

North American Region Preparatory Meeting for the United Nations Permanent Forum on Indigenous Issues Sixth Session (UNPFII6)

**April 21-22, 2007
University of Minnesota Human Rights Center
Minneapolis, Minnesota**

*Submitted by Mr. Wilton Littlechild, I.P.C. ,
Member of the UNPFII (North America)*

Report of the Meeting

**Prepared by Co-Rapporteurs Celeste McKay, Native Women's
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I. BACKGROUND

1. This is a report on the North American Preparatory Meeting for the United Nations Permanent Forum on Indigenous Issues (UNPFII), Sixth Session (UNPFII6) which will be held in New York from May 14 – 25, 2007. The meeting was held on April 21 and 22, 2007, at the University of Minnesota Human Rights Center and Law School, 229 19th Avenue South, Minneapolis, Minnesota. Meetings and related events were hosted by the International Indian Treaty Council in collaboration with the University of Minnesota Human Rights Center.
2. The meeting was requested by Wilton Littlechild, Indigenous Independent Expert Member from North America on the UNPFII. The meeting was a voluntary effort of Indigenous Peoples from North America who used their own limited resources to come together to accomplish the following goals:
 - i. To share important information and provide updates on recent international meetings and conferences, including:
 - The 2nd UN Seminar on Treaties, Agreements and Constructive Arrangements and the International Indigenous Treaty Nations Summit, November 2006, Alberta Canada

- The 2nd Global Consultation on the Right to Food, Food Security and Food Sovereignty for Indigenous Peoples and the Development of Cultural Indicators for Food Security, Food Sovereignty and Sustainable Development, March 2007, Banaue, Philippines,
 - The International Expert Workshop on Indicators Relevant for Indigenous Peoples, the Convention on Biological Diversity and the Millennium Development Goals, March 2007, Banaue, Philippines,
 - The *United Nations Declaration on the Rights of Indigenous Peoples*
 - The Concluding observations of the Committee on the Elimination of Racial Discrimination (the CERD) on Canada's 17th and 18th Periodic Reports issued in March 2007 (CERD/C/CAN/CO/18, xx March 2007) (CERD Concluding Observations on Canada 2007)
 - UN Human Rights Council (UNHRC), structure and mandates developments (the UNHRC, the United Nations Working Group on Indigenous Populations (the UNWGIP) and the proposed new UNHRC Expert Group on the Human Rights of Indigenous Peoples: Update from Geneva and New York) and
 - Other reports, updates and general discussions.
- ii. To develop consensus around a strong consolidated statement to be presented at the upcoming UNPFII6. This statement will address the special theme of UNPFII6 on territories, lands and natural resources, including treaty rights;
 - iii. To discuss current updates and strategies related to the *UN Declaration on the Rights of Indigenous Peoples*; and
 - iv. To prepare for special events planned at UNPFII6.
3. The meeting was opened with a prayer and song by Chris Mato Nunpa of the Dakota Nation, welcoming participants to his people's homeland. Mitch Walking Elk of the Cheyenne - Arapaho Nation also shared a prayer song to open the meeting.
 4. A Chairperson and Rapporteurs were selected by meeting participants. The Chairperson was Beverley Jacobs, President, Native Women's Association of Canada. Co-Rapporteurs were Celeste McKay, Native Women's Association of Canada and Andrea Carmen, Executive Director of the International Indian Treaty Council.
 5. The Preparatory Meeting was attended by 65 representatives from 56 Indigenous Nations and organizations from the Permanent Forum's North America Region (United States and Canada). A complete participants list is attached as Annex "A".

6. Permanent Forum representative Wilton Littlechild and other participants provided an overview and background of the UNPFII, including its historical development as an Indigenous-led initiative which was then supported by States and the UN system.
7. Special note was made of the land and treaty rights struggles, including the current court case (*USA v. Susan Jeffrey, James K. Anderson and Chris Mato Nunpa*) of the Dakota (Sioux) peoples of Southern Minnesota where this meeting was held. Their Treaty of 1805, the first Treaty between the Dakota Oyate and the United States, involves approximately 155,000+ acres which covers much of the land of the Twin Cities of St. Paul and Minneapolis. Article 3 of the Treaty of 1805 asserts, "The U.S. promise on their part, to permit the Sioux to pass, repass, hunt, and do other things as they have formerly done in said district." This typifies the crucial role that treaties play in the rights of Indigenous Peoples and the commitment to equity and justice that states must make in order to resolve these issues. The participants express their support of the efforts of the Dakota Oyate to protect their treaty rights and to care for the land and water in this area. In particular, the participants support the Dakota in their struggle for land reparations and land restitution and affirm their declaration: "We, the Dakota People claim our rights as stated in Articles 2 and 3 of the Treaty. We have the right to the recognition, observance, and enforcement of the Treaty of 1805 and to have the U.S. honor and respect this treaty."
8. The participants of the North American Preparatory Meeting for the Permanent Forum on Indigenous Issues – Sixth Session expressed their sincere appreciation for the hosts of this meeting, the International Indian Treaty Council (the IITC), the University of Minnesota Human Rights Center and Law School and the local Indigenous community. Special appreciation is also given to Kristi Rudelius-Palmer, Co-Director of the University of Minnesota Human Rights Center, for her dedicated efforts in organizing the meeting and helping to produce this report.
9. The participants in the meeting noted the extraordinary contributions of the many Indigenous Peoples' representatives in achieving the many accomplishments over the past year and in the history of their participation within the United Nations system. Their dedication to the human dignity, survival and well-being of all peoples honors the vision of the United Nations.
10. In particular, the participants in the meeting expressed their heartfelt gratitude and appreciation for the representation, hard work, dedication and many accomplishments of Willie Littlechild in his role as the UNPFII Indigenous Independent Expert Member from North America over the past six years. The participants also welcomed Tonya Gonella-Frichner as the incoming Indigenous Independent Expert Member from North America.
11. The closing prayer was introduced by Joe American Horse, Oglala Lakota Nation, South Dakota, and offered by Billy Traverse, Ojibwe Nation, Manitoba.

II. CONCLUSIONS AND RECOMMENDATIONS

AGENDA ITEM 3: SPECIAL THEME: TERRITORIES, LANDS AND NATURAL RESOURCES

12. Participants affirm that Rights and Relationships to Land, Territories and the Natural Environment (“Resources”) are overriding core concerns for Indigenous Peoples. This theme cross cuts and impacts all 6 of the mandated areas of the UNPFII, is the basis for our survival, and is fundamental to the fulfillment of all 8 of the Millennium Development Goals (MGDs) for Indigenous Peoples. Participants identified the following cross-cutting areas of fundamental importance for the discussion of this theme at the UNPFII6: Treaties, Agreements and Constructive Arrangements, Permanent Sovereignty of Indigenous Peoples over their Territories, Lands and Natural Resources and the UN Declaration on the Rights of Indigenous Peoples. These are discussed below.

Treaties, Agreements and Constructive Arrangements

13. The North American region affirms the central and fundamental importance of Treaties, Agreements and Constructive Arrangements between States and Indigenous Peoples in recognizing and upholding Indigenous Peoples’ rights to territories, lands and natural resources. Participants endorse the Enoch River Cree Declaration of the International Indigenous Nations Treaty Summit, November 12-13, 2006, Enoch Cree Nation, Treaty No. 6 Nations’ Territory which was presented to the 2nd UN Expert Seminar on Treaties, Agreements and Constructive Arrangements, Maskwacîs Cree First Nations in Treaty 6 Territory, Alberta, Canada, 14-17 November 2006 (the 2nd UN Expert Seminar on Treaties, Agreements and Constructive Arrangements). The participants underscore the importance for this body, the UNPFII, of paragraphs 4 and 21, 23 (c) of the Conclusions and Recommendations which state:

“4. Experts stress the need to emphasize and assert indigenous peoples’ own understanding of the Treaties negotiated by Treaty Nations, as documented and evidenced by Indigenous Peoples’ oral histories, traditions and the concepts expressed in their own languages...

