

**Expert Mechanism on the Rights of Indigenous Peoples Forth session****11 -13 July 2010, Geneva****Agenda Item 6: Proposals to be submitted to the Human Rights Council for its Consideration and Approval**

**Joint Intervention by the North America, Asia and Africa Indigenous Peoples Regional Caucuses**; and in addition the following organizations and Peoples from the Latin America, Pacific and WEOG regions: **Organizacion Comunidad Educativo (Ecuador), Reviste Ecomundo (Ecuador), Consejo Indio Exterior (Ecuador), Comisión Jurista Indígena de la República de Argentina, Congres Populaire Coutumier (Kanak), CSIA- Nitassinan, Aribec Nación Purepecha (Mexico), Dewan Araf (Papua), Bangsa Adat AlifURU (Maluku), ONIC (Columbia), MIT (Perú), Herri Topa (Basque Land) and Comisión Jurídica Para el Autodesarrollo de los Pueblos Originarios Andinos (CAPAJ, Perú)**

**Speaker: Andrea Carmen, International Indian Treaty Council**

Thank you Mr. Chairman,

The original integrity of the Natural World and the lands and waters on which the Creator placed our Peoples were not demarcated by the international political borders which divide and separate us today.

Article 36 of the UN Declaration on the Rights of Indigenous Peoples states:

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

International borders, and the policies put in place by States, result in restricted access and lack of mobility for Indigenous Peoples, and affect a wide range of rights for Indigenous Peoples in many countries and regions around the world.

These include:

- 1) **Impacts on the exercise of traditional means of subsistence and food sovereignty.** For example, Indigenous herders, fishers and pastoralists from the Arctic, African, Latin and North American and other regions attending the recent Indigenous Terra Madre conference on Food Sovereignty in Jokkmokk, Sapmi, Sweden, June 17th – 19<sup>th</sup>, 2011 presented challenges, impediments and lack of access to lands and waters for grazing and other forms of mobile food production caused by international borders;
- 2) **Social impacts** including separation from and lack of access to other members of families, clans, traditional societies and communities including for important social occasions such as marriages and funerals;
- 3) **Economic impacts** including on Indigenous migrant workers and their families as well on traditional economic and trade relations within and between Indigenous Peoples.

Inconsistencies in environmental, human rights and labor regulations across international borders contribute to economic disparities and labor exploitation. They also encourage cross-border resource extraction with negative impacts on indigenous peoples' lands, local food and economic systems, and human rights.

- 4) **Denial of Treaty Rights** for Indigenous Treaty Nations now divided by international and/or internal borders;
- 5) **Environmental degradation** caused by inconsistent standards and enforcement of environmental, land and resource protection across international borders, resulting in lack of ability by Indigenous Peoples to control and safeguard vital natural resources including water; another example is trans-border transport of toxic and hazardous substances such as pesticides, with serious impacts on community health;
- 6) **Restrictions on Spiritual, cultural and religious practices** when international borders prevent or impede the ability of Indigenous Peoples to attend ceremonies, visit sacred sites and areas, or cross borders with their sacred and ceremonial items and regalia;
- 7) **Threats to life and security** when Indigenous Peoples are caught in cross border military activities being carried out on or near their traditional lands;
- 8) **Impacts on the Rights of Indigenous Peoples to participate in decision-making through restrictions on travel.** These include denial of visas and travel permits for Indigenous Peoples attempting to cross borders to attend Indigenous, United Nations Conferences and International events including cultural exchange and sports events, especially in "developed" countries. Many times denial of entry is due to their impoverished economic status or lack of ability to provide required documentation of economic "good standing" in their country of origin as a result of poverty and also traditional ways of life. A related concern is lack of recognition by States of Indigenous Peoples' own identification, travel documents and related processes.

In light of these and other impacts the North America, Asian and African Indigenous regional Caucuses and the above signed Indigenous organizations and Peoples from Latin America and Pacific regions, recommend that the EMRIP 4<sup>th</sup> session present the following proposal for its next study to the UN Human Rights Council:

**A Study on the Implementation of Article 36 of the UN Declaration on the Rights of Indigenous Peoples and the impacts of International Borders on the Rights of Indigenous Peoples.**

This Study could also focus on good practices undertaken by States in consultation and cooperation with Indigenous Peoples through amending or revising relevant policies and procedures or implementing new measures in this regard in accordance with Article 36, paragraph 2.

In closing, members of the above signed Indigenous regions, organizations and Peoples look forward to making positive contributions to assist EMRIP members to carry forward this important Study.

Thank you.