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The Permanent Forum on Indigenous Issues

7th Session

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United Nations, New York, New York

Haudenosaunee Statement

on

Global Warming

The Declaration of the Rights of Indigenous Peoples

The Doctrine of Discovery:
Roots of Christendom's Empire.

Recommendations

I. GLOBAL WARMING.

Today is EARTH DAY. In Indian country, every day is earth day. Since the so-called civilized world gives the earth one day of attention in its busy life, we must make the most of it.

History is important. Thirty one years ago some 146 Indigenous delegates from the Western Hemisphere accompanied by our Sami friends from Scandinavia journeyed to Geneva to address the UN on the issues and conditions of indigenous peoples.

We were the survivors of a horrendous genocide that took place in the four corners of the earth in the previous centuries. Yet, given what we thought might be our one chance to speak to the world, we chose not to speak for ourselves. Our first message was in defense of the natural world. We warned the world then of the dire consequences of the reckless exploitation of the earth by industrialized states.

In our opening address in that city so many years ago, we spoke on behalf of the natural world which had no seat at the international forum of the Palais de Nations. There was not then, nor is there today, a "seat for the eagle".

Or is there ?

Balance is the key to peace on earth. The powerful system that governs the life giving forces of the earth is the Law of Nature. Over a thousand years ago, the Great Peacemaker instructed the early leaders of the Haudenosaunee never to challenge that law because we will not prevail. The eagle is a representative of the Law of Nature. We, of the human species, are bound by the same law.

We will suffer in direct ratio to our transgressions of that law. Whatever we do, the earth will bring balance to itself. It is now in that very process.

Already, in August of 1978, an indigenous runner from Greenland, Angaanagaq Lyberth, informed a UN body meeting in New York that the ice was melting in the North. 22 years later, during the August 28-31, 2000 Millennium World Peace Summit of Religious and Spiritual Leaders at the UN in New York, which I addressed, I gave the same message: the ice is melting in the North.

Who heard our warnings?

Here we are 8 years later, with the same message, but with positive options that we have squandered as the years roll by. How the human species will fare in the now dramatically shortened process for saving ourselves is totally in our hands. Every day that we do not address this issue as a global problem is another day of lost options until we will reach the tipping point of the great natural systems that govern our lives on earth, the point of no return.

What then is our course of action? We know that business as usual is over.

We now must create a new paradigm, undertake a fundamental change of direction. We must change the values driving today's dominant economies. We must transform the values of commerce and consumerism to those of conservation, cooperation and sharing.

We must simplify our lives and renew our understanding of our relationship to the earth as the Mother of Life.

Lean hard on your leaders for change now! Leadership owes a heavy responsibility to all future life.

The U.S. government must now join the rest of the industrialized world and put in a tough legal cap on carbon emissions for the simple reason that the U.S. leads the world in causing global warming: it owns ¼ of the world's carbon footprint! It now must become a leader for positive change, indeed for plain common sense.

The American people are already struggling individually to alleviate the global warming crisis. Even the constituent states of the U.S. are making efforts in this direction because the federal government won't.

The message for the UN here is that it is states, and not individuals, that have the major capacity, and therefore responsibility, for making the required changes.

Other states are ahead of the U.S. in shouldering their responsibilities. The European Union, for example, is dramatically altering its industrial policies to meet the problem.

The U.S. likes to focus attention on India and China rather than on itself. Yet India, which remains a largely agricultural society, has a small carbon footprint compared to the U.S.' giant footprint given that India holds 1 billion people. And even China -- which is home to more than a billion people, and has the fastest growing industrial sector of any state -- has a better environmental policy than the U.S. in several respects, and also a much smaller carbon footprint. All states, of course, must shoulder their share, but it is our special responsibility to hold the state in which we live to account.

As it is, we are already in line to suffer heavier winds, more catastrophic fires, and mightier floods as human activity unleashes ever more extreme weather patterns.

