

Indigenous Peoples and Nations Coalition

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Camai and Ishu – Greetings distinguished participants! Since this is the first time I am taking the floor, I congratulate our distinguished Indigenous Chair, the Members of the Permanent Forum, the Indigenous Peoples not here, to those present and to those who are with us in spirit, to the Member States of the United Nations and its organs and to all seated at this historic meeting of the United Nations Permanent Forum on Indigenous Issues.

Some of us are aware that this Forum will not be able to resolve certain issues brought forth by Indigenous Peoples for advancing their situations or for providing for their recognition and protection since it is beyond the mandate of the Permanent Forum. I recommend that the Permanent Forum identify and validate issues that are beyond the scope of its mandate recommend to the Economic and Social Council that such issues be passed to the appropriate organ of the United Nations or even to the international court of justice for resolution.

The foundation of environmental racism for Indigenous Peoples is colonialism itself. The imposition of settler laws for the purpose of exploiting Indigenous territory and resources with disregard of the traditions, laws and customs is colonialism. It is the assertion of the superiority of race, the foreign governing process, false claims of superiority and claims of inferiority of Indigenous Peoples. Colonialism has had an adverse affect on Indigenous Peoples' ability to govern our environment in utilizing our traditions, laws and customs as the basis for caring for the whole of our environment. In Alaska, the Indigenous Peoples are not an exception to the imposition of discriminating law and practice by the colonizer where we are deprived of our right to govern our lands and territories. The principle of full and informed consent is one of the fundamental aspects of human rights of peoples before exploiting Indigenous lands and resources.

In order to protect our peoples and cultures and the important relationship to our lands and territories, the Permanent Forum should promote all aspects of Indigenous policy making and governance in order to protect our environment. For our survival, we assert the protection of our peoples, our animals, plants and in general the interacting relationship with the earth, our waters, seas and oceans and the creatures the thrive within, and all elements life. Within the scope of our governance system, as Indigenous

Peoples, we consider the social, political and economic impacts when utilizing our resources to protect our culture and way of life.

Our environment must be kept clean and sustainable in order to preserve our traditional food source, our resource that has kept our plants, animals and whole ecosystem in balance. This does not mean that we do not have the right to develop, keeping in mind our right to self-determination and our right to development as peoples. This includes the right to deny development in land and submerged lands that are sacred or important for sustaining our land that is important for our food resources important for our survival.

Why are conventions and standards that are being set today not recognizing and protecting the property rights of Indigenous Peoples? First and foremost the absolute title to lands and territories is fundamental to our right to self-determination. Depending on what level of recognition to the title to our lands and territories, Indigenous Peoples do not have adequate control over their territories and resources to allow for the protection of our environment. Despite our own traditional systems of government and means of delegating authority to settle these questions that effect the governance of our whole environment, colonizing forces have set up their own "consent structures" to obtain manufactured consent. Despite the appearance of consent created by clever underhanded agreements, Indigenous Peoples are forced to give up land that is precious to us. The Permanent Forum must do a land rights and self-determination study; States continue to be confused when it comes to title rights and self-determination for Indigenous Peoples.

I will close with a quote from the Digest of International Law by Donald Whitman:

"With regard to puppet governments, their first and most prominent feature is that they are in no way related to the legal order of the occupied State; in other words, they are neither its governments, nor its organs of any sort, and they do not carry on its continuity.*** On the contrary, puppet governments are organs of the occupant and, as such, form part of his legal order. The agreements concluded by them with the occupant are not genuine international agreements, however correct in form; failing a genuine contracting party, such agreements are merely decrees of the occupant disguised as agreements which the occupant in fact concludes with himself. Their measures and laws are those of the occupant. This determines the question of international responsibility for the acts of the puppet government. It is not the occupied State which is in any way responsible for the acts of the puppet government, or organs of a puppet State created in its territory; it is solely the occupying power. (*Digest of International Law*, Volume 2, by Donald Whitman, page 765-66 (1963))

Thank you Mr. Chairman.

Presented by Ambassador Ronald Barnes