

**Indian Council of South America (CISA)
Indigenous Peoples and Nations Coalition (IPNC)**

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Follow-up Plan of WCIP

It is clear that the so-called "regional representation" meetings of Indigenous Peoples cannot claim to represent the whole of the regions but only a position from organizations from the regions. In this regard, the lack of transparency and willingness to assume regional representation is false and misleading and will continue to cause unnecessary damage to Indigenous Peoples rights unless noted by States and corrected. Take the example of the adoption of the Nagoya Protocol. States would like to use the basis of this standard as an example to reduce Indigenous rights and standards since particular collaborating Indigenous representatives agreed to accept the limitation of national law and jurisdiction in the implementation of the Nagoya Protocol by the State. There are Indigenous Peoples who objected to this regional representation prior to the High Level Plenary but were ignored and denied the proper voice of objection. This violated the many principles and recommendations coming out of United Nations studies that gives the full recommendation that Indigenous Peoples have the "equal right and self-determination" under Article 1.2 of the Charter of the United Nations. CISA and other Indigenous Nations and peoples diplomatically protest the application of the Nagoya Protocol and of other international meetings that attempt to reduce existing obligations to Indigenous Peoples or to any other peoples. The right of peoples has a much higher standard of participation and consent under the Charter of the United Nations. Thus, those Indigenous organizations cannot claim regional representation or unilaterally reduce the scope and application of the rights of peoples for all Indigenous Peoples. I can assure you that there is disagreement even in some of those organizations who assert this "regional" representation. Indigenous Peoples are discovering that this High Level Plenary is not what it is stacked up to be by some of these organizations. There are States that invite and welcome and even allow funding for puppet individuals and organizations. Such collaborators present a sigh of legal and political relief for particular States. There is a growing number of Indigenous Peoples from virtually every region that object to these unilateral and coercive measures imposed upon all Indigenous Peoples of the world.

The same can be said for the High Level Plenary masquerading as a world conference. With no attributes such as preparatory meetings and Prepcoms between States and Indigenous Peoples to discuss the parameters for such a conference, a particular group of Indigenous groups gave false and misleading information to Indigenous Peoples without addressing or issuing caveats about the detrimental effects of allowing a State driven initiative that did not have the proper representation or consent from Indigenous Peoples throughout the world. The lack of free, prior and informed consent or the fully informed consent principle under the United Nations decolonization process has obviously impaired the ability of Indigenous Peoples to determine their own status of equal participation or consent based on their right to self-determination. Without the respect and dignity given to Indigenous Peoples, this simple High Level Plenary of the General Assembly being billed as a World Conference cannot be used to reduce our rights unilaterally. I have talked to women's groups in general and the same process is being imposed upon women's groups.

This will have an extremely devastating effect on further standard setting for Indigenous Peoples. There are Indigenous Peoples who do not want to use the existing Declaration on the Rights of Indigenous Peoples as a standard for implementing their right to self-determination as they claim their rights as subjects of international law. The final report on Treaties, Agreements and Constructive Arrangements by the late Professor Miguel Alfonso Martinez confirms this. Many Indigenous Peoples refuse to relinquish the existing obligations international treaties that States have to Indigenous Peoples. Make this clear, we diplomatically protest that this one sided High Level Plenary masquerading as a World Conference can have any effect on the existing obligations to Indigenous Peoples. If particular Indigenous Peoples are ceding this right then this cession needs to be brought to each respective Indigenous Peoples throughout the world so they can properly cede their status applying fully informed consent principle.

The “constructive ambiguity” in the text of the Indigenous Declaration requires that in interpreting or determining what some of the ambiguous phrases mean, Indigenous Peoples are to be treated as equals. The right of peoples under the Charter is about equality with States. States have already accepted this principle under the Charter. The Vienna Convention on the Law of Treaties requires that these principles be treated among equals, not among puppets or collaborators that claim to speak on everyone’s behalf.

States cannot simply wipe their hands of their international responsibilities concerning the equal right and self-determination of peoples. Assembling a real world conference that recognizes Indigenous Peoples as peoples so that Indigenous Peoples can participate as equals so their right to self-determination is recognized. One example of gross negligence is the fostering of support for the High Level Plenary in a resolution adopted by the National Congress of American Indians (NCAI). Prior to its adoption it was not discussed openly. The NCAI resolution was presented by a collaborating individual representing an organization without any inclination of free, prior and informed consent being part of the process. The Tribal Governments were therefore deprived of debating the pro’s and con’s or the negative consequences for supporting such an initiative.

There are puppet institutions established in Alaska that violate the free political institutions principle under Article 73 of the Charter of the United Nations. Alaska, Hawaii and the Great Sioux Nations graciously thank Pakistan for calling upon the United States of America to respond to a call that our peoples are allowed to go before the United Nations Decolonization Committee to present our cases. Our cases are as states of peoples who are vested with the right to self-determination under international law. Our rights already stand in violation or our originally recognized status. Many of our peoples on the ground are not fully informed of our status, and even if they are, many are afraid of the backlash of the United States of America for promoting our rights.

We therefore unequivocally assert that States cannot unilaterally deny us to exercise our rights based by using unilateral and coercive measures imposed by the High Level Plenary or by the restrictions of the Declaration on the Rights of Indigenous Peoples. We assert our rights under the law of nations and international as peoples.

CISA and the Indigenous Peoples and Nations Coalition therefore asserts that these issues need to be addressed before using the Declaration or the limited mandate of EMRIP to address our rights. States cannot unilaterally continue in a vacuum without our fully informed consent. I thank Mr. Chair