

United Nations Expert Mechanism on the Rights of Indigenous Peoples  
July 11 – 15, 2011  
Geneva, Switzerland

July 14, 2011

Ochapowace First Nation  
Wes George – Spokesperson

Joint Submission on behalf of: Ermineskin Cree Nation, Starblanket First Nation, Cowessess First Nation, Aktionsgruppe Indianer & Menschenrechte (Germany), Arbeitskreis Indianer Nordamerikas (Austria), INCOMINDIOS (Switzerland)

Agenda Item 6 – Proposals to be submitted to the Human Rights Council for its consideration and approval: Study on Border Crossing and Indigenous Peoples Rights.

Mr Chairperson,

Thank you again for the opportunity to take the floor.

First of all I congratulate the chair and co-chair for another successful session and specifically I congratulate the Secretariat for the assistance and professionalism despite the many challenges organizing such a meeting entails. Moreover, I offer our thanks and appreciation for the Members of the Expert Mechanism.

Mr. Chairman, the traditional territory where I come from, was established prior to any colonizer or settler society ever set foot on our lands, these territories were later confirmed by the International Treaty #4 that was agreed to with the Crown of Great Britain. After having engaged in the Treaty with our ancestors the settler-colonizer governments proceeded to misinterpret the Treaty and misapply laws and policies that created artificial borders. That greatly affect, deny and hinder many attributes, functions and rights of Indigenous Peoples and Nations and even treating us to the very day as smugglers, aliens, refugees, displaced peoples and terrorists on our own territories and lands.

It should be restated here that our treaties are nation-to-nation covenants that guaranteed certain rights, promises and conditions, that were intended to last for as long as the sun shines, the grass grows and the waters flow. These international status treaties are confirmed and recognized by the UN Study on Treaties Agreements and Other Constructive Arrangements and the UNDRIP.

In that regard, the Ochapowace First Nation proposes a major undertaking that affects and includes many global situations and conditions, we propose that a *Study on Border Crossing and Indigenous Peoples Rights* be initiated and mandated at the earliest possible moment to address current and historical issues including conflicts, breaches of treaty and human rights abuses. This proposal was submitted last year in written form only, and we are now pursuing this proposal request to emphasize the importance of this critical issue to the identity, self-determination, economic and cultural development of the Indigenous Peoples impacted by imposed borders. The negative impacts are many and include the separation of families and allies, the restriction of trade, the severing of culture, ceremony, and customs, and denying and limiting our access to traditional hunting grounds to mention a few.

We recommend that in order to undertake this study, forward looking approaches that fully incorporate international standards including the United Nations Declaration on the Rights of Indigenous Peoples be fully utilized.

The United Nations Declaration on the Rights of Indigenous Peoples states the following:

Article 3 Indigenous peoples have the right to self-determination, By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. and;

Article 36 - 1. Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders. and;

Article 36 – 2. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.

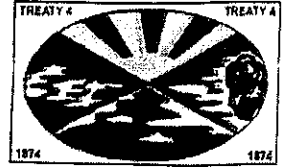
In addition, Mr. Chairman the United Nations Study on Treaties, Agreements and other Constructive Arrangements between States and Indigenous Peoples, addresses the matter of border crossing of Indigenous Peoples and further study is urgently needed.

Further still, Mr. Chairman, and in accordance with our inherent rights and natural abilities in preserving our territories that transcends provincial, national and international borders that have been imposed upon the Indigenous Peoples, provides the Expert Mechanism with sufficient evidence to support, and accommodate a proposal to approve and conduct a **Study on Border Crossing and Indigenous Peoples Rights**. As our Elders at home always say, “search for positive ways why it should be done, than to rely on negative reasons on why it shouldn’t be done!”

Thank you, to the members of the Expert Mechanism.



## NATIONAL TREATIES 1 - 11 GATHERING, 2010



**Resolution: 003-10-10-14**

**SUBJECT: United Nations Study on Treaties, Agreements and Other Constructive Arrangements Between States and Indigenous Peoples. Recommendations: 3<sup>rd</sup> UN Expert Seminar.**

**WHEREAS** the Treaty 1 – 11 Nations remain committed to support and participate in the ongoing work at the United Nations and the international arena for the recognition, respect and implementation of Nation to Nation Treaties concluded between States and Indigenous Peoples, and

**WHEREAS** the Treaty 1 – 11 Nations affirm that Treaties between Indigenous Nations and States, including the Treaties concluded by Treaty Nations with the British Crown, are “*Matters of international concern, interest, responsibility and character*” as affirmed by the United Nations Declaration on the Rights of Indigenous Peoples, and

**WHEREAS** the Treaty 1 - 11 Nations takes note of the recommendation made by the Indigenous Experts attending the 2nd UN Seminar on Treaties, Agreements and Other Constructive Arrangements between States and Indigenous Peoples held at the Samson Cree Nation, Treaty 6 Territory, Alberta Canada November 14 - 17, 2006 to support the invitation of the Maori participants to host the 3rd Treaty Seminar in Aotearoa (New Zealand), and

**WHEREAS** this seminar is of vital importance to all Treaty Nations including Treaty 1 -11 Nations to advance this area of work in the United Nations and to bring Indigenous Peoples, States and UN Experts together to discuss current work and situations in various regions, as well as to identify mid and long-term initiatives and developments in line with the UN Study on Treaties and the UN Declaration on the Rights of Indigenous Peoples for consideration at all levels, and

**WHEREAS** Treaty 1 -11 Nations understand the importance and priority of holding this seminar on Indigenous Treaty Nation Territory.

### **THEREFORE BE IT RESOLVED THAT:**

1) The National Treaties 1 – 11 Gathering 2010 supports the recommendation as presented for the 3rd UN Seminar on Treaties, Agreements and Other Constructive Arrangements between States and Indigenous Peoples to be held in Aotearoa (New Zealand), hosted by the Maori of Waitangi Marae;

2) The National Treaties 1 -11 Gathering 2010 encourages the UN Office of the High Commissioner on Human Rights to work with Indigenous Peoples, other UN experts and States as appropriate to continue the discussions and planning for this UN Seminar, and to ensure that Treaty 1 – 11 Indigenous Nations are informed of the progress and opportunities for participation.

**MOVED BY:** Chief Jim Antoine, Liidlii Kue First Nation - Treaty 11 Territory

**SECONDED BY:** Chief Norman Bone, Keeseekoowenin Ojibwe First Nation - Treaty 2 Territory

**VOTE:** PASSED BY CONSENSUS

**RESOLUTION CHAIRMAN:**

A handwritten signature in black ink, consisting of several overlapping loops and a horizontal line, positioned above a solid horizontal line.

**Wes George**