21. Experts call for the full and effective implementation of Article 42 of the draft Declaration [of the Rights of Indigenous Peoples] and, in particular, call upon the UN Permanent Forum on Indigenous Issues to initiate a five year review and follow up process based on reports from States, specialized agencies and bodies, and indigenous organizations addressing Treaties and treaty rights...

23. Experts request that the relevant recommendations contained in the UN Study on Treaties, agreements and constructive arrangements and the two UN seminars on Treaties, agreements and constructive arrangements are taken into consideration by:

...

(c) The UN Permanent Forum, in particular the 2007 session focusing on land, territories and natural resources which will also include the issue of Treaties,

agreements and constructive arrangements.” (Conclusions and Recommendations from the UN Expert Seminar on Treaties, Agreements and Constructive Arrangements, para.’s 4, 21 and 23(c))

14. Participants agree that the rights affirmed in Treaties, Agreements and Constructive Arrangements between States and Indigenous Peoples are cross-cutting and impact all six areas of the mandate of the Permanent Forum. Specifically, participants call upon the UNPFII at its 6th session to:
 - (1) Endorse the conclusions and recommendations of the 1st UN Expert Seminar on Treaties, Agreements and other Constructive Arrangements between States and Indigenous Peoples, held in Geneva, 15-17 December 2003
 - (2) Endorse the conclusions and recommendations of the 2nd UN Expert Seminar on Treaties, Agreements and Constructive Arrangements hosted by the Maskwacis Cree First Nations in Treaty 6 Territory, Alberta, Canada, 14-17 November 2006.
 - (3) Review the recommendations from both of these UN seminars, in particular focusing on steps taken by Indigenous Peoples, States, and the United Nations system to ensure their implementation
 - (4) Formally submit the recommendations from these two UN seminars, in its capacity as a United Nations body under the Economic and Social Council, to The Hague, utilizing the appropriate protocols and requesting an advisory opinion from the World Court.

Permanent Sovereignty of Indigenous Peoples over their Territories, Lands and Natural Resources

15. Participants recognize and emphasize the importance of permanent sovereignty of Indigenous Peoples over their territories, lands and natural resources. Participants endorse the conclusions and recommendations from *the Report on the Expert seminar on indigenous peoples’ permanent sovereignty over natural resources and their relationship to land, Chairperson Tom Calma, Rapporteur, Andrea Carmen* (E/CN.4/Sub.2/AC.4/2006/3, 5 May 2006) held from 25 to 27 January 2006. (UN Expert Seminar Report on Permanent Sovereignty). Participants note with agreement that this report endorsed two studies of the Special Rapporteur, Mrs. Erica-Irene A. Daes, *Indigenous peoples and their relationship to land: Final working paper* (E/CN.4/Sub.2/2001/21 (2001) and *Indigenous peoples’ sovereignty over natural resources: Final Report* (E.CN.4/Sub.2/2004/30 and Add.1).
16. In particular, participants in the meeting affirm that the following conclusions and recommend be used as a basis for the discussion of this Special Theme by the UNPFII6:

“30. Experts conclude that indigenous peoples have the right to permanent sovereignty over their lands, territories and natural resources, especially those which they have traditionally used or occupied.

31. Experts affirm that this right is inherent and inalienable, and is essential for the exercise of the right of self-determination of indigenous peoples. This right is affirmed in treaties, agreements and other constructive arrangements between States and indigenous peoples and in international law and the decisions and recommendations of international and regional human rights bodies.

32. Experts note that the right to lands, territories and permanent sovereignty over natural resources encompasses cultural, spiritual, political, economic, environmental and social elements which are essential for the existence and survival of indigenous peoples and require recognition of indigenous peoples' own understandings of their traditional relationship to their lands, territories and natural resources, and their own definitions of development." (*Report on the Expert seminar on indigenous peoples' permanent sovereignty over natural resources and their relationship to land*, E/CN.4/Sub.2/AC.4/2006/3, May 5, 2006, para. 31-32.)

The United Nations Declaration on the Rights of Indigenous Peoples

17. Participants endorse the text of the *UN Declaration on the Rights of Indigenous Peoples* as adopted by the UN Human Rights Council on June 29, 2006 and its resolution calling for the adoption by the UN General Assembly. The participants call for this Declaration to be immediately adopted by the UN General Assembly with a resolution that does not qualify or diminish the rights in any way. The adoption of the *UN Declaration on the Rights of Indigenous Peoples* by the UN General Assembly will be an affirmation of the fundamental importance of the survival, dignity and well-being of Indigenous Peoples.
18. Participants stress the importance of the provisions of the *UN Declaration on the Rights of Indigenous Peoples* recognizing and affirming the rights of Indigenous Peoples to their territories, lands and natural resources. In particular, the participants emphasize the importance of the following provisions:

“Article 20

1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.

2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.”

“Article 25

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

Article 26

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of

traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

Article 27

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Article 28

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, of a just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.

2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

Article 29

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.

2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.

3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

Article 30

1. Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a significant threat to relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.

2. States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities.

Article 31

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and

cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

Article 32

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of their mineral, water or other resources.

3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.”
(*UN Declaration on the Rights of Indigenous Peoples, articles 20 and 25-32*)

19. The participants welcome the efforts of Indigenous Nations, municipal governments and States to implement the *UN Declaration on the Rights of Indigenous Peoples*, including the Indigenous Nations and Pueblos of Abya Yala, and the Salt River Pima-Maricopa Indian Community, the State of Arizona and the City of Phoenix, as evidenced by the following Declarations and resolutions:
- i. Salt River Pima-Maricopa Indian Community Council, “A Resolution to Proclaim March 12, 2007 as Indigenous Peoples Day and to Affirm the United Nations Declaration on the Rights of Indigenous Peoples Adopted by the United Nations Human Rights Council” (Salt River Pima-Maricopa Indian Territory, March 7, 2007),
 - ii. City of Phoenix, Office of the Mayor, “A Proclamation, Nican Tlacah Nations of Indigenous Peoples, Indigenous Peoples Day” (Mayor Phil Gordon, March 12, 2007) and
 - iii. Resolution by the State of Arizona, “Arizona House of Representatives, 48th Legislature – March 8, 2007, House Recognition Of The World’s Indigenous Peoples” (March 8, 2007).
20. The participants invite other States, municipalities and Indigenous Peoples to take similar measures to recognize and implement the *UN Declaration on the Rights of Indigenous Peoples*.
21. Participants acknowledge, with appreciation, the final recommendations of the CERD Concluding Observations on Canada’s 17th and 18th Periodic Reports to the CERD. The participants stress the importance of the following paragraphs pertaining specifically to the *UN Declaration on the Rights of Indigenous Peoples* (paragraph 27) and to territories, lands and natural resources, specifically regarding

Canada's extinguishment approach to land claims and Canada's responsibility to take appropriate legislative and administrative measures to protect Indigenous Peoples from Canadian transnational corporations, (paragraphs 22 and 17, respectively):

“27. In view of the positive contributions made and the support given by the State party in the process leading up to the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, the Committee regrets the change in the position of the State party in the Human Rights Council and the General Assembly.

