

# International Organization of Indigenous Resource Development

An NGO in consultative status to the United Nations  
Economic and Social Council

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## INTERVENTION ITEM 4 (b) MEMBERSHIP

Thank you, Mr. Chairman, at the outset let me apologize for not being here when called earlier. However, as you heard me complain on Monday, we were again at registration this morning for an hour.

In the spirit of hearing from all sides, as you stated yesterday, I was not personally present when the United States' delegation spoke but I understand and they can correct me if I'm wrong, they stated, "It could not support a forum within the United Nations' System where Indigenous Peoples were granted the same legal status as Member States." Mr. Chairman, this is exactly the same position they presented in Santiago, Chile in 1997 at the second workshop.

There are some Indigenous Peoples who have signed or agreed to Treaties with some Member States like the United States. As you know of their over five hundred agreements, they have all been breached by the United States in one way or another. Mr. Chairman, after nine years of very detailed study, the United Nations' Treaty Study has concluded that those Treaties are International Agreements that have been signed on a "Nation to Nation" basis.

The United States' intervention, in fact supports the call for a Permanent Forum and illustrates the very need for an Independent Tribunal to deal with Treaty violations as part of its mandate. The attempt to block our recognition of equal status is a classic case for the need of a Permanent Forum. Continued domestication of our Treaties is in itself a continual violation of our Rights, this is what the United States' intervention attempts to legitimize by their position.

For the many comments in previous interventions on the mandate and resources, for example, that the Permanent Forum must have the ability to function as an Independent Tribunal with legal and political powers, we would suggest a specific proposal we presented in Chile. This is very similar to the earlier proposal by my brother from Australia, that the Permanent Forum be a body of fifteen (15) persons; five (5) representatives of Governments [selected regionally], five (5) Indigenous Peoples' representatives, five (5) Independent Experts [two (2) from Specialized Agencies and three (3) Individual Experts on Indigenous Affairs].

Fundamentally, however, there must be direct, full and effective participation by Indigenous Peoples including the right to consent on all matters that affect Indigenous Peoples. Our comment on the chairmanship will be reserved for the legal opinion requested yesterday. [This does not concede that you cannot have an Indigenous Chairperson]. On the connected matter of participation by Indigenous Peoples, we agree with and support the proposals for "open and free access". Thank you.

*On a point of clarification it was a proposal  
from the NSW Land Council of Australia: Mr. Rod Torney.*

Member Organizations  
Four Nations of Hobbema

Council of Energy Resource Tribes

Canadian Indian Energy Corporation

*W. Littlechild ac  
Feb 17/99*