

10th Session of the United Nations Permanent Forum on Indigenous Issues
New York, May 16 to 27, 2011
Joint Statement of the Global Caucus of Indigenous Peoples

Tabea Madame Chairperson,

The Global Caucus of Indigenous Peoples and our communities throughout the globe are calling for action to respond to the critical issues that continue to be experienced by our Peoples. The United Nations Declaration on the Rights of Indigenous Peoples (Declaration) has been passed by the general assembly and is now a consensus document, and now is the time to implement the Declaration and cease the injustices that have persisted in our territories. The Global Indigenous Peoples Caucus has met and recommends the following issues and concerns:

Economic and Social Development

The right to chew Coca leaves, a capacity to build an economic social base which is self-designed and decolonized, access to coastal natural resources is essential to our wellbeing, to recognize and create solutions of environmental contamination due to mineral and natural resource extraction, The above captures the worldview of Indigenous Peoples' Doctrine of Living Well

Human and Indigenous Rights & Implementation of the Declaration

Indigenous Peoples are equal to all other Peoples. Human Individual's and Indigenous rights must be recognized by governments and states. Additionally, education and awareness must be made available to Indigenous Peoples regarding rights under the Declaration. Furthermore, mechanisms are needed to ensure Indigenous Peoples are meaningfully included in decision-making processes, and urging state assemblies to ratify domestic laws relating to the Declaration and its implementation.

In keeping with the recommendation in paragraph 94 of the report from UNPFII 9, the we express our appreciation to the UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) 3rd session in July 2010 for its formal acceptance of the report of the 2nd UN Seminar on Treaties, Agreements and Other Constructive Arrangements [A/HRC/EMRIP/2010/5] held in Samson Cree Nation in November 2006, and encourage the Office of the UN High Commissioner on Human Rights to continue its work, in conjunction with Indigenous Peoples, to organize a 3rd UN Seminar on Treaties, Agreements and Other Constructive Arrangements planned for 2012. We request the ongoing encouragement of the UN Permanent Forum in this regard, so that this vital area of work can continue in these and other UN bodies

We are concerned current UN processes addressing the environment and impacts of unsustainable development are failing to implement Article 42 of the Declaration, including recognizing the right to participate in decision-making as stipulated by Article 18, and all of the Declaration's provisions affirming and upholding Free, Prior, and Informed Consent. We call upon the UN PFII to renew recommendations made in past sessions that UN processes provide mechanisms and procedures for Indigenous Peoples' full and effective participation, and a meaningful role in decision-making and policy development, which process included, inter alia, the UN Framework Convention on Climate Change, the Stockholm Convention on Persistent Organic Pollutants, the Convention on Biological Diversity, the World Intellectual Property Organization and the International Maritime Organizations, calling upon the UN to implement Article 42 of the Declaration and asking for clarification regarding the steps to be taken to include formal participation of Indigenous Peoples in the decision-making processes.

Free, Prior, and Informed Consent

The Indigenous Peoples declare Free, Prior, and Informed Consent is not negotiable and must be implemented as adopted in Articles 19, 26, and 32 of the Declaration. The participation

and consultation of Indigenous peoples is absolutely necessary in all development processes.

Adverse social and environmental impacts on Indigenous peoples occur when states and corporations fail to engage Indigenous Peoples. Nuclear energy and uranium mining are of irreversible concerns to Indigenous Peoples resulting in environmental contamination which create health consequences felt directly by our communities.

Climate change and environmental disasters adversely affect the waterways, forests and glaciers used for ceremonial purposes, livelihood and cultural practices. The Corporations must take responsibility for the environmental disasters effecting quality of all life.

Environment

We Indigenous peoples have an intrinsic relationship with our lands and territories. The natural environment is our Mother Earth and we recognize she nurtures, shelters, nourishes and we are spiritually connected through her to the plants, animals, waters and places we inhabit since time immemorial. Today we are increasingly witnessing the crime of Terracide, defined as the willful and premeditated crime against Humanity and the Rights of Mother Earth that results in the destruction of the capacity of Earth to be a Mother to the Future Generations.

Articles 25 through 32 of the Declaration on the Rights of Indigenous Peoples outline the rights in relation to maintaining and strengthening our spiritual, cultural, social, economic relationship with the environment, including land rights and uses to avoid adverse effects from development strategies and to maintain, control, protect and develop cultural heritage and traditional knowledge including knowledge of fauna and flora.

We endorse the 2010 World People's Conference on Climate Change and Rights of Mother Earth adoption of the People's Agreement of Cochabamba.

We are deeply concerned about REDD proposed policies and initiatives to utilize a carbon market as part of the Green Economy Initiative and compel us to safeguard the rights of women, including those enshrined in the UN Convention to Eliminate All Forms of Discrimination against Women (CEDAW).

