violations of human rights Indigenous Peoples. As a human Rights Mechanism, it fails to promote and protect human rights. It is a talk shop. Admit your failure like and alcoholic who denies that you have a problem then address your failure. You cannot overstep the truth with the obvious denial that the current EMRIP fails to address the vast and grave human rights violations of Indigenous Peoples rights. Indigenous Peoples are in fact peoples who have all the attributes of the Monteverdi Convention. This is what you fear. We are not NGOs or civil society. While some come here as NGOs who are favored by particular States, visa-vi, puppet institutions, this is not acceptable under international law, and we will call you on this principle.

General Assembly resolution 60/251 creating the Human Rights Council reaffirms “the purposes and principles contained in the Charter of the United Nations, including developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and achieving international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all.

One of the roots of the failure of the United Nations is to recognize the right to self-determination of Indigenous Peoples. It fails to acknowledge the universal rights of Indigenous Peoples and to give them the dignity and respect that is deserving of peoples. You We reject that the Outcome Document of the so-called World Conference on Indigenous Peoples can masquerade or cloak both the Charter responsibilities and obligations to the equal right and self-determination principle for all peoples, especially since the derelict Outcome Document attempts to diminish the right of Indigenous Peoples to domestic law. This is a violation of already existing and well-practiced international law for peoples who desire their right to self-determination without any qualifications. Those puppets and collaborators that you selectively choose to recognize is a violation of 60/251 as all human rights are supposed to be universal, indivisible, interrelated, interdependent and mutually reinforcing and are to be treated fair and equal and on the same footing with all peoples vested with the same rights. The universality, objectivity and non-selectivity must therefore be shared equally with the aim to eliminate double standards and politicization. And, what has happened to principles of cooperation and genuine dialogue. Are all these principles an exception for Indigenous Peoples?

While this right is recognized in the United Decolonization Process, it currently does not serve the existing violations facing Indigenous Peoples whose rights were violated in that process.

Operative paragraph 5 of General Assembly resolution A/RES/70/143, entitled "Universal Right of Peoples to Self-determination", *Requests* the Human Rights Council to continue to give special attention to violations of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation.

When the United States of America was questioned on the status of Treaties it celebrated with Indigenous Peoples it responded by saying the treaties are international treaties under the canon of Federal Indian Law. This is an oxymoron, it does not exist. The original status of Indigenous Peoples as under the Constitution of the United States of America is that they are outside the political community of the United States of America and therefore they are not within the territorial integrity of the United States of America.

Any attempt to evade or to circumvent this concept by any expert or diplomat is not only intellectually dishonest, but it is a direct example of politicization and selectivity.

The General Assembly adopts an annual resolution calling on the human rights council to specifically address the right to self-determination.

From the 1493 Papal Bulls Decree to the 1823 Johnson V McIntosh Case to the 1955 Tee-Hit-Ton v United States of America, we have never been able to rid ourselves of the institutional racism that casts a shadow over all our rights.

The Human Rights Council is derelict in its duties to promote and protect the right of peoples to self-determination at the Human Rights Council. We call upon the United Nations to start by recognizing the right to self-determination of Indigenous Peoples as the foundation of realizing all other rights.

We seek equal participation like any other peoples. We are not asking. We demand it like any other peoples who have this right.

We believe there needs to be more recognition of rights as the first step to creating a mandate that will serve Indigenous Peoples by promoting and protecting their rights.

I thank you Mr. /Madame Chair/Moderator