We will be experiencing, to borrow Professor Albert Einstein's vocabulary, the law of compounds which, in his estimation, was the most powerful law of the universe. The first compound here is the explosion of human populations, which has gone from 2.5 billion in 1950 to 6.7 billion today. That increase is not sustainable. The second compound is the melting of the ice, not only in the Arctic and Antarctic but in all the mountain ranges of the world. Great reservoirs of water are fast dissipating even as our needs increase.

Faced with disaster, we must dramatically curb our materialist consumer appetites. Business must cooperate rather than compete. Wealthy people must share with the poor. The voracious appetites of corporate powers must be reigned in and regulated. We will never have peace as long as we make war against Mother Earth.

We all have experienced the wrath of an angry Mother. Peace is a dynamic principle that requires equity and justice. Our fate is in our hands. At the end of our days on earth we will have no one to blame but ourselves.

II. THE DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

On September 12, 2007 Indigenous Peoples were still regarded as "populations" in the political vernacular of the UN. Populations are not eligible for Human Rights and it has been the basic struggle of our Indigenous Delegates over these past thirty years to change the term applied to us into "peoples", with an 's'.

On September 13, 2007, the UN General Assembly adopted the Declaration on the Rights of Indigenous Peoples. With that adoption, we became Peoples recognized as holding both individual and collective Human Rights. This was a great vindication for the

sacrifice, and the time and blood spent by Indigenous Delegates over these past thirty years to achieve this fundamental humanitarian victory.

The Haudenosaunee Leaders and People congratulate and thank those Delegates and other parties that worked so tirelessly for this recognition.

We now take this time to extend our respectful appreciation and gratitude to the 143 States that voted for the Declaration. Your leadership to rectify this long overdue humanitarian cause resonates throughout the world.

For those four States that voted against the Declaration and therefore the Human Rights of Indigenous Peoples, we urge you to reconsider your decisions and join the rest of the world in recognizing us as Peoples.

We have learned from each step that it has taken us to reach our goals. This learning process has been painful at times and reminds us of how much we still must learn to effectively negotiate the intricacies of International procedures, terminologies and law.

In the final days of states' accelerated negotiations prior to adoption, we noted that time was not given to us for effective consultations within our Indigenous Nations and communities on language changes and additions made to the Declaration text that was adopted by the Human Rights Council in 2006. Thus, we received the changes as a *fait accompli*.

The Haudenosaunee continue to have issues with the changes made in pre-ambular paragraph 16, and in articles 30 and 46 because these misleadingly interpret the existing international law on self-determination and territorial integrity as set out in the two authoritative texts on the subject: the UN Charter, and the 1970 Declaration on Friendly Relations between States.

We urge all participating non-governmental organizations (NGOs) to recognize that the decisions that you make affect the welfare of Indigenous Nations. Indigenous NGOs and non-indigenous NGOs should always remember that it was, not the convenience of states, but the protection of Indigenous Peoples' individual and collective human rights, and our jurisdiction on and over our lands, and respect for our land rights, Treaties, and sovereignty, that brought us to Geneva in 1977.

That four leading Democratic states of the world voted against the human rights of Indigenous Peoples defies logic. Their vote exposes an ulterior agenda that needs more public discussion and clarification.

The Haudenosaunee have never wavered from the position taken by Indigenous Peoples: that the principles and norms expressed in the Declaration represent minimal standards.

The GA's adoption of the Declaration paved the way for the next step which was the creation of the Expert Mechanism on the Rights of Indigenous Peoples pursuant to the

Human Rights Council's resolution 6/36 of December 4, 2007. That Expert Mechanism in Geneva, where the UN's human rights work has been traditionally and most successfully carried out, is, and should remain, our primary mechanism for implementing the norms contained in the Declaration. The Permanent Forum can support, but not usurp, its work. Otherwise, confusion will result, thereby jeopardizing the legitimacy of both the Expert Mechanism and the PFII.

We congratulate those Indigenous Delegates who worked with Mme. Erica-Irene A. Daes to lift the Expert Mechanism beyond a purely advisory capacity. This was crucial to our future relationship with the Human Rights Council.

Indigenous brothers and sisters, the moral power of our words has proved to be formidable, and remains so. We must insure that the Permanent Forum on Indigenous Issues likewise becomes a real partner with ECOSOC on decisions that affect Indigenous Peoples.

