

UN Permanent Forum on Indigenous Issues, Eleventh Session
May 7-18, 2012
Global Indigenous Women's Caucus Statement
Agenda Item 3
Special Theme: The Doctrine of Discovery

Honorable Chairperson,
Members of the Permanent Forum,
Sisters and Brothers,

We respectfully request that the record show, 'past conquest,' as used in the title of the Special Theme for this 11th session, is an incorrect and false understanding of the history of Indigenous Peoples. Instead, we have an understanding of 'colonization' that includes attempts at conquest, as well as the resistance, resilience, and the preservation of the sovereignty and self-determination of Indigenous Peoples. We also note that characterizing conquest as a 'past issue' does not reflect current realities of continued attempts at conquest and colonization.

RECOMMENDATIONS

1. **We call** upon states to implement article 28 of the UNDRIP to address and redress the damages resulting from the Doctrine of Discovery in all its current manifestations which continue to violate the principle of self-determination (article 3 of the UNDRIP). The reparations methodology shall include a gender analysis of its impacts, including but not limited to the displacement of Indigenous women as stewards of Mother Earth and our nations and communities, replacing their leadership with an imposed patriarchal system with tragic consequences to our spiritual and cultural practices and the web of our relations with the environment.
2. **We urge** the UNPFII, when addressing acknowledgement and reparations of the damage cited in the UNPFII study on the Doctrine of Discovery, to respect the expertise of Indigenous Women by ensuring and including their participation in a decision-making capacity in all international forums.
3. **We urge** the UNPFII to take note of recommendations 63-65 of the Conference Room Paper on the Doctrine of Discovery presented by the Haudenosaunee, the American Indian Law Alliance and the Indigenous Law Institute and urge the UNPFII to particularly use gender analysis to make an International Study on:

- a. Past and present impacts of domination and dehumanization of Indigenous Peoples based on legal principles and doctrines;
- b. Effects of the Doctrine of Discovery upon Indigenous Peoples' health; physical, psychological and social well being; human and collective rights; and titles to lands, resources and medicines;
- c. Effects on the Doctrine of Discovery on the displacement of Indigenous women from leadership and decision-making roles through the imposition of patriarchal norms and expectations that replaced traditional forms of self-governance;
- d. The relationship between the Doctrine of Discovery and violence against Indigenous women and children (including child apprehension and removal by the state), environmental violence, and reproductive health;
- e. The higher rates of youth suicide and apprehension of Indigenous children from their families, as these are not simply a result of poverty, but are premised on control of Indigenous Peoples and their lands, which stems from the Doctrine of Discovery;
- f. The Doctrine of Discovery's continued impact on current global economic arrangements and policies and how they relate to migration/border issues, which separate families and violate individual human and collective indigenous rights.

4. **We urge** CEDAW to dialogue and coordinate with UN Indigenous mechanisms and Indigenous Peoples and to pay particular attention to country reports on the implementation of article 28 of the UNDRIP in regards to the Doctrine of Discovery and its effects on Indigenous women. We recommend that CEDAW highlight examples of states' laws and domestic policy (which have their roots in the Doctrine of Discovery) that allow for, and create the conditions for, all forms of violence against Indigenous women. One example of this is the lack of recognition of tribes' jurisdiction and self determination over prosecuting violence against women on their lands in the U.S based off the Supreme Court ruling *Oliphant v. Suquamish Indian Tribe* (1978).
5. **We call** upon the UN system, particularly CEDAW's Special Rapporteur on Violence Against Women, to use her expertise to work with Indigenous Women to ensure their testimonies are heard and that Indigenous women and children enjoy full protection and guarantees against all forms of violence and discrimination.

6. The Global Indigenous Women's Caucus endorses the report entitled the "2nd Declaration for Health, Life and Defense of Our Lands, Rights and Future Generations" held April 27-29, 2012 in Chickaloon Village, Alaska. **We recommend** that environmentally-related UN bodies, including the United Nations Environment Programme, United Nations Framework Convention on Climate Change, Convention on Biological Diversity, and States, take up the precautionary principle as described in this report for its relation to chronic social stressors, including rates of suicide, mental health and sexual violence.