The Committee recommends to the State party that it support the immediate adoption of the United Nations Declaration on the Rights of Indigenous Peoples, and that it consider ratifying the ILO Indigenous and Tribal Peoples Convention No. 169.”

22...The Committee is also concerned that claims of Aboriginal land rights are being settled primarily through litigation, at a disproportionate cost for the Aboriginal communities concerned due to the strongly adversarial positions taken by the federal and provincial governments (article 5d)v)) [Emphasis added.]

In line with the recognition by the State party of the inherent right of self-government of Aboriginal peoples under section 35 of the *Constitution Act, 1982*, the Committee recommends the State party to ensure that the new approaches taken to settle aboriginal land claims do not unduly restrict the progressive development of aboriginal rights. Wherever possible, the Committee urges the State party to engage, in good faith, in negotiations based on recognition and reconciliation, and reiterates its previous recommendation that the State party examine ways and means to facilitate the establishment of proof of Aboriginal title over land in procedures before the courts. Treaties concluded with First Nations should provide for periodic review, including by third parties, where possible.

17...In light of article 2.1 d) and article 4 a) and b) of the Convention and of its general recommendation 23 (1997) on the rights of indigenous peoples, the Committee encourages the State party to take appropriate legislative or administrative measures to prevent acts of transnational corporations registered in Canada which negatively impact on the enjoyment of rights of indigenous peoples in territories outside Canada. In particular, the Committee recommends to the State party that it explore ways to hold transnational corporations registered in Canada accountable. The Committee requests the State party to include in its next periodic report information on the effects of activities of transnational corporations registered in Canada on indigenous peoples abroad and on any measures taken in this regard.” [Emphasis is original.] (CERD Concluding Observations on Canada 2007, para.'s 27, 22 and 17)

22. Participants also endorse the CERD's assessment of Canada's lack of implementation of the recommendations of the Royal Commission on Aboriginal Peoples, specifically those outlined in the Assembly of First Nations' 10 Year Review of the Royal Commission on Aboriginal Peoples. (Assembly of First Nations, "Royal Commission on Aboriginal Peoples at 10 Years: A Report Card", November 2006) The participants call attention to the specific recommendations on territories, lands and natural resources (page 10, attached in Annex "B").
23. Participants call upon the UNPFII to request the government of Canada to report on its compliance and implementation with regard to these provisions at the UNPFII 7th Session.
24. In summary, participants recommend that the following key topics, concerns and issues be discussed during UNPFII6 and included in the final report of this session addressing the theme of territories, lands and natural resources:
 - (1) The historic and current implications and impacts of the "Doctrine of Discovery" as practiced by the United States, Canada, and other settler governments, including the legal concept "laches" which should not be applied to treaties, agreements, and other constructive arrangements;
 - (2) The national and international legal standing of aboriginal title and treaty title;
 - (3) Indigenous Peoples' permanent sovereignty over natural resources including the review of the implementation of the recommendations from the above mentioned UN Expert Seminar Report on Permanent Sovereignty and two studies of the Special Rapporteur, Mrs. Erica-Irene A. Daes, *Indigenous peoples and their relationship to land: Final working paper* and *Indigenous peoples' sovereignty over natural resources: Final Report*;
 - (4) The application and implementation of the right to free, prior and informed consent;
 - (5) Report on Closing the Implementation Gap: A forum to follow-up the 2004 mission to Canada by the U.N. Special Rapporteur on the situation of human rights and fundamental freedoms of Indigenous people, Rodolfo Stavenhagen, Ottawa, Canada, 2-3 October 2006;
 - (6) Report on the International Expert Seminar on Best Practices for the implementation of the Recommendations of the UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, Rodolfo Stavenhagen (Montreal, Canada, 5-7 October 2006) in *Indigenous Rights: The UN Special Rapporteur Experiences and Challenges* (IWGIA Doc. No. 118, Copenhagen, 2007).
 - (7) The acceptance of Treaties, Agreements and Constructive Arrangements of Indigenous Peoples into the UN Registry of Treaties as recommended by the 1st UN Expert Seminar on Treaties, Agreements and Constructive Arrangements. The 2nd UN Expert Seminar on Treaties, Agreements and Constructive Arrangements reaffirms this recommendation at paragraph 2 of its Conclusions and Recommendations:

- “2. Experts reaffirm the Conclusions and Recommendations of the Seminar on Treaties, Agreements and other Constructive Arrangements held in Geneva in December 2003 and contained in document E/CN.4/2004/111 and emphasize their continued relevance.” (Conclusions and Recommendations from the 2nd UN Expert Seminar on Treaties, Agreements and Constructive Arrangements, November 14-17, 2006, Maskwacis Cree Territory, para. 2)

AGENDA ITEM 4. IMPLEMENTATION OF RECOMMENDATIONS ON THE SIX MANDATED AREAS OF THE PERMANENT FORUM AND ON THE MILLENNIUM DEVELOPMENT GOALS

4. (a) ECONOMIC AND SOCIAL DEVELOPMENT

25. The participants remain concerned about the socio-economic gap between Indigenous and non-Indigenous individuals throughout North America. In this regard, the participants endorse the CERD’s call for implementation of the Kelowna Accord in Canada, which is aimed at addressing this gap:

“21. While welcoming the commitments made in 2005 by the federal government and provincial/territorial governments under the Kelowna Accord, aimed at closing socio-economic gaps between Aboriginal and non-Aboriginal Canadians, the Committee remains concerned at the extent of the dramatic inequality in living standards still experienced by Aboriginal peoples. In this regard, the Committee, recognising the importance of the right of indigenous peoples to own, develop, control and use their lands, territories and resources in relation to their enjoyment of economic, social and cultural rights, regrets that in its report, the State party did not address the question of limitations imposed on the use by Aboriginal people of their land, as previously requested by the Committee. The Committee also notes that the State party has yet to fully implement the 1996 recommendations of the Royal Commission on Aboriginal Peoples (article 5 e)).

In light of article 5 e) and of general recommendation 23 (1997) on the rights of indigenous peoples, the Committee urges the State party to allocate sufficient resources to remove the obstacles that prevent the enjoyment of economic, social and cultural rights by Aboriginal peoples. The Committee also once again requests that the State party provide information on limitations imposed on the use by Aboriginal people of their land, in its next periodic report, and that it fully implement the 1996 recommendations of the Royal Commission on Aboriginal Peoples without further delay. [Emphasis is original.] (CERD Concluding Observations on Canada 2007, para. 21).