The Permanent Forum has continually recommended from the second to ninth sessions a range of environmental issues and the participation of and policies on indigenous peoples still remain unresolved.

The Global Indigenous Peoples Caucus recognizes the report of the first International Indigenous Women's Environmental Toxics and Reproductive Health Symposium held June 30 - July 1, 2010 in Alamo, California, contained in CRP 9 for the 10th session, which called attention to and proposed strategies to address the critical health, environmental and human rights impacts of toxic contaminants which disproportionately affect Indigenous women, children, infants and unborn generations. The Global Caucus therefore reiterates the recommendation presented in our closing statement to UNPFII-9 last year calling on the UNPFII to organize an expert group meeting on Indigenous women, reproductive health and environmental toxins, and requests that this this EGM be held in 2012 before UNPFII-11

Water

Declaration Article 32.2, we have the right to protect the sovereignty of lands and resources, including water. We will work with states to exercise the right to protect our sacred waters from contamination and commodification. Water is a human right and not a commodity. We request a report on actions taken concerning water issues from previous recommendations. Indigenous women are the caretakers of the water, and consulting with and including Indigenous women in water protection processes is of great importance. We, as women water vessel carriers which symbolize life itself, are guardians of the power of water in all its forms through Mother Earth. We commend the UNGA's passage on 64/292 on the Human Right to Water and Sanitation.

Indigenous Women's Rights

Indigenous women's rights and health status have remained a critical matter of concern and the right to safely breastfeed and to practice safe and healthy maternal methods of motherhood has been seriously damaged and impacted as a result of environmental disasters caused by land development and contamination. Equal access to judicial processes is needed to enforce maternal rights of Indigenous women as stated in Articles 17 and 22. A strategic plan must be developed to protect mothers and infants from environmental harm, and overall implementation of CEDAW.

Unrecognized and Unrepresented Indigenous Peoples

The Global Indigenous Peoples Caucus calls attention to the challenges of the unrecognized and unrepresented Indigenous Peoples. Administrative processes must include a viable means to incorporate the Indigenous participation, use of traditional Indigenous forms of government, and individual Indigenous recognition. As indicated in Article 6 of the Declaration, individual Indigenous rights must be implemented.

Borders – Article 36

Article 36 states Indigenous People have the rights to freely cross borders of adjacent nations to access traditional lands. Human rights are violated when indigenous peoples are prevented from interaction with other Indigenous Nations, including the use of militarization on border. The forced displacements are survival acts that are criminalized.

We, the Global Indigenous Caucus, endorse the recommendations of the Global Indigenous Women's Caucus:

We call upon the PF to organize an Expert Group Meeting on Indigenous Women's reproductive health and environmental toxins before the 11th Sessions and support the Indigenous women's call for a strong, effective global treaty to eliminate mercury and other poisonous minerals that cause contamination.

Endorsement of the People's Agreement of Cochabamba adopted at the World People's Conference on Climate Change and the Rights of Mother Earth held in April 2010 in Bolivia.

Protection of Water Position Paper presented by the American Indian Law Alliance

The legal foundation upon all life remains institutionalized in law and policies adversely impacting life. The Doctrine of Discovery today is in direct violation of the entirety of the UNDRIP.

Therefore, we respectfully request the Expert Group Meeting address the theme for 2012 of the Doctrine of Discovery in all seriousness of purpose and practical effects.

Future Work of the Permanent Forum, including issues of the Economic and Social Council and Emerging Issues

Mindful of the Report on UNPFII-9, E/2010/43-E/C.19/2010/15 (19 May 2010) and its acknowledgement of the Preliminary study of the impact on Indigenous Peoples of the international legal construct known as the Doctrine of Discovery, E/C.19/2010/13 (4 February 2010) the Preliminary study reiterates its call for additional attention, study and documentation of the racism of Christian discover, and the manner in which the doctrine of Christian discovery has been constructed, elaborated, applied and extended in law, policy, socio-cultural practices, through both secular and religious practices, and to set the stage for its eradication and reversal as a fundamental element of colonization, imperialism as well as violence against Indigenous women and mother earth.

Given the decision by the 9th Session of the UNPFII to make the "Doctrine of Discovery" the theme of the 11th Session of the UNPFII, the global Indigenous Peoples' caucus expresses its unqualified support for the convening of an Expert Group Meeting on the Doctrine of Discovery We recommend an international expert group meeting be convened January 2012, which will expand upon and discuss the findings and implications of the "Preliminary Study of

the Impact of the International Legal Construct known as the Doctrine of Discovery” (UN ECOSOC document E/c.19 2010/13) that also identifies the past and continuing impact of the “Framework of Dominance” on Indigenous nations and Indigenous peoples.

Lawa Mena Haulala

Horomate,

Thank You Madame Chairperson,