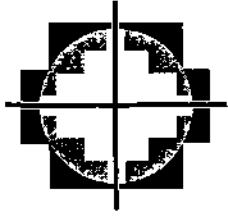


Item 5 20/05 #3

THIRD SESSION OF THE PERMANENT FORUM ON  
INDIGENOUS ISSUES  
ECONOMIC AND SOCIAL COUNCIL  
10 May through 21 May 2004, United Nations Headquarters, New York



NGO in Special Consultative Status with the Economic and Social Council of the United Nations

AMERICAN INDIAN LAW ALLIANCE

TONYA GONNELLA FRICHTNER INTERVENTION *for the* AMERICAN INDIAN LAW ALLIANCE, Teton Sioux Nation Treaty Council, Native Children's Survival, Seventh Generation Fund, TonaTierra, CISa, Buffalo River Dene Nation, Samson Cree Nation, Laguna Pueblo, Euchee Language Project

Agenda Item 5: FUTURE WORK OF THE PERMANENT FORUM

Thank you Mr. Chairperson. My name is Tonya Gonnella Frichner and I am a citizen of the Onondaga Nation, Snipe Clan, of the Haudenosaunee. I am making this intervention on behalf of the American Indian Law Alliance and the elders and leaders of the Teton Sioux Nation Treaty Council of the Tetuwan Oyate.

We recognize that the distinguished members of the Forum have been asked to absorb much information this week and we commend you on the work you are doing on behalf of all Indigenous peoples. Your stamina and commitment are exemplary and I will, accordingly, be brief.

We are most concerned about two things: self-determination and treaty issues. The purpose of our intervention is to hopefully ensure that these are given due consideration in the future work of the Forum.

We do not believe that there can be any doubt that for Indigenous peoples the single most critical issue in the application of unbiased and equal application of international law and standards is ensuring the right to self-determination as set forth in Article 3 of the Draft Declaration. As Tadadaho, the leader of the Haudenosaunee, stated last week in opening this session of the Forum, in the natural world each species has a leader. If this is also true for international rights and standards, the leader must be the right to self-determination. All rights flow from it. The Forum and the United Nations system must approach Indigenous issues from within this framework.

Recommendations

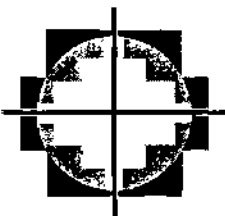
It is therefore recommended that in order to meet the declared goals of the International Decade on the World's Indigenous Peoples, a strong, unqualified and unwavering declaration of this right for Indigenous peoples must be enshrined within the foundational documents of the United Nations system. Passage of the Draft Declaration on the Rights of the World's Indigenous Peoples, as drafted in consultation with Indigenous peoples, is therefore the most logical and direct method to achieve this goal.

In the interest of consistency and the fair and just application of international law and standards, we would also further recommend, that in achieving these goals, the Permanent Forum also request that ECOSOC, the General Assembly and United Nations agencies consider a simple and unqualified resolution of their own proclaiming Indigenous peoples' right to self-determination.

There is no need to recite to this Forum the critical nature of treaties to many Indigenous nations around the world. It does bear repeating though that they are not simply internationally binding legal instruments. They are spiritual obligations of our Indigenous nations. We therefore join with our sisters in the Indigenous women's caucus in calling for the expansion of the mandate of the Permanent Forum to include a new area called Governance, Treaties and International Agreements. According to our traditions, the obligations to which we are committed in the treaties, and the significance of the treaties in preserving our every aspect of our right to self-determination and sovereignty, there can be no doubt of the need for this to join as a mandated area of the Permanent Forum.

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We would recommend that the Permanent Forum request that the Special Rapporteur on the Human Rights of Indigenous Peoples examine the effects of international borders on Indigenous communities and nations, especially those whose borders transverse the borders of nation states. Although we are particularly aware of this issue's affect in North America, several Indigenous groups have described similar problems in Africa, Asia and South America.

In pursuit of the Permanent Forum's mandate to educate the world on Indigenous issues it is recommended that the celebration of International Indigenous Peoples' Day be expanded to include the involvement of United Nations agencies in local regions around the world, that Indigenous peoples groups be encouraged to participate and that United Nations' officials make it a priority to personally partake in local celebrations.

Finally, we would recommend that the Permanent Forum use its report to further examine the exclusion of North American and European Indigenous communities and nations from United Nations programs and agency work simply because our territories are located within "developed" countries. Despite the fact that statistics on every conceivable socio-economic factor on Native American reservations and reserves are as equally bad as those in the so-called "developing" world, we are excluded from access to critical programs that would be a benefit to our peoples. It is time to change the system to reflect the well-known and well-documented realities of Indigenous life worldwide.

Thank you for your attention. Danayto.