

Working Group on Indigenous Populations United Nations  
Geneva, July 31-August 4, 2006  
Agenda Item 4c  
Indigenous Peoples and Conflict Resolution and Prevention

Statement by the International Indian Treaty Council

Mr. Chairman, the Draft Declaration on the Rights of Indigenous Peoples presently before the General Assembly contains several preambular paragraphs that emphasize the importance of the right to self determination and the critical role that for many Indigenous Nations, the right to our treaties, agreements and constructive arrangements play in the enjoyment of that right: Recognizing also that Indigenous Peoples have the right freely to determine their relationships with States in a spirit of coexistence, mutual benefit and full respect, Considering that the rights affirmed in treaties, agreements and constructive arrangements between States and Indigenous Peoples are, in some situations, matters of international concern, interest, responsibility and character, Also considering that treaties, agreements and other constructive arrangements, and the relationship they represent, are the basis for a strengthened partnership between Indigenous Peoples and States. Mr. Chairman, the making of treaties and agreements

between States and Indigenous Peoples is not a historical artefact. It is a practice that continues to this day. Our customs and traditions, our ancestral institutions guide us now as we fashion new and dynamic relationships with States. Our agreement is our Sacred Word. We enter into agreements and arrangements with States with the not unreasonable expectation that the State will also comply with its word. For only with equity and mutuality can peace be preserved between us and our continuity as Peoples succeed to our future generations.

We are very concerned that so-called "Modern States" like Canada seem to believe that treaty making is a thing of the past. They regard the Supreme Court of Canada mandated modern treaty process as fit only for their own unilateral agreement and our unilateral extinguishment of aboriginal title, before they begin to negotiate. They seem to feel that treaties made in the past are relics of a bygone area, purely of historical interest but not relevant to the relationship with Indigenous Peoples today.

Mr. Chairman, the Universal Declaration of Human Rights states:

*Whereas* recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world. As the Universal Declaration reminds us, "the foundation of freedom, justice and peace in the world" is the recognition of the "inherent dignity and of the equal and inalienable rights of all

members of the human family." In our view, Indigenous Peoples as Peoples are members of the human family. And it is the denial of the inherent dignity and inalienable rights, including our right of self-determination and the right to enter into agreements that leads to conflict and strife in the world. We would therefore ask these "modern States" to re-assess their view that the recognition of the rights of Indigenous Peoples pose any threat to them or any other government acting in a manner consistent with these and other well established principles of international law.

In closing Mr. Chairman it is the position of the International Indian Treaty Council and our numerous affiliates in the Americas and the Pacific that the work of this very important body of United Nations is far from being complete as far as the standard setting activities are concerned. It is our recommendation along with many other Indigenous Peoples that work needs to be done in the area of the establishment of an independent international Alternative Dispute Resolution Mechanism in order to provide recourse for Indigenous Peoples who do not find just remedies within the colonial governmental systems imposed upon them by the governments who happen to be in power at the present time within their traditional lands and territories. This international ADR Mechanism could also monitor and mediate disputes arising out of the enforcement, implementation and clarification of international treaties concluded between Indigenous Peoples and former colonial governments or their successors.  
Ay hy, thank you for this time.