AGENDA ITEM 4. (b) ENVIRONMENT

25. Participants affirm that food security, right to food and food sovereignty represent a fundamental element of Indigenous Peoples’ survival and relationship with their territories, lands, natural resources and the natural environments which sustain

them. We reaffirm that the definition of food sovereignty as a prerequisite for Food Security for Indigenous Peoples, as defined in the “Declaration of Atitlán, Guatemala: Indigenous Peoples’ Consultation on the Right to Food: A Global Consultation, Atitlán, Sololá, Guatemala, April 17-19, 2002” which states:

“Food Sovereignty is the right of Peoples to define their own policies and strategies for the sustainable production, distribution, and consumption of food, with respect for their own cultures and their own systems of managing natural resources and rural areas, and is considered to be a precondition for Food Security.” (Declaration of Atitlán, Guatemala: Indigenous Peoples’ Consultation on the Right to Food: A Global Consultation, Atitlán, Sololá, Guatemala, April 17-19, 2002)

26. Participants endorse the “Cultural Indicators for Food Security, Food Sovereignty and Sustainable Development” from the 2nd Global Consultation on the Right to Food, Food Security and Food Sovereignty for Indigenous Peoples held from September 7 to 9, 2006 in Bilwi, Puerto Cabezas, Nicaragua. Participants call upon the UNPFII, UN agencies, States and Indigenous Peoples to utilize these indicators and the principles they contain, including the right to Free, Prior and Informed Consent, to assess their food security, food sovereignty and other sustainable development strategies, policies and programs pertaining to Indigenous Peoples.
27. Participants note and express concern about the detrimental and devastating effects of mining and other unsustainable, imposed development activities on the rights of Indigenous Peoples to their territories, lands, natural resources, food security and sovereignty, water, health and well-being. In particular, concerns was expressed for the reactivation of uranium mining in the western USA (such as in the Black Hills of the Great Sioux Nation and the Navajo Nation), clear cutting and mercury contamination in Canada (such as in Grassy Narrows, ON) and toxic contamination (such as in Akwesasne Mohawk Territory). With regard to the territories, lands and natural resources of Indigenous Peoples, there must be free, prior and informed consent to all other forms of proposed development, including uranium mining, clear cutting and the privatisation, contamination, diversion and appropriation of water. The participants request that the UNPFII call the attention of all UN Member States to the CERD Concluding Observations on Canada 2007 regarding States’ obligations to monitor the human rights violations of corporations which they licence in their activities affecting the rights of Indigenous Peoples. (See above at paragraph 19 of this report, which refers to the CERD Concluding Observations Canada 2007, para. 17).
28. Participants welcome and applaud the historic decision of the UNHRC of November 26, 2006 recognizing the right to water as a human right. We recognize that the UN High Commissioner on Human Rights, Ms Louise Arbour, has initiated “...a detailed study on the scope and content of the relevant human rights obligations related to equitable access to safe drinking water and sanitation under international human rights instruments, which includes relevant conclusions and recommendations thereon, to be submitted prior to the sixth session of the Council.” (UNHRC, Decision 2/104 on Human Rights and Access to Water). Indigenous

Peoples from North America and other regions of the world have made submissions to the study affirming this fundamental right and documenting the violations of this right as it applies to Indigenous Peoples. Participants in this meeting call upon the UNPFII to request that the UN High Commissioner on Human Rights present the results of her study to the next session, the UNPFII, 7th Session, in particular as they impact the rights of Indigenous Peoples. Participants express particular concern for the impacts of contamination, diversion, appropriation and privatization of water which is sacred to Indigenous Peoples and is central for all life. Participants shared many examples of these impacts which are profoundly affecting their Peoples.

AGENDA ITEM 4. (f) HUMAN RIGHTS

The United Human Rights Council and Human Rights of Indigenous Peoples

29. Participants note the vital need to create and strengthen effective mechanisms within the United Nations systems to effectively address the pervasive and ongoing violations of Indigenous Peoples human rights in North America and all regions of the world. In this regard, participants recommend that the UNPFII6 advise the UNHRC to continue its progress in implementing structures, procedures and mechanisms as recommended by the Indigenous Peoples Global Caucus attending the 5th Session of the UNPFII. In particular, we endorse the recent efforts of the UNHRC to establish an Expert Group on the Human Rights of Indigenous Peoples as a subsidiary body of the UNHRC that will include at minimum 2 Indigenous experts nominated by Indigenous Peoples. In our view, this will ensure the effective and representative participation of Indigenous Peoples to defend their human rights and fundamental freedoms, and to redress violations of these rights. We call upon the UNPFII to recommend that a resolution to create this Expert Group be adopted at the June 2007 session of the UNHRC.
30. Participants request that the UNPFII6 advise the UNHRC to authorize at least one more session of the UNWGIP so that it can review and, as needed, complete its pending work. This will also facilitate an appropriate transition to the new Expert Group as well as other appropriate structures in the UN. We further call upon the UNPFII to put forward names of at least four expert members of the UNPFII to serve as members of the UNWGIP at this last session, to include an equal representation of States and Indigenous experts.

Violence Against Indigenous Women and Gender Equality

31. Participants expressed their profound concern regarding the violence against Indigenous women with continues to be pandemic in North America and in all regions of the world. Participants call upon states and Indigenous nations to engage in discussions and implement solutions that shall address ending *all* forms of violence, specifically including femicide, perpetrated against Indigenous women. Participants note that this violence takes place in both “developing” and

“developed” and countries, including Canada, as was highlighted by the CERD in paragraph 20. The participants strongly endorse this recommendation:

“20...In light of its general recommendation 25 (2000) on gender-related dimensions of racial discrimination, the Committee recommends that the State party strengthen and expand existing services, including shelters and counselling, for victims of gender-based violence, so as to ensure their accessibility. Furthermore, it recommends that the State party take effective measures to provide culturally-sensitive training for all law enforcement officers, taking into consideration the specific vulnerability of aboriginal women and women belonging to racial/ethnic minority groups to gender-based violence.” [Emphasis is original.] (CERD Concluding Observations on Canada 2007, para. 20)

32. Another very disturbing example of the level of violence against Indigenous women in this region is presented in the new landmark study on Sexual Violence Against Alaska Native and American Indian Women in the United States by Amnesty International, focusing on Alaska, Oklahoma and North and South Dakota. The Study cites “shockingly high” US Justice Department statistics documenting that Indigenous women are 2.5 times more likely to be raped than other women in the US. Further, the study warns that one in three Indigenous women in the US will be raped in their lifetimes. The study reported that Alaska had the highest levels of sexual violence against Native women. Between 2000 and 2003 in Anchorage, Alaska’s largest city, Native women were sexually assaulted 9.7 times more often than other women. Lack of adequate governmental services and protections for Indigenous women in cities and in many Native rural communities were identified by Amnesty International as a primary reason for this appalling situation. It should be noted that Indigenous women who work with sexual assault victims in their own communities and reservations in the US think that these statistics are lower than the reality due to underreporting and other factors. (Amnesty International, *Maze of injustice: The failure to protect Indigenous women from sexual violence in the USA*, London: Amnesty International Publications, 2007)
33. The participants note with appreciation paragraph 15 of the CERD Concluding Observations on Canada 2007 which aims to address concerns of gender inequalities facing Indigenous women in Canada. In this regard, the participants support the right to equal benefit of property between Indigenous men and women on Indigenous territories, through legislative reforms “in consultation with First Nations organizations and communities, including aboriginal women’s organizations, without further delay.” (CERD Concluding Observations on Canada 2007, para. 15)
34. The participants call for States to continue to report to UNPFII regarding the human rights of Indigenous girl-child and women, specifically the right to live free from violence and the progress in implementing programs, services and legal protections, in conjunction with Indigenous Peoples, aimed at effectively reducing the levels of violence.

35. Participants also highlighted a range of other human rights concerns impacting Indigenous Peoples in the North American region. These include:

Non-Discrimination and Human Rights Legislation

36. The participants note the vital importance of equal protection and non-discriminatory application of all human rights standards, as well as the right of free, prior and informed consent as governing principles in the establishment of human rights legislative reforms impacting the lands, territories and resources of Indigenous Peoples. In this regard, the participants also welcome and highlight the following recommendation of the CERD:

“25. The Committee, while welcoming the recent decision of the State party to repeal Section 67 of the Canadian Human Rights Act (CHRA) which effectively shielded the provisions of the Indian Act and decisions made pursuant to it from the protection provided by the CHRA, notes that the repeal in itself does not guarantee enjoyment of the right to access to effective remedies by on-reserve Aboriginal individuals (article 6).

