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Title: Joint Intervention by Indigenous Peoples on the work of the United Nations Human Rights Council addressing Treaties, Agreements and Constructive Arrangements

**United Nations Human Rights Council,
5th session, June 11 - 18, 2007**

**Written Intervention submitted by the International Indian Treaty Council
Indigenous World Association, Assembly of First Nations, Union of British
Columbia Indian Chiefs, Native Women's Association of Canada, Foundation for
Aboriginal and Islander Research Action (FAIRA), Asociacion Napguana,
International Organization of Indigenous Resource Development (IOIRD) and the
American Indian Law Alliance (AILA), NGO's in ECOSOC Consultative Status¹**

Agenda Item: Follow up of the Human Rights Council Decisions

On June 29, 2006, the United Nations Human Rights Council voted 30-2 to adopt the *United Nations Declaration on the Rights of Indigenous Peoples*. We reiterate our great appreciation to the Human Rights Council, its Chair Ambassador Luis Alfonso de Alba and the many supportive States from all regions of the world who voted to adopt the *Declaration*. This landmark decision was an historic step in the evolution of international human rights standards which respect the rights and dignity of all Peoples.

Indigenous Peoples continue to recognize the vital role of the Human Rights Council for the promotion, protection and defense of human rights for Indigenous Peoples and all Peoples. We are looking forward to working with the Council in its efforts to develop frameworks and methods for assessing the implementation of human rights standards, including the provisions of the *Declaration*, as a next vital step forward.

In this regard, 23 Indigenous organizations from 5 regions presented the following joint statement to the 6th session of the United Nations Permanent Forum on Indigenous Issues (UNPFII6) which met from May 14 – 25, 2007 in New York. This statement specifically includes recommendations for the UN Human Rights Council, in particular for the implementation of article 37 of the *U.N. Declaration on the Rights of Indigenous Peoples* addressing Treaties, Agreements and Constructive Arrangements entered into by Indigenous Peoples and states. It also offers recommendations for follow up and next

¹ The Confederacy of Treaty Six First Nations (Canada), Na Koa Ikaikai o Ka Lahui Hawaiii, Centro para la Autonomía y Desarrollo de los Pueblos Indígenas - Nicaragua (CADPI), and the Western Shoshone Defense Project. share the views expressed in this statement.

steps, in keeping with the mandate and structures currently under development by the Council, to insure the recognition, observance and enforcement of these Treaties, and to continue to effectively engage the Council and the UN system in this regard.

We offer these recommendations in the spirit of partnership, with great respect for the Council and appreciation for the commitment it has shown over the past year to include the human rights of Indigenous Peoples as a core consideration in its work. We again express our firm commitment to work in close collaboration with the Human Rights Council for the advancement of its essential mandate as the principle human rights body in the UN System.

**UN Permanent Forum for Indigenous Issues, Sixth Session, May 14 - 25 2007
Agenda Item 9, Future Work of the Forum**

Thank you Madame Chair. We express appreciation that the vital issue of Treaties, Agreements and Constructive Arrangements entered into by Indigenous Peoples and states has been so effectively addressed and included by Indigenous delegations under a range of agenda items during this session of the UNPFII, including in discussion on lands, territories, resources and human rights. We would like to carry consideration of this vital theme forward in terms of concrete steps and recommendations addressing the future work of the UNPFII under this agenda item.

Specifically, in this regard we would like to present the following recommendations for future action and follow-up by the UNPF and the United Nations system, based on, and in some cases further elaborating the Conclusions and Recommendations from **the 2nd United Nations Expert Seminar on Treaties, Agreements and Constructive Arrangements** which was held in November 14-17, 2006, in Maskwacîs Cree Territory, Alberta Canada.

We therefore call upon the UNPFII at its 6th session to elaborate a plan for future work on this issue, including to:

1. Emphasize and assert indigenous peoples' own understanding of the Treaties as documented and evidenced by Indigenous Peoples' oral histories, traditions and the concepts expressed in their own languages, and emphasize that these understandings must be the basis for all current processes between States and indigenous peoples and within the UN system to resolve conflicts and disputes related to the implementation of treaties and the rights they affirm.
2. Recommend that the Human Rights Council include the question of Treaties, agreements and other constructive arrangements when undertaking its Universal Periodic Review of state members.

3. Recommend that the Human Rights Council request the new Expert Advisory Body on Indigenous Peoples Human Rights being established as a subsidiary body of the Human Rights Council to propose and initiate next steps in order to update and complete the UN Study on Treaties, Agreements and Constructive Arrangements. This could include the possible appointment of a Rapporteur to carry out this task and provide regular reports to the Human Rights Council, the UNPFII and other appropriate bodies.
4. Recommend that the new Expert Advisory Body on Indigenous Peoples Human Rights established as a subsidiary body of the Human Rights Council be given the task of developing a framework for the implementation of Article 37 of the UN Declaration on the Rights of Indigenous Peoples as adopted by the HRC to assess implementation of Treaties, Agreements and Constructive Arrangements between States and Indigenous Peoples in all regions of the world.
5. Recommend that the third expert seminar on Treaties, agreements and other constructive arrangements as called for by ECOSOC take place in Waitangi, Aotearoa (New Zealand), in February 2008 and that the Office of the High Commissioner on Human Rights organize the seminar, the indigenous host communities, States, indigenous organizations, and appropriate UN bodies.

We eagerly await the Permanent Forum's inclusion of these recommendations in its final report of this session. They will provide important next steps to insure the recognition, observance and enforcement of Treaties, Agreements and Constructive Arrangements between States and Indigenous Peoples in all regions of the world, and to continue to engage the support and collaboration of the UN system in this regard..

Thank you.
