

**United Nations Permanent Forum on Indigenous Issues Eleventh Session  
New York, 16 – 27 May, 2012**

**Agenda Item 3: Discussion on the special theme for the year: “The Doctrine of Discovery: its enduring impact on indigenous peoples and the right to redress for past conquests (Articles 28 and 37 of the UN Declaration on the Rights of Indigenous Peoples).”**

**Intervention by the International Indian Treaty Council, Presented by Danika Littlechild**

Thank you Mr. Chair. May I first warmly congratulate you on behalf of the International Indian Treaty Council and its affiliates on your election as Chair of the Permanent Forum. You have our support and our full faith and confidence in this role.

*The Preamble of the United Nations Declaration on the Rights of Indigenous Peoples Affirms*

“that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust...”

The IITC joins the global Indigenous Peoples consensus that the Doctrine of Discovery and all of its past and current manifestations as presented under this agenda item, are strongly condemned.

The effects of such doctrines, policies and practices are pervasive throughout all regions of the world. The devastating impacts on Indigenous Peoples include continued violence including environmental violence, resource and land appropriation, imposed development, destruction of sacred sites and forced relocation, to name just a few of many examples.

We recognize the continuing resistance, resilience and survival of Indigenous Peoples and also recognize important recent advances in the international arena in the resolutions of disputes and conflicts between Indigenous Peoples and States, forging a new direction to break with the failed models of the past.

These include the historic consensus decision of April 20th, 2012 adopting strong language on Treaty Rights taken by States attending the 14th session of negotiations for the proposed *American Declaration on the Rights of Indigenous Peoples* in Washington DC. It included all of the language in Article 37 of the UN Declaration, and recognizes the “true spirit and intent” and the understanding of Treaties by Indigenous Peoples. Most importantly, the final text includes the following:

**When disputes cannot be resolved between the parties in relation to such treaties, agreements and other constructive arrangements, these shall be submitted to competent bodies, including regional and international bodies, by the States or indigenous peoples concerned.**

We also emphasize the Human Rights Council Resolution at their 18<sup>th</sup> Session in September of 2011 to appoint a Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence.

We make the following recommendations to the UNPFII at its 11<sup>th</sup> session:

- 1) IITC joins with the Indigenous Peoples Global Caucus, the Indigenous Women’s Global Caucus and the Project Access Global Training Caucus to recommend, as the Permanent Forum’s Expert Group Meeting next year, the development of models and mechanisms for conflict resolution, restitution, redress and peace-building using the framework offered through the operation/implementation of articles 27, 28 and 40 of the *UN Declaration on the Rights of Indigenous Peoples*.
  - a. The proposed focus would be to discuss and make proposals for the development of such mechanisms at the national and international levels.

- b. The Expert Group Meeting would serve as an opportunity for Indigenous peoples of the various regions of the world to discuss the development of mechanisms for reparations, non-recurrence and conflict resolution, taking into account as well Articles 18 and 19 of the *Declaration* regarding participation and Free, Prior and Informed Consent.
- 2) Considering the UN Permanent Forum on Indigenous Issues was named at a time when the UN Declaration had not been adopted, and also considering the name of the Special Rapporteur on the Rights of Indigenous Peoples was changed two years ago from a previous name of “Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people”, we strongly urge the UN Permanent Forum to recommend that the name of the Permanent Forum be changed to **“United Nations Permanent Forum on the Rights of Indigenous Peoples”**.

Finally, we affirm that Indigenous Peoples are not conquered. We continue to maintain and defend our political, cultural, social and spiritual way of life. We continue to have our languages and ceremonies, and we continue to maintain our ancestral, spiritual and perpetual ties to our traditional lands, foods, waters and natural resources. We have our Treaties that demonstrate our standing and rights as Nations under international law. Despite the hundreds of years of violence and colonizing actions that we have survived, we are not colonized, dehumanized or defeated. We therefore respectfully reject the term “*past conquests*” in the consideration of this agenda item, and affirm instead our continued survival, in the name of our ancestors who resist in many ways, and our future generations who will be the beneficiaries of our own resistance.

Thank you Mr. Chairman.