The Committee urges the State party to engage in effective consultations with aboriginal communities so that mechanisms that will ensure adequate application of the Canadian Human Rights Act (CHRA) with regard to complaints under the Indian Act are put in place following the repeal.” [Emphasis is original.] (CERD Concluding Observations on Canada 2007, para. 25)

Battle Honours and “Truth in History”

37. The participants of this meeting recognize the need to clarify and correct the historical misinformation which continues to affect Indigenous Peoples in our relationship with settler state governments. In this regard, we endorse the call upon the United States of America government to:
- Accept the National Congress of American Indians calling for the removal of the “battle streamer” for the Massacre at Wounded Knee and Sand Creek; and removal of the “Battle of Pine Ridge 1890” (which was in reality a Massacre at Wounded Knee, South Dakota) “battle streamer” from [the USA]’s flags;
 - Rescind the “20 Medal of Honors” awarded for this massacre and remove their names from the Medal of Honor Roll; and
 - Recognize December 26-29, as days of prayer and observance.
38. The participants call upon other States to make similar corrections in the historical records in their own countries.

Employment

39. The participants note that discrimination against Indigenous Peoples continues to interfere with their right to equality in areas such as employment and education. In relation to employment, the participants endorse the following recommendations of the CERD:

“24... The Committee recommends that legislation prohibiting discrimination in employment and all discriminatory practices in the labour market be fully implemented in practice and that further measures be taken to reduce unemployment among the minority groups, particularly among African Canadians and aboriginal peoples. The Committee also encourages the State party to strengthen or adopt, as necessary, specific programmes to ensure appropriate representation of ethnic communities in government and public administration, at federal and provincial/territorial levels. The Committee requests the State party to include information on the measures taken and the results achieved in its next periodic report.”
[Emphasis is original.] (CERD Concluding Observations on Canada 2007, para. 24)

Criminal Justice System

40. The participants are concerned about the disproportionately high rate of incarceration of Indigenous Peoples in North America and the negative impacts of this reality on the cultures, survival, dignity and well-being of Indigenous individuals and Peoples. On that basis, the participants endorse the following CERD concerns and recommendations:

“19. While welcoming the introduction of the initiative entitled *Addressing Race-Based issues in the Justice system*, as part of the Action Plan Against Racism, the Committee is concerned about ... the disproportionately high rate of incarceration of aboriginal peoples compared with the general population (article 5 a)).

In the light of its general recommendation 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee recommends to the State party that it give preference, wherever possible, to alternatives to imprisonment with respect to aboriginal persons, considering the negative impact of separation from their community that imprisonment may entail. Furthermore, the Committee recommends that the State party increase its efforts to address socio-economic marginalization and discriminatory approaches to law enforcement, and consider introducing a specific programme to facilitate re-integration of aboriginal offenders into society.” [Emphasis is original.] (CERD Concluding Observations on Canada 2007, para. 19)

41. The participants note that the “new” government of Canada has instituted regressive measures in relation to access to justice, including the cancellation of the Court Challenges Program, which provided test case funding for cases related to the

equality rights of “disadvantaged groups” cases. In this regard, the participants endorse the following recommendation of the CERD:

“26...The Committee recommends that the State party take the necessary measures to ensure access to justice for all persons within its jurisdiction without discrimination. In this connection, the Committee urges the State party to reinstate the Court Challenges Program, or devise a functional replacement mechanism with equivalent effect, as a matter of priority.”
[Emphasis is original.] (CERD Concluding Observations on Canada 2007, para. 26)

AGENDA ITEM 5. HUMAN RIGHTS: DIALOGUE WITH THE SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS OF INDIGENOUS PEOPLE

42. Participants note with appreciation the recommendations and conclusions made from the Report on Closing the Implementation Gap: A forum to follow-up the 2004 mission to Canada by the U.N. Special Rapporteur on the situation of human rights and fundamental freedoms of Indigenous Peoples, Rodolfo Stavenhagen, Ottawa, Canada, 2-3 October 2006 and the Report on the International Expert Seminar on Best Practices for the implementation of the Recommendations of the UN Special Rapporteur on the situation of human rights and fundamental freedoms of Indigenous Peoples, Rodolfo Stavenhagen (Montreal, Canada, 5-7 October 2006).

AGENDA ITEM 7. HALF DAY DISCUSSION ON INDIGENOUS PEOPLES AND URBAN MIGRATION

Indigenous Peoples Affected by International Borders

43. Participants recognize that the current methods and procedures for enforcement of border control by the United States, Canada and Mexico violate the human rights, cultural rights, treaty rights, sovereignty, and, in some situations, the right to life of Indigenous Peoples and Nations, in particular of those divided by international borders between Canada and the United States and Mexico and the United States. Participants recognize and support the important work being carried out by impacted Indigenous Peoples and States to address the continued serious problems resulting from current border enforcement and immigration policies, which includes thousands of deaths in recent years. In this regard, the participants note with appreciation various events and Summits organized by Indigenous Peoples to address this issue, including the Border Summit of the Americas held in San Xavier, San Xavier District, Tohono O’odham Nation, September 29-October 1, 2006, which produced the “Declaration of San Xavier” affirming Indigenous Peoples rights in this regard. The participants also affirm the vital importance of recognition by states of Indigenous Peoples’ and Nations own documentation of their Indigenous Nation Citizenship.

44. Participants call upon the Permanent Forum to request reports and updates from these and other States, regarding the status and implementation of remedies, in particular, where deaths and critical threats to the lives, safety and human rights of Indigenous Peoples occur. Of particular concern is the high rate of rape, murder, disappearance and trafficking of the Indigenous girl-child and Indigenous women.
45. Participants emphasize the importance of Article 36 of the *UN Declaration on the Rights of Indigenous Peoples* in upholding the rights of Indigenous peoples divided by international borders and call upon UNPFII6 to request States to respect the rights contained within this Article as an important step in resolving the grave violations of Indigenous Peoples' human rights they currently experience. Article 36 states:

“Article 36 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.” (*UN Declaration on the Rights of Indigenous Peoples*, article 36)

46. Participants endorse the CERD's recommendation that Canada consider ratifying the 1954 Convention relating to States of Stateless Persons and the International Convention on the Protection of the Rights of All Migrants Workers and Members of Their Families as well as other legislative and policy actions:

“23...The Committee recommends that the State party consider ratifying the 1954 Convention relating to Status of Stateless Persons and the International Convention on the Protection of the Rights of All Migrants Workers and Members of Their Families. The Committee urges the State party to take necessary legal and policy measures to ensure that undocumented migrants and stateless persons whose asylum applications have been rejected are provided with access to social security, health care and education in all provinces and territories, in line with article 5 e) of the Convention. The Committee also recommends to the State party that it consider amending the Immigration and Refugee Protection Act (IRPA) so as to explicitly include statelessness as a factor of humanitarian and compassionate consideration.” [Emphasis is original.] (CERD Concluding Observations on Canada 2007, para. 23)

47. The participants support calls for a 2nd International Border Security Summit that will focus on the human rights of Indigenous Peoples divided by international borders.