One day soon, we will work to make the Declaration a Convention. One day it will become International Law.

III. THE DOCTRINE OF DISCOVERY: the Law of Nations and the Roots of Imperialism.

Concurrent with our struggles in Geneva was our struggle at home. U.S. and Canadian laws continue to work against us. In the courts, we rarely gained more than we lost. Racism contributed, but there was more to it than that. There was a barrier that we couldn't see at first.

It was the same with international human rights issues. There was something fundamentally wrong with the context in which we struggled but we couldn't identify what it was at first. If human rights are universal as international law proclaims, then why and how were we Indigenous Peoples excluded from the rights necessary to our dignity and survival? Why were we forced to acquire our own Declaration on the Rights of Indigenous Peoples?

We searched for answers and slowly our scholars and research found them. In fact, in some instances they were in plain sight: the West's 19th century Rule of Law. A curious artifact of history, we were told. Not true, as it turns out that the Principles of the Doctrine of Discovery remain foundational and determinative in US federal Law and the law of many other settler states around the world.

The Law of Christendom which prevailed during the discovery periods of the 15th, 16th, 17th centuries continues on into today. The Divine Rights of Kings and Popes were the engines of Empire.

The Papal bulls of 1493-94 coupled with the First Letters Patent issued by King Henry VII to John Cabot and Sons, March 5, 1496 established the process of the colonization of the Western Hemisphere.

Professor Steve Newcomb points out that Justice John Marshall studied the Royal Charters of England and was explicit in his mention of Christian legal doctrine in his decisions:

The documents upon the subject are ample and complete. As early as the year 1496, her (England's) monarch granted a commission to the Cabots to discover countries then unknown to Christian people, and to take possession of them in the name of the king of England. Two years afterwards, Cabot proceeded on this voyage, and discovered the continent of North America, along which he sailed as far south as Virginia. To this discovery the English trace their title (Johnson & Graham's Lessee v. M'Intosh, US Supreme Court 1823).

The explicit introduction of the Christian Doctrine of Discovery into US federal caselaw opened American Indian lands for exploitation. This was quickly seized upon by other Christian settler states around the world and by the time Marshall realized the terrible mistake he had made and tried to retract it in a later case, it was too late and settler states were running with his decision.

Lindsay Robertson, after studying the unpublished papers of one of the law offices directly involved in the case quoted above, has written of the self-interest that Justice Marshall -- acting collusively with some very prominent politicians of the period, such as Daniel Webster -- had in the outcome of the case.

Clearly, the unraveling of these events -- which affected several indigenous regions of the world, setting in motion jurisprudential doctrines that sought to legitimize the greatest injustices committed in the last 500 years against indigenous peoples with regard to their lands and properties -- needs further investigation.

As international law continues to expand, and principles of equity and justice reach out to the poor and exploited peoples of the world, perhaps the 7th generation will experience the fruits of our labor on their behalf. Our will for justice has advanced mightily with the adoption of the Declaration of the Rights of Indigenous Peoples. With an "s".

IV. RECOMMENDATIONS.

1. That the Trust Fund administered by the Permanent Forum on Indigenous Issues set aside a budget for travel for the Indigenous experts on it to better service Indigenous Peoples in the regions which they respectively represent.

2. That the PFII prepare a Declaration of Action for States on the issue of Global Warming in the regions represented on the PFII. That the PFII prepare a similar Declaration of Action on the issue of Global Warming for Indigenous Peoples in their respective regions to work on collectively in partnership with UN States.
3. That the PFII establish relations with UNEP, UNESCO and other appropriate UN agencies to establish a framework for cooperation on Global Warming and related issues.
4. That the PFII design directives for Indigenous Peoples to advance appropriate Articles of the Declaration.
5. That the PFII investigate and explore the necessary steps to advance the growth of the Declaration into a UN Convention.
6. That the PFII initiate a study of the content and effects on the lands of Indigenous Peoples of the Doctrine of Discovery.

