

AITC objects to AND rejects the Amendments AND the HRC version of the Declaration on the Rights of Indigenous Peoples.

[http://www.docip.org/declaration\\_last/SCReport\\_070831.pdf](http://www.docip.org/declaration_last/SCReport_070831.pdf)

Objections to the Amendments.

Please convey your opinions to the regional coordinator in your region. The regional coordinators will report back to the Steering Committee on the responses from each region. The Steering Committee will let the co-sponsor group know whether Indigenous peoples support adoption of the Declaration with the changes or not. By using this agreed manner of communicating, we avoid confusion and disclosing of information that can be used by opposing states.

*The regional coordinators need to receive your responses by Tuesday, September 4 at 12:00 noon, New York time.*

AITC Response: These changes were emailed out on September 4, 2007. The deadline of 12:00 noon New York time is 8:00am Alaska Time on the morning of September 4, 2007. In short the UN set a COMMENT RESPONSE TIME THAT CLOSED ONE HALF HOUR BEFORE BUSINESS OPENED IN ALASKA.

This all occurred before business opened on Tuesday morning after the Monday Labor Day Holiday, a national holiday in the United States.

This was a process designed to exclude the Alaska Tribes from participation.

Preambulatory Paragraph:

~~*Recognizing that indigenous peoples have the right freely to determine their relationships with States in a spirit of coexistence, mutual benefit and full respect,*~~

AITC objects to continued process changes in the Declaration to eliminate any international right of Indigenous Peoples to self determination under the UN Charter or any international rights to select a relationship of free association or any other indigenous political independent or sovereign status.

~~*Recognizing also that the situation of indigenous peoples varies from region to region and from country to country and that the significance of national and regional particularities and various historical and cultural backgrounds should be taken into consideration,*~~

AITC objection to the above paragraph that was included as part of the Declarations scheme of recognizing a right in a prior paragraph (in this case the prior paragraph used the term “collective right” and then, as in this case interpreting away any implication of any enforceable collective rights. This paragraphs placement and text indicates that specific National and regional particularities and historical and cultural backgrounds may take precedents and eliminate collective rights enforcement.

~~*Article 8 (d) Any form of forced assimilation or integration by other cultures or ways of life imposed on them by legislative, administrative or other measures;*~~

AITC Objection to the above is the same objection that AITC has had of this Article 8. This article 8 overall is objectionable because it provides that all human rights violations

particularly these enumerated are no longer the subject of direct action in the world court or the UN. Instead Article 8 makes the member states that are violating indigenous peoples human rights, also the the arbiter of the remedy and can restrict the whole hearing to a matter of redress focusing on the victim rather than an international action focusing on the criminal offenders punishment that existed under International law prior to the Declaration. Section d is particularly objectionable because this is further destruction of Indigenous rights that otherwise fall under the Genocide Convention. The Declaration made official acts of member states subject to redress. This further removes official actions of state legislatures or executive offices from action thereby even further removing the Declaration from the international criminal sanctions against member states that was the power of the Genocide Convention.

#### *Article 30*

1. Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a significant threat to relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.

AITC objects to the above. The Declaration, even before amended allowed the States to determine when it could eroded otherwise protected rights that under former international law were absolute protections of indigenous peoples in non-self governing and trust territories. This was the sacred trust that in many aspects was bounded by non interference in the affairs of the territory by the threat of the “mentor” state’s armed forces. This change makes clear that the declaration really puts no standards on the conduct of the nation states. Any articulated public interest is now expressly the standard.

2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of their mineral, water or other resources.

AITC objects to the above paragraph in its original form because it is phrased in the context of Indigenous people being represented by special interest groups within the western government system, not as sovereigns with recognized rights of sovereignty over the traditional lands, waters and subsurface. This amendment merely emphasizes that the states do not recognize the government of the tribes and therefore without sovereignty, over the traditional lands it is not “theirs”.

#### *Article 46*

1. Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair totally or in part, the territorial integrity or political unity of sovereign and independent States.

AITC objects to the Declaration on the grounds that the entire purpose of the declaration was to determine once and for all if Indigenous Peoples have a right to sovereignty at a level of self-determination as it has always been interpreted to mean in the UN Charter, the right to Indigenous Peoples own territorial integrity over their own traditional lands. If this were answered YES, as it was for the pacific trust territories and for the non-self governing territories with UN Chapter XI protection, then Tribes and Indigenous peoples all over the

world would have a right to their own political governments with territorial reach. This clause merely makes more clear the existing Declaration version answer that NO indigenous people are not getting any greater rights than anyone else. That they have no right to a homeland, to their own territorial integrity. This says that the member states will not have to give up their own territorial integrity or sovereignty, because the Indigenous people are being denied in this document the right to take their sovereignty and their territory back from the member states. This amendment does not change the Declaration's destruction of indigenous culture and hopes for sovereignty, it just makes the denial more explicit.

When reading the analysis below of the original declaration, please feel free to relate the above concerns.