

Intervention on Future Works of the Permanent Forum Including Emerging Issues

Agenda Item 9

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**American Indian Law Alliance
(And Others- *see attached*)**

Sixth Session of the UN Permanent Forum on Indigenous Issues

May 24, 2007

Madame Chairperson, esteemed members of the Permanent Forum, cherished indigenous brothers and sisters, and dear state partners, the American Indian Law Alliance wishes to submit a few remarks and recommendations on agenda Item 9: Future Work.

Remarks.

1. First, we would like to offer profound thanks to the UN Human Rights Council for giving the world, in this the Second Decade of the world's Indigenous Peoples, a historic gift of redress and hope of last June when it adopted the Declaration on the rights of Indigenous Peoples. We also express our deepest appreciation to the thousands of persons- indigenous and non-indigenous, from state as well as civil society- who, for 23 long and hard years in Geneva, kept the faith and endured the hardship that gave birth to the document that the Council then adopted. Because the Council had the wisdom to recognize and respect the difficult negotiations and compromises that are embedded in the document that was presented to it, there now exists an official UN human rights instrument –the Council Declaration –that launches an inspired norm of partnership for indigenous/state relations. From this day on, we urge all persons of good will to systematically invoke this instrument in all places where they struggle to safeguard the rights, identity, and future of indigenous peoples. We applaud the UN Inter-Agency Support Group on Indigenous Issues for already doing so.

2. In our view, there is no greater contribution that the General Assembly can make to the Second Decade and to the future work of this Permanent Forum than to adopt, as is, the Council Declaration.
3. In fact, the General Assembly needs to adopt the council Declaration to keep faith with its own admirable 30-year record of initiatives on behalf of indigenous peoples. These include:
 - Creating the Working Group on Indigenous Populations.
 - Declaring 1993 the Year of Indigenous People.
 - Declaring 1995-2004 to be the First Decade of the World's Indigenous Peoples and calling for the adoption of a Declaration on the Rights of Indigenous Peoples in that period.
 - Setting up the Permanent Forum on Indigenous Issues.
 - Declaring 2005-14 to be the Second Decade of the World's Indigenous peoples and again calling for the soonest adoption of a Declaration.
 - Re-affirming its call for the soonest adoption of a Declaration in its 2005 World Summit Outcome Report.
4. Our last remark concerns the opposition of some states to the Council Declaration. Indigenous peoples have long suffered the vehement opposition to our rights voiced in Geneva by the powerful CANZUS states of Canada, the U.S., Australia, and New Zealand. However, we were greatly shocked and deeply saddened when, in New York, a dozen or so African states early on joined Canada, Australia, and New Zealand to oppose the Council Declaration. We are even more disturbed when other African states then voted to postpone action on the Council Declaration even though they assured us that they supported the text or could live with it. Our reasons for sadness are many:
 - African states, like indigenous communities, have suffered historical injustices at the hands of racist forces.

--Seeking redress for these wrongs, Africa states led the fight for a New International Economic Order and for the collective right to development in the UN. Like them, indigenous people are now leading the fight for a true partnership with states, and for recognition of the collective human rights of our communities.

--The African Union's own African Commission on Human and People's Rights sees this parallel in our struggles and, several times this past year, proclaimed its support for the Council Declaration.

--Surely, stalwart human rights defenders like South Africa which – along with Cameroon, Mauritius, and Zambia – voted for the Council Declaration in Geneva, cannot now mean to take it back with one hand the support they extended with the other.

-- We continue to believe that, while our friends in the African Group voted in regional solidarity on the procedural question of delaying action, now that the time has come for a substantive vote on the Council Declaration, they will not want to be known as the spoilers of our human rights struggle but will choose instead to vote in solidarity with the silent votes of indigenous people in the G.A.

--As for the Western settler states that oppose the Council Declaration, madam chair, we ask them to reconsider their actions which, otherwise, have the effect of prolonging the crimes that their ancestors committed against our ancestors.

Recommendations.

Madam chair, we have four recommendations to make at this time. They are that the Permanent Forum respectfully urge the President of the G.A. to:

1. Remind states that a Declaration of norms fosters new “best practice” for those ready to undertake them; unlike a Convention of enforceable rules, it does not deserve exhaustive legal scrutiny which, in any event, it has already received.

2. Resolutely reject all states' requests at this late hour for further delay, or new process, or amendments to the Council Declaration inasmuch as the latter already embodies the closest meeting of the minds possible now and in the foreseeable future.
3. Instruct states that the UN's scarce resources are, in the future, best spent on supporting positive practices of partnership than on already exhausted arguments.
4. Most importantly, set a June date for the G.A. to act on the Council Declaration.

Conclusion.

We conclude by warmly thanking Latin American and E.U. states for their strong support of the Council Declaration which, let us convivially admit, took us some time to obtain! We respectfully remind undecided states that a Declaration is about norm-growing, not rule-making, and that, through the give and take practice of partnership itself, concerns that we have regarding a document that is a record of our mutual compromises will likely vanish, all the more if the Human Rights Council creates, as we hope, a body of experts that can help us resolve potential conflicts. Let us move forward together as members of the human family. The world now wills, as the Council Declaration makes clear, that the values of association, collaboration, diversity, and respect prevail.

Signatories:

Seventh Generation Fund
- California-

Native Children's Survival
-New Mexico-

Flying Eagle Woman Fund for Peace, Justice, and Sovereignty
- New York-

Buffalo River Dene Nation,
- Canada-

Kamakakuokalani Center for Hawaiian Studies,
-Ka Lahui, Hawaii-

Petuche Gilbert, Acuma Pueblo
- New Mexico-

Bangsa Adat Alifura
- Maluka, Asia-

Pricilla LaLone, United Nations Association/ UNA
-Hawaii, California and New York Divisions-

Alianza Indigena Sin Fronteras
- Arizona -

Andes Chinchasuyo (Quichua)
- Ecuador -

Baboquivari Defense Project
(Tohono O'odham)
- Arizona -

Barbareno Chumash Council (Chumash)
- California -

Boarding School Healing Project
(Cheyenne River Sioux/Multi-tribal)
- South Dakota -

Coyote's Paw
(Hupa/Yurok)
- California -

Di'hu La'H As Sacred Sites Defense
(Pit River)
- California -

Dine' Agriculture Inc. (Dine')
on Navajo Reservation
- New Mexico -

Eagle and Condor Indigenous People's Alliance
(Cherokee/Quapaw/Multi-tribal)
- Oklahoma -

Gila River Alliance for a Clean Environment
(Akimel O'Odham)
- Arizona -

Grupo Maya Qusamej Junan
(Mayan Community)
- California -

Healing of Nations (Blackfeet)
- Kentucky -

Idiwanan An Chawe Project (Zuni)
- New Mexico -

Indigenous Mapping Network, Multi-tribal
- Idaho -

Indigenous Network on Economies and Trade (INET)
(Shushwap/Cree/Secwepmec)
- Canada -

Indigenous Youth Coalition of Pinon (Dine')
- Arizona -

Instituto Cientifico de Culturas Indigenas
(Saraguro) Quichua community
- Ecuador -

Maya Vision
(Kiche, Maam, Kanjobal)
- California -

Nuclear-Free Future
(Indigenous peoples Program)
- Germany -

NVision (Pawnee)
Youth leadership development, community empowerment
- Oklahoma -

Q'o:so:s Networking Project (Hupa/Yurok/Karuk)
- California -

Sustainable Nations Development Project
(Anishinaabeg/Wyandot)
- California -

Tatanka Oyate (Sicangu Lakota)
- South Dakota -

Traditional Native American Farmers Association