

Joint Intervention

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The American Indian Law Alliance with the Haudenosaunee, the Seventh Generation Fund for Indian Development, Native Children's Survival, Maya Vision, Techantit, TONATIERRA, American Indian Community House, Rigoberta Menchú Tum Foundation, Flying Eagle Woman Fund for Peace, Justice, and Sovereignty, Southern Diaspora Research and Development Center, United Methodist Women, Spiderwoman, Morning Star Foundation, WESPAC Foundation, and the Connie Hogarth Center for Social Action.

May 20-31, 2013

Agenda Item 8: Future work of the Permanent Forum, including matters of the Economic and Social Council and emerging issues.

Mr. Chairman,

- 1) We wish to address an issue regarding the future work of the UN Permanent Forum on Indigenous Issues, concerning the rightful status of Indigenous Peoples and Nations participation in all UN fora. Therefore we will respond to the statement of several umbrella groups, "National Congress of American Indians, United South and Eastern Tribes, and California Association of Tribal Governments, 72 Indigenous Nations and Seven Indigenous Organizations," made yesterday under Agenda item six (6) discussion on the World Conference on Indigenous Peoples in particular recommendation number three (3) regarding an appropriate status for Indigenous Peoples participating in UN activities. We do agree that "Indigenous Peoples deserve to have a permanent status for participation in the UN that reflects their character as peoples and governments," and we would respectfully request that traditional Indigenous Nations be included in this recommendation along with peoples and governments.
- 2) On May 16, 2013 a communiqué was issued by the Haudenosaunee, a signator to this joint statement, reiterating their position on imposed elected councils. The position holds that the primary intent of imposed elected band and council governments is and was to abolish the strength and national character of traditional governments as well as to assist in the assimilation of the Haudenosaunee and other traditional governments into the national fabric of both Canada and the United States. The abolishment and termination of traditional indigenous governments is in direct violation of the minimum standard of Free, Prior, and Informed Consent over our lands, territories and resources, including our inherent right to self-determination as established in the UN Declaration on the Rights of Indigenous Peoples.

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- 3) The line between traditional councils and imposed elected band and council governments is clear and distinct. Traditional councils are the original and continuous governments in place for over 1,000 years, while the imposed elected band and council governments are systems of the Indian Act in Canada and the Indian Reorganization Act in the United States for the administration of colonial policies in each of our respective communities.
 - 4) Continuing these ongoing destructive policies, on May 22, 2013 the distinguished representative of the Permanent Mission of the United States to the UN made an intervention at the UN Permanent Forum on Indigenous Issues on Agenda Item 7 Human Rights, (a) Implementation of the United Nations Declaration on the Rights of Indigenous Peoples in which they reiterated their position that the rights of self-determination as recognized under international law for all peoples is somehow a different right for Indigenous Peoples.
 - 5) We agree with the intervention made by the International Indian Treaty Council on May 28, 2013 under Agenda Item 6, Discussion on the World Conference on Indigenous Peoples "discrimination must not be tolerated in any body or process of the United Nations, which is based on the fundamental principles of international human rights law and the tenets of the UN charter which include non-discrimination." The failure of the governments of Canada and the United States to recognize the legitimate, traditional governments and their right to self-determination is blatantly discriminatory.
 - 6) Since 1923 and more recently 1977, the Haudenosaunee and other traditional governments of the Western Hemisphere have pioneered the Indigenous presence at the United Nations and other international venues, leading to the adoption of the UN Declaration on the Rights of Indigenous Peoples in 2007 by the UN General Assembly. Throughout these decades of work traditional governments have been advocating for a proper status within all UN processes. It should be noted that the same traditional governments never referred to themselves as NGOs or domestic dependent nations.
- The Haudenosaunee and other traditional governments of the Western Hemisphere
- 7) Therefore Mr. Chairman, we would respectfully request that the UN Permanent Forum on Indigenous Issues consider for its future work the following recommendation:
 - 8) Recognizing that the Haudenosaunee and other traditional indigenous Nations and Peoples have continued to express their fundamental right to self-determination and their original unbroken right to sovereignty over their lands, resources, and territories; we recommend observer status be given serious consideration, building upon the recommendation

of the Expert Mechanism in 2011, "adopt, as a matter of urgency, appropriate permanent measures to ensure that indigenous peoples' governance bodies and institutions, including traditional indigenous governments, indigenous parliaments, assemblies and councils, are able to participate at the UN as observers with, at a minimum, the same participatory rights as non-governmental organization in consultative status with the Economic and Social Council" U.N.Doc. A/HRC/18/43 (Aug. 19, 2011).

- 9) However, Mr. Chairman we would go further and bring to your attention the observer mission status of entities which have received a standing invitation to participate as observers in the sessions and the work of the General Assembly and while maintaining permanent observer missions at UN Headquarters, as examples we suggest you look towards the Permanent Observer Mission of the Holy See and the Permanent Observer Mission of Palestine. Indigenous Peoples and Nations cannot lock ourselves into a minor position; our position has always been that we are equal to all peoples and nations.
- 10) In closing Mr. Chair, Considering that traditional Indigenous Nations have worked diligently these past several decades within the international community of nations and have done so on a level that represents our status as sovereign, independent nations we therefore feel that observer status within the UN system is reasonable and appropriate.

Thank you Mr. Chair for your kind attention