“Anti-Terrorism” Legislation

48. In the related matter of purported “anti-terrorism” measures begin carried out by state governments, the participants call for the full observance of human rights standards, including anti-discrimination with regards to legislation, policies and practices in order to protect those most vulnerable, specifically Indigenous Peoples, to abuse of powers by relevant authorities. On this basis, the participants endorse

the following recommendation of the CERD and recommend that other States undertake similar measures:

“14....While acknowledging the State party’s national security concerns, the Committee underlines the obligation of the State party to ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent, or national or ethnic origin. The Committee urges the State party to continue to review existing national security measures, and to ensure that individuals are not targeted on the ground of race or ethnicity. The Committee also recommends that the State party undertake sensitisation campaigns to protect persons and groups from stereotypes associating them with terrorism. The Committee further recommends that the State party consider amending the Anti-Terrorism Act to include an explicit anti-discrimination clause.” [Emphasis is original.] (CERD Concluding Observations on Canada 2007, para. 14)

AGENDA ITEM 9. FUTURE WORK OF THE PERMANENT FORUM INCLUDING EMERGING ISSUES

49. Participants recommend that the UNPFII consider that the theme for the 7th Session be “Climate Change and The Right and Responsibility to Maintain the Sacred Balance of Creation.”
50. Participants from the North American Region reaffirm their commitment to continue working to build solidarity, share information, offer support and address issues of mutual concern with Indigenous Peoples from all regions at this and future sessions of the UNPFII. In this regard, participants express their support for the “Declaration of Iximche”, III Continental Summit of Indigenous Nations and Pueblos of Abya Yala, Iximche, Guatemala, March 30, 2007. Participants welcome such efforts by Indigenous Peoples to work together for the survival, dignity and well-being of all of our Peoples.

This report is adopted and approved by consensus of the participants for submission and presentation at the United Nations Permanent Forum on Indigenous Issues Sixth Session (UNPFII6).

**North American Region Preparatory Session for the
Permanent Forum on Indigenous Issues 6th Session
April 21-22, 2007, University of Minnesota Law School**

Annex “A” List of Participants

First	Last	Organization	Nation or Tribal Affiliation
Robert	Aitkin		Ojibwe
Jim	Anderson	Mendota Dakota Community	Dakota
Jay	Bad Heart Bull	Division of Indian work/Little Earth	
Kaka	Bag-ao	Humphrey Fellow, University of Minnesota	Philippines
Carly	Beane	Wicoie Nandagikendar Language Immersion Program	Flandreau Santee Sioux Tribe
Pat	Bellanger	International Indian Treaty Council	White Earth Ojibwe
Vernon	Bellecourt	AIMGGC/ IIIC	Anishinaabe - White Earth
Peggy	Bird	Native Women's Advocacy Center	Santo Domingo Pueblo
Roberto	Borrero	United Confederation of Taino People	Taino
Beth	Brown	American Indian Studies	
Lisa	Brunner	Native Women's Advocacy Center	White Earth Ojibwe Nation
Andrea	Carmen	International Indian Treaty Council	Yaqui
Marisa	Carr	American Indian Student Cultural Center	Turtle Mountain Ojibwe
Bernie	Clark	Fond Du Lac	White Earth Res
Dorene	Day	Three Fives Society	Ojibway-Netlake
Jake	Edwards	Haudenosaunee	Onondaga Nation
Ali	Elissa	Flying Eagle Woman Fund	Palestine
Mary Beth	Faimon	Southwest Minnesota State University (SMSU)	
Jason	Fritzwolf	American Indian Movement (AIM)	Pineridge
Rainey	Gaywish	Three Fives Society	Cree Anishinabe
Tonya	G. Frichner	American Indian Law Alliance	Onondaga Nation
Petuuche	Gilbert	Indigenous World Association	Acoma
Dennis	Gill	Cpb Cultural Advisor	Sisseton Wahpekute Oyate
Geoff	Gold	Indian Child Welfare Law Center	Dine
Tom	Goldtooth	Indigenous Environmental Network	

First	Last	Organization	Nation or Tribal Affiliation
Tony	Gonzales	IITC/AIM	Cumca'ac/Chicano
Roxanne	Gould	Fond Du Lac Tribal College	Odawa/Ojibwe
Edward	Gray	Haudenosaunee	Mohawk Nation
Jesse	Grey Eagle		Oglala Lakota
Renee	Gurneau		Red Lake Anishinabe
Ron	Holton		Joe American Horse
Eileen	Hudon	Native Women's Advocacy Center	White Earth Nation
Beverley	Jacobs	Native Women's Association of Canada	Mohawk
Edward	John	Assembly Of First Nations/First Nations Summit	Tl'Azt'En Nation/Carrier Sekani Tribal Council
Roger	Jones	Assembly of First Nations	Anishawbek
John	Kearney	IIIC (Consultant)	Celtic
Josephine	Lightfeather	MN Indian Women's Resource Center	White Earth Ojibwe Enrolled
Norman	Lightfeather	MN Indian Women's Resource Center	Seine River Reserve, Ontario
Suzanne	Linton	Green Party	
Wilton	LittleChild	UN Permanent Forum On Indigenous Issues	Cree
Cecilia	Martinez		Pueblo
Chris	Mato Nunpa	Southwest Minnesota State Univ.	Dakota
Celeste	McKay	NWAC	Metis
Bill	Means	International Indian Treaty Council	Lakota
Mary	Moose		Ojibwe
Mary	Mullen	East Central Legal Services	
Liza	O'Reilly	United Confederation of Tribal Peoples	Taino
Stuart	Patterson	Haudenosaunee	Tuscarora Nation
Eugene	Peterson	Assembly of Manitoba Chiefs	Cree Ojibray Dakota Dene Obi Cree
Fiorella	Rojas	Humphrey Fellow	Costa Rica
Kristi	Rudelius-Palmer	Human Rights Center, University of Minnesota	
Daryl	Sager	Fresh Energy	Turtle Mountain Band Of Chippewa Indians
Arcadio	Salanic	Centro de Derechos Humanos, Guatemala	Maya Kiche
Omar	Sierra	Consulate of Venezuela	Venezuelan
Mark	Solis	Fond Du Lac Tribal College	Ojibwe/ Mexican
Shiryn	Tan		
Paul	Taylor	AIM - Native American Rainbow Network	

First	Last	Organization	Nation or Tribal Affiliation
Roy	Taylor	Consultant	Pawnee/ Choctaw
Bill	Traverse	Assembly of Manitoba Chiefs	Anishinabe-Cree, Saultreaux
Sonia	Traverse		Saultreaux
Dori	Ullman	Green Party	
Mitch	Walking Elk		Cheyenne - Arapaho
Susan	White	Oneida Trust Cmte - WI	Oneida Nation WI
Erwic	Whiteman	AIM	Arapahoe
Yasmin		MN-Venezuela Committee	Venezuelan

**Annex “B” – Assembly of First Nations Ten Year Review of
the Royal Commission on Aboriginal Peoples
Recommendations on Lands and Resources**

Land and Resources

Recommendation	RCAP #	Status	Grade
Adoption of principles related to Aboriginal Title in land	2.4.1	Not implemented	F
Provision of land sufficient to foster Aboriginal economic self-reliance, and cultural and political autonomy	2.4.2 - 2.4.23	Existing mechanism is very slow. The Additions to Reserve (ATR) policy shows how ineffective the claims policy is, as it is a way for First Nations to acquire land for economic development in the absence of a claims resolution. ATR processes are extremely lengthy. Note: when a legal entitlement from a claims settlement exists and is settled on a timely basis, there should be no need for an ATR. The federal response has been to introduce legislation although a severe lack of consultation was noted amongst First Nations. (First Nation Commercial and Industrialization Act, Bill C-71)	F
Establishment of an independent administrative tribunal: the Aboriginal Lands and Treaties Tribunal	2.9.29 – 2.4.41	Not implemented. There have been attempts to reform the Indian Claims Commission, but change has not occurred. A joint task force on claims (had First Nations rep) created recommendations which were not taken up by government.	D
Interim protocol on specific claims, to expand First Nations land base on an interim basis	2.4.43 – 2.4.47	Not implemented	F

