

**Indigenous Peoples and Nations Coalition<sup>1</sup>**  
**Indian Council of South America**  
**International Council For Human Rights**

EMRIP 4<sup>th</sup> Session

Thursday 13 July 2011

Item 6 Proposals for new studies Declaration on the Rights of Indigenous Peoples  
Ambassador Ronald Barnes

Greeting Mr. Chair and distinguished Members of EMRIP,

It is vitally important that studies include the universal application of the right to self-determination for Indigenous Peoples without attempts to reduce the scope and application in the implementation of rights. Of course, even in the United Nations classical decolonization era, many States resisted effectively placing roadblocks to impede the full implementation of the factors and principles laid out in the General Assembly resolutions. States will do the same on the Declaration on the Rights of Indigenous Peoples as well as for those unresolved United Nations decolonization obligations that were never implemented.

It is for this reason that our organizations assert that the Declaration on the Rights of Indigenous Peoples is not the sole source of law for Indigenous Peoples, given that the Declaration also supports the concept of Treaties, Agreements and Other Constructive Arrangements in the preambular paragraph as one of the premises for realizing Indigenous Peoples Rights. We therefore recommend in future studies, Indigenous Peoples under colonial and alien domination and occupation under the United Nations decolonization process is part of the studies and reports.

Our organizations support the recommendation by the Saami Council that the studies on decision-making and the right to participate continue into another phase. Although we recommend that the study elaborates on the realization of the right to self-determination, including the foundation of the right as the base for an equal right and self-determination of peoples when engaging in international standard setting processes. This study would also consider reviewing existing international standards that were set prior to the acceptance of the right to self-determination of Indigenous Peoples in the Declaration on the Rights of Indigenous Peoples, and also, to review the existing obligations of the fully informed consent process during the United Nations decolonization process. The fully informed consent principle is tantamount to the free, prior, informed consent principle that is elaborated in the United Nations Declaration on the Rights of Indigenous Peoples.

Decision-making and the right to participate have historically been reduced by the colonization of Indigenous Peoples, reducing their right to their territory and resources. It is therefore necessary to consider removing the impediments to a real decision-making process that is free from any foundation of law that assumes any doctrine of superiority or discriminating law and policy through domestication processes.

Finally, we recommend that a review of EMRIP is put on the agenda for the 2012 session of EMRIP. I thank you Mr. Chair.

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