

Joint Intervention

The Haudenosaunee and the American Indian Law Alliance.

6th Session of the Expert Mechanism on the rights of indigenous peoples (EMRIP)

8-12 July 2013, Geneva, Switzerland

Agenda Item 3. World Conference on Indigenous Peoples

Mr. Chairman,

1) We wish to address an issue of interest to the Expert Mechanism on the rights of indigenous peoples (EMRIP) under Agenda Item 3. World Conference on Indigenous Peoples. (This refers to the UN High Level Plenary Meeting of the General Assembly to be known as the World Conference on Indigenous Peoples, referred to as HLP/WCIP, which will convene in New York, 22 – 23 September 2014), We respectfully request that Indigenous Peoples and Nations be given a rightful status for participation in all UN fora.

2) This position was submitted through an intervention presented by the American Indian Law Alliance, the Haudenosaunee, et al. at the Twelfth Session of the UN Permanent Forum on Indigenous Issues, under Agenda Item 8: Future work of the Permanent Forum, including matters of the Economic and Social Council and emerging issues.

3) Since 1923 and more recently 1977, the Haudenosaunee and other traditional governments of the Western Hemisphere and beyond have pioneered the Indigenous presence at the United Nations and other international venues. The Haudenosaunee have been active in every session of the UN Permanent Forum on Indigenous Issues, taken part in critical conferences, working groups and numerous UN fora over the past several decades. The Haudenosaunee were central in the drafting and the adoption of the UN Declaration on the Rights of Indigenous Peoples in 2007 by the UN General Assembly. Throughout these decades of work traditional Indigenous governments have been advocating for a proper status within all UN processes. It should be noted that the same traditional governments have never referred to themselves as NGOs or domestic dependent nations. The work of traditional Indigenous Nations and Peoples in UN fora has been ongoing, and it is time for an appropriate status in the UN system.

4) It should be further noted that the Outcome Document from the recent preparatory meeting in Alta, Norway for the HLP/WCIP which took place on the traditional territories and lands of the Sami people in Alta, Norway, 10–12 June 2013 states, *“Pursuant to the universal application of the right of self determination for all Peoples, recommends that the UN recognize Indigenous Peoples and Nations based on our original free existence, inherent sovereignty and the right of self determination in international law. We call for,*

at a minimum, permanent observer status within the UN system enabling our direct participation through our own governments and parliaments. Our own governments include inter alia our traditional councils and authorities.”

5) The Alta Outcome Document calls for a minimum of permanent observer status within the UN system. Recognizing the wide array of rights and privileges accorded to permanent observers, we support this call with the understanding that this must be interpreted to go beyond the rights and privileges of a NGO in consultative status with the Economic and Social Council (ECOSOC). And we call for the rights and privileges to include, at a minimum, to; participate in sessions and work of international conferences convened under the auspices of the General Assembly, take part in the work of other UN agencies, the right to participate in the general debate held at the start of the sessions of the General Assembly, the right to have our communications issued and circulated as official documents of the UN, the right to cosponsor resolutions, and the right to raise points of order on Indigenous Issues. Additionally, Indigenous permanent observer representatives need to be seated in an appropriate location commiserate with permanent observer status.

6) Therefore Mr. Chairman, we would respectfully request that the Expert Mechanism on the rights of indigenous peoples consider for its future work the following recommendation:

7) Recognizing that the Haudenosaunee and other indigenous Nations and Peoples have continued to express their fundamental right to self-determination and their original unbroken right to sovereignty over their lands, resources, and territories; we recommend permanent observer status be given serious consideration, building upon the recommendation of the Expert Mechanism in 2011, *“adopt, as a matter of urgency, appropriate permanent measures to ensure that indigenous peoples’ governance bodies and institutions, including traditional indigenous governments, indigenous parliaments, assemblies and councils, are able to participate at the UN as observers with, at a minimum, the same participatory rights as non-governmental organization in consultative status with the Economic and Social Council”* U.N.Doc. A/HRC/18/43 (Aug. 19, 2011).

8) We would go further, Mr. Chairman, and bring to your attention the permanent observer status of entities which have received a standing invitation to participate as permanent observers in the sessions and the work of the General Assembly and while maintaining permanent observers at UN Headquarters, as examples we suggest you look towards the Permanent Observer Mission of the Holy See and the Permanent Observer Mission of Palestine. Indigenous Peoples and Nations cannot lock ourselves into a minor

position; our position has always been that we are equal to all peoples and nations.

9) In closing Mr. Chairman, Considering that Indigenous Nations and Peoples have worked diligently these past several decades within the international community of nations and have done so on a level that represents our status as sovereign, independent nations we therefore feel that permanent observer status within the UN system is reasonable and appropriate.

Thank you Mr. Chairman for your kind attention and we wish you well with your work.