<p>A new approach to lands and resources, and interim measures to improve Aboriginal peoples access to resource-based economies: forestry; mineral, oil and natural gas resources on reserves; resources on Crown lands; wildlife harvesting; trapping; water resources; water rights for hydro development, and shared management of water resources (amended Canada Water Act)</p>	<p>2.4.48 – 2.4.77</p>	<p>Not implemented –no resource revenue sharing protocol in existence. No standards in place for impact benefit agreements nor an overall policy to encourage revenue or facilitate revenue sharing agreements</p>	<p>F</p>
<p>Co-jurisdiction or co-management of lands and resources</p>	<p>2.4.78</p>	<p>Some co management regime examples under land claim agreements, such as those with the Gwich'in, Sahtu, Dene and Inuvialuit in the north</p>	<p>C</p>
<p>Recognition of Aboriginal ownership and management of cultural and historic sites</p>	<p>2.4.58 – 2.4.61</p>	<p>Some recognition in northern land claim agreements, but no national direction outside of self-government</p>	<p>C</p>

**Annex “C” – Resolutions and Declarations by the Indigenous Nations and
Pueblos of Abya Yala, and the Salt River Pima-Maricopa Indian Community,
the State of Arizona and the City of Phoenix regarding the *UN Declaration on
the Rights of Indigenous Peoples***

**SALT RIVER PIMA-MARICOPA
INDIAN COMMUNITY**
10,005 E Osborn Road
Scottsdale, AZ 85256

RESOLUTION NO. SR-____ - ____

**A RESOLUTION TO PROCLAIM MARCH 12, 2007 AS INDIGENOUS PEOPLES DAY AND TO
AFFIRM THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS
PEOPLES ADOPTED BY THE UNITED NATIONS HUMAN RIGHTS COUNCIL.**

WHEREAS, the Salt River Pima-Maricopa Indian Community Council (the “Council”) has the authority pursuant to Article VII of the Constitution of the Salt River Pima-Maricopa Indian Community (SRPMIC or “Community”) to exercise any power vested in the Community within the bounds of the Community Constitution and applicable federal law; and

WHEREAS, the United Nations has proclaimed the Second International Decade of the World's Indigenous Peoples for the period of 2005 - 2015 by General Assembly Resolution on December 22, 2004; and

WHEREAS, the SRPMIC is honored by the recognition and support expressed for Indigenous Peoples by the City of Phoenix and the Arizona House of Representatives today; and

WHEREAS, the SRPMIC has a considerable number of enrolled tribal members who currently reside within the City of Phoenix, as well as other cities located in the Phoenix metropolitan area; and

WHEREAS, the SRPMIC recognizes our relationship and solidarity with the Pima and Maricopa people of our Community, our three sister tribes which include the Ak-Chin Indian Community, Gila River Indian Community and Tohono O'Odham Nation, our Pima relations located at the U.S.-Mexico border, the tribes of Arizona, other Indigenous Peoples of the North and South America, and all Indigenous Peoples throughout the world; and

WHEREAS, the SRPMIC supports a regional approach to community development that integrates respect for the principles of COMMUNITY ECOLOGY in terms of urban systems, territories, and Sacred Sites of the Indigenous Peoples.

NOW THEREFORE BE IT RESOLVED that the SRPMIC Council proclaims today, March 12th, 2007 as INDIGENOUS PEOPLES DAY.

BE IT FURTHER RESOLVED that the SRPMIC affirms throughout our tribal lands the United Nations Declaration on the Rights of Indigenous Peoples adopted by the UN Human Rights Council on June 23, 2006, as an expression of the minimum standards of recognition of the rights of Indigenous Peoples.

BE IT FINALLY RESOLVED that the President or the Vice-President is hereby authorized and directed to take all reasonably necessary steps to and in aid of carrying out the purpose and intent of this Resolution.

Arizona House of Representatives
48th Legislature - March 8, 2007
House Recognition
Of
The World's Indigenous Peoples

WHEREAS, the United Nations has proclaimed the Second International Decade of the World's Indigenous Peoples for the period of 2005 - 2015 by General Assembly Resolution on December 22, 2004; and

WHEREAS, the objective of the Second International Decade of the World's Indigenous Peoples includes the strengthening of international cooperation for the solution of problems faced by indigenous peoples in areas such as culture, education, health, human rights, the environment, and social and economic development; and

WHEREAS, the City of Phoenix has announced support of the Decade by proclaiming March 12, 2007 as Indigenous Peoples Day; and

WHEREAS, the Arizona House of Representatives supports the freedom and equality for all peoples; and

WHEREAS, the Arizona House of Representatives respects all Indigenous Peoples and cultures; and

WHEREAS, the Arizona House of Representatives supports the promotion, protection, and strengthening of the culture, values, language, traditions and social life of Indigenous Peoples; and

WHEREAS, the Arizona House of Representatives affirms the UN Declaration on the Rights of Indigenous Peoples as adopted by the UN Human Rights Council;

THEREFORE, be it resolved, the Arizona State House of Representatives does hereby proclaim our support for the UNITED NATIONS SECOND INTERNATIONAL DECADE OF THE WORLD'S INDIGENOUS PEOPLES.

James P. Weiers

Speaker of the House

City of Phoenix
Office of the Mayor
A Proclamation
NICAN TLACAH ILHUITL
INDIGENOUS PEOPLES DAY

WHEREAS, the United Nations has proclaimed the Second International Decade of the World's Indigenous Peoples for the period of 2005-2015 by General Assembly Resolution 59/174 of 22 December 1994; and

WHEREAS, the goal of the **Second International Decade of the World's Indigenous Peoples** is the further strengthening of international cooperation for the solution of problems faced by Indigenous Peoples in such areas as culture, education, health, human rights, the environment and social and economic development; and

WHEREAS, the goal of the Second Decade is to be met by action-oriented programmes and specific projects, increased technical assistance and relevant standard setting activities; and

WHEREAS, the proposed **TIANKIZCO** project in downtown Phoenix, as a Continental Center of Indigenous Trade and Culture, stands to fulfill these objectives in full consultation and collaboration with the Nican Tlachah Nations of Indigenous Peoples; and

WHEREAS, a major objective of the Second Decade continues to be the education of indigenous and non-indigenous societies concerning the situation, cultures, languages, rights and aspirations of Indigenous Peoples; and

WHEREAS, the City of Phoenix lies within the territory of the Huhukam and is honored to derive its name from the Indigenous heritage, presence, and future destiny of the Valley of the Sun; and

WHEREAS, the City of Phoenix supports the promotion and protection of the rights of Indigenous Peoples and their empowerment to make choices which enable them to retain their cultural identity while participating in political, economic and social life, with full respect for their cultural values, languages, traditions and forms of social organization; and

WHEREAS, the principle of **COMMUNITY ECOLOGY** in terms of urban systems, indigenous territories, Sacred Sites and communities of the Indigenous Peoples provides an effective approach to these issues with potential policy implications for the global climate crisis; and

WHEREAS, the city of Phoenix hereby affirms the **United Nations Declaration on the Rights of Indigenous Peoples** as adopted by the United Nations Human Rights Council on 23 June 2006,

NOW, THEREFORE, I, PHIL GORDON, MAYOR of the City of Phoenix, Arizona, do hereby proclaim Monday, March 12, 2007 as **INDIGENOUS PEOPLES DAY** in Phoenix.