Submitted by Chief Oren Lyons on behalf of the Haudenosaunee

The Ice is Melting in the North

OREN R. LYONS

The following statement, reflecting the position of the Traditional Circle of Indian Elders and Youth, was delivered by Oren R. Lyons, Faithkeeper, Turtle Clan, Onondaga Nation, to the Millennium World Peace Summit of Religious and Spiritual Leaders, United Nations, New York, August 28-31, 2000. It is reprinted here with his permission.

Neyaweha-sceno (Thank you for being well).

Today I bring you greetings from the Indigenous Peoples of North, Central, and South America. Indeed, I bring you greetings from the Indigenous Peoples of the world.

We are the keepers of the traditions, ceremonies, histories, and future of our nations. We are the ones who escaped from your proselytizing. We survived with the wisdom of the Old Ones.

And we are pleased to add our voices to yours in this great effort for common sense and peace among nations.

Leaders of the World

I bring you a most urgent message that was brought to our 23rd annual gathering of the Traditional Circle of Elders and Youth. This message was brought by a runner from the north, from Greenland, and he said:

The ice is melting in the north!

He informed us that some 15 years ago they noticed trickles of water coming down the sheer face of Glacier Mountain. That trickle has grown to a roaring river of ice water pouring out of this mountain into the Atlantic Ocean.

He informed us that Glacier Mountain has lost 4,000 feet of ice in these past few years. And the melt continues to accelerate.

This is an alarming message that requires your absolute attention.

Leaders of the World

We are a collective voice of Indigenous Peoples. We have joined this great mission for peace. We add our presence in support of this great effort for reconciliation between peoples and nations.

We agree that there must be parity and equity between rich and poor nations, between white people and people of color, and rich people and poor people, with special attention to women, children, and indigenous peoples.

We, in our collective voices, add to this: that there must be a reconciliation between peoples and the natural world, between nation states and the forests that sustain us, between corporations and the resources they mine, the fish that they catch, and the water that they use.

Leaders of the World

Indigenous nations and peoples believe in the spiritual powers of the universe. We believe in the ultimate power and authority of a limitless energy beyond our comprehension. We believe in the order of the universe. We believe in the laws of creation and that all life is bound by these same natural laws.

We call this essence the spirit of life. This is what gives the world the energy to create and procreate, and becomes the ponderous and powerful law of regeneration—the law of the seed.

We, in our collective voices, speak to this to remind you that spirit and spiritual laws transcend generations. We know, because this has sustained us.

Religion and spirituality is vital to survival and moral law. It is a faith that has sustained our human spirit through our darkest hours. It has sustained our human spirit in times of crisis during the times we suffered through the grinding measures of inexorable persecutions that have spanned generations and continue today. Yet here we are, today, adding our voices to this plea for sanity in leadership and responsibility to the future generations whose faces are looking up from the Earth, each awaiting their time of life here.

Leaders of the World

We believe that reconciliation should begin here because peace is an inclusive term, and peace and reconciliation is the purpose of this summit.

Peace is dynamic and requires great effort of spirit and mind to attain unity. Leaders of peace must step forward and take responsibility for a paradigm change in the direction of current lifestyles and materialistic societies. The human species has become the most voracious and abusive consumer of Earth's resources. We have tipped the balance of life against our children, and we imperil our future as a species.

Leaders of the World

Despite all of our declarations and all of our proclamations, no matter how profound they may be:

The ice is melting in the north.

We see the acceleration of the winds.

We see the fires that are raging in North America.

And we see that the sun's rays that provide us with light, energy, and the very essence of life now are causing cancer in people, blinding animals, and killing the plankton and krill of the sea.

This is only the beginning and already we are helpless. We will now see the real spiritual powers that govern the Earth.

Leaders of the World

There can be no peace as long as we wage war upon Our Mother, The Earth. Responsible and courageous actions must be taken to realign ourselves with the great laws of nature. We must meet this crisis now, while we still have time. We offer these words as common peoples in support of peace, equity, justice, and reconciliation.

As we speak, the ice continues to melt in the north.

Dahnato (now I am finished). *Neyawenha* (thank you). ♡