Given under my hand in these free United States in the City of Phoenix, etc.
Phil Gordon, Mayor

La Ciudad de Phoenix
Oficina del Alcalde
Proclamación
NICAN TLACAH ILHUITL

DÍA DE LOS PUEBLOS INDÍGENAS

DADO QUE la Organización de las Naciones Unidas ha proclamado el **Segundo Decenio Internacional de los Pueblos Indígenas** durante los años 2005 a 2015 por vía de resolución de la Asamblea General 59/174 del 22 de diciembre de 2004; y

DADO QUE la meta del Segundo Decenio Internacional de los Pueblos Indígenas es continuar fortaleciendo la cooperación internacional para la solución de los problemas a que se enfrentan los Pueblos Indígenas, en esferas tales como la cultura, la educación, las salud, los derechos humanos, el medio ambiente y el desarrollo social y económico; y

DADO QUE la meta del Segundo Decenio será actualizado por medio de programas orientados a la acción y proyectos específicos, con una mayor asistencia técnica y las actividades normativas pertinentes; y

DADO QUE el proyecto **TIANKIZCO**, como propuesta de un **Centro Continental de Comercio y Cultura Indígena** planificada para el Centro de Phoenix, con plena consulta y colaboración de los Pueblos Indígenas Nican Tlachah sirve como instancia de cumplimiento a esta meta; y

DADO QUE un objetivo mayor del Segundo Decenio sigue siendo la educación de la sociedad, indígena y no-indígena, en relación a la situación, las culturas, los idiomas, los derechos y las aspiraciones de los Pueblos Indígenas, y

DADO QUE DADO QUE la Ciudad de Phoenix es honrado que el origen de su nombre se base en la herencia histórica, la presencia y el destino de los Pueblos Indígenas del territorio reconocido como Huhukam en el Valle del Sol; y

DADO QUE la Ciudad de Phoenix respalda la promoción y protección de los derechos de los Pueblos Indígenas y su atribución de poder en la toma de decisiones que les permita conservar su identidad cultural, a la vez que participen de la vida política, económica y social; reconociendo todo el respeto a sus valores culturales, sus idiomas, sus tradiciones y formas de organización social; y

DADO QUE el principio de **Ecología Comunitaria** en términos de sistemas urbanas, territorios indígenas, Sitios Sagrados y comunidades de los Pueblos Indígenas provee una manera efectiva para intentar con estas cuestiones, con implicaciones proactivas relacionado a la crisis de clima global; y

DADO QUE la Ciudad de Phoenix ahora afirma la **Declaración sobre los Derechos de los Pueblos Indígenas** adoptado por el Consejo de Derechos Humanos de la ONU en 23 Junio 2006,

Hoy, por tanto, yo Phil Gordon, Alcalde de la Ciudad de Phoenix, Arizona, proclamo este Luners 12 de marzo de 2007, **EL DÍA DE LOS PUEBLOS INDÍGENAS** en Phoenix.

Phil Gordon, Alcalde

Annex D - List of Documents with Weblinks

UN Declaration on the Rights of Indigenous Peoples (and UNHRC resolution) (2006) at: <http://www.ohchr.org/english/issues/indigenous/docs/declaration.doc>.

Enoch River Cree Declaration of the International Indigenous Nations Treaty Summit (2006) at: http://www.treatycouncil.org/new_page_5241224212211.htm.

Conclusions and Recommendations of the 1st UN Expert Seminar on Treaties, Agreements and other Constructive Arrangements between States and Indigenous Peoples, (E/CN.4/2004/111) at: [http://www.unhchr.ch/Huridocda/Huridoca.nsf/b617b62bcb39ea6ec1256610002eb7a6/ca08573f6fc7603cc1256e510054042d/\\$FILE/G0410490.pdf](http://www.unhchr.ch/Huridocda/Huridoca.nsf/b617b62bcb39ea6ec1256610002eb7a6/ca08573f6fc7603cc1256e510054042d/$FILE/G0410490.pdf).

Report on the Expert seminar on indigenous peoples' permanent sovereignty over natural resources and their relationship to land, Chairperson Tom Calma, (E/CN.4/Sub.2/AC.4/2006/3, 2006) at: <http://daccessdds.un.org/doc/UNDOC/GEN/G06/123/79/PDF/G0612379.pdf?OpenElement>.

Indigenous peoples' and their relationship to land: Final working paper prepared by the Special Rapporteur, Mrs. Erica-Irene A. Daes, (E/CN.4/Sub.2/2001/21, 2001) at: <http://daccessdds.un.org/doc/UNDOC/GEN/G01/141/79/PDF/G0114179.pdf?OpenElement>.

Indigenous peoples' sovereignty over natural resources: Final Report by the Special Rapporteur, Mrs. Erica-Irene A. Daes, (E.CN.4/Sub.2/2004/30 and Add.1) at: <http://daccessdds.un.org/doc/UNDOC/GEN/G04/149/33/PDF/G0414933.pdf?OpenElement>.

Concluding observations of the Committee on the Elimination of Racial Discrimination: CANADA (CERD/C/CAN/CO/18, xx March 2007) at <http://www.ohchr.org/english/bodies/cerd/docs/CERD.C.CAN.CO.18.pdf>.

Assembly of First Nations, “Royal Commission on Aboriginal Peoples at 10 Years: A Report Card” (2006) at: http://www.afn.ca/cmslib/general/afn_rcap.pdf.

UNHRC, Decision 2/104 on Human Rights and Access to Water (2006) at: http://www.ohchr.org/english/issues/water/docs/HRC_decision2-104.pdf.

Report on Closing the Implementation Gap: A forum to follow-up the 2004 mission to Canada by the U.N. Special Rapporteur on the situation of human rights and fundamental freedoms of Indigenous people, Rodolfo Stavenhagen, (2006) at: <http://www.gcc.ca/newsarticle.php?id=82>.

Report on the International Expert Seminar on Best Practices for the implementation of the Recommendations of the UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, Rodolfo Stavenhagen (2006) in *Indigenous Rights: The UN Special Rapporteur Experiences and Challenges* (IWGIA Doc. No. 118, Copenhagen, 2007) at: <http://www.iwgia.org/sw19793.asp>.

Conclusions and Recommendations from the 2nd UN Expert Seminar on Treaties, Agreements and Constructive Arrangements, November 14-17, 2006, Maskwacîs Cree Territory at: http://www.treatycouncil.org/new_page_52412242122.htm.

“Cultural Indicators for Food Security, Food Sovereignty and Sustainable Development”, 2nd Global Consultation on the Right to Food, Food Security and Food Sovereignty for Indigenous Peoples, March 2007, Banaue, Philippines at: <http://www.treatycouncil.org/PDFs/Conclusions%202nd%20Global%20Consultation.pdf>.

“Declaration of Atitlán, Guatemala, Indigenous Peoples’ Consultation on the Right to Food: A Global Consultation”, Atitlán, Sololá, Guatemala, April 17 - 19, 2002 at: http://www.tebtebba.org/tebtebba_files/finance/susdev/atitlan.html.

“Border Summit of the Americas Declaration of San Xavier”, San Xavier District, Tohono O’odham Nation, September 29-October 1, 2006 at: http://www.treatycouncil.org/section_211112311111.htm.

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“A Resolution to Proclaim March 12, 2007 as Indigenous Peoples Day and to Affirm the United Nations Declaration on the Rights of Indigenous Peoples Adopted by the United Nations Human Rights Council” (Salt River Pima-Maricopa Indian Territory, March 7, 2007) at: <http://www.indigenouspeoplesday.org/schedule-events/Mar.12-updated-events-schedule.html>.

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