



International Indian Treaty Council
Consejo Internacional de Tratados Indios
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INTERNATIONAL INDIAN TREATY COUNCIL
38th ANNUAL CONFERENCE
SANTO DOMINGO TOMALTEPEC, MEXICO
OCTOBER 1ST – 3rd, 2012
“GUENDARO STINU, NGA GUENDANABANINU”
“OUR FOOD IS OUR LIFE”

**Resolution on Food Sovereignty, Land, Territories and Natural Resources,
Treaties and Implementation of the UN Declaration on the Rights of Indigenous
Peoples**

The delegates at this conference representing Indigenous Peoples from North, Central, and South America, the Caribbean and the Pacific, adopt by consensus the following resolution to defend the Rights of Indigenous Peoples:

1. IITC asks for the guidance of the Sacred Mother and Father in our work and the decisions we make for the benefit of Indigenous Peoples.
2. IITC reaffirms that as Indigenous Peoples our Traditional ways of life and survival are based on the protection of Mother Earth. We recognize that the protection of our lands, waters, territories, traditional foods, medicines and natural resources constitutes both rights and sacred responsibilities, bestowed upon us by the Creator.
3. IITC understands that Indigenous and sacred laws must be honored in our approach to ensuring that our rights are implemented. We have the responsibility to approach the implementation of our rights in a good way.
4. IITC affirms that our Rights to food, lands, resources, health, spirituality and cultural practices are interrelated and are Inherent Rights also affirmed in our Treaties.
5. IITC affirms that Food Sovereignty is an essential aspect of our Sovereignty as Treaty Nations and is central to the original spirit and intent of our Treaties and the continued survival of our peoples.
6. IITC will continue to support Indigenous Peoples' efforts to protect and defend their traditional economies and subsistence activities, and will continue to support

Indigenous Peoples' opposition to development projects that violate their rights and the sacredness of Mother Earth.

7. IITC reaffirms recent significant efforts to ensure food sovereignty, defend Treaty rights and advance the implementation of the UN *Declaration on the Rights of Indigenous Peoples* in the international arena. These include recent IITC resolutions, interventions presented by IITC and our affiliates at various United Nations fora and processes including: the UN Food and Agriculture Organization (Rome, February 2012); the 80th Session of the Committee on the Elimination of Racial Discrimination Review of Canada (February 2012, Geneva); the UN Permanent Forum on Indigenous Issues (May 2012, New York); Rio + 20 World Conference on Sustainable Development (July 2012, Brazil); the 5th Session of the Expert Mechanism on the Rights of Indigenous Peoples (July 2012, Geneva); the 3rd UN Seminar on Treaties, Agreements and Other Constructive Arrangements (July 2012, Geneva); and INC4, the 4th negotiating session on a globally binding international instrument on mercury (July 2012, Uruguay).
8. IITC congratulates the UN Special Rapporteur on the Right to Food, Mr. Olivier de Schutter, on his country visits and reports, including his recent country visit to Canada, and in particular his site visit to Alexis Nakota Sioux Nation, Treaty No. 6 Nations' Territory, on May 13th 2012, co-coordinated by IITC and focused on the Treaty Right to Food. IITC calls on countries such as Canada to fully implement his recommendations using the UN *Declaration on the Rights of Indigenous Peoples* as a framework for implementation.
9. IITC Further congratulates and thanks UN Rapporteur on the Rights of Indigenous Peoples James Anaya for his work and in particular for his 2012 country visit to the United States and his respectful collaboration and coordination with the IITC and other Indigenous Peoples and Nations in this regard.
10. IITC endorses and adopts the Declaration of the International Indigenous Corn Conference, "La Lucha Sigue y Maize Vive", September 30, 2012 Santo Domingo Tomaltepec, Mexico.
11. IITC calls on the United States, Canada, Mexico and all other states, to fully implement the UN *Declaration on the Rights of Indigenous Peoples* without any attempts to qualify or seek to diminish the inherent rights of Indigenous Peoples including Self-Determination, Free, Prior and Informed Consent and the rights recognized and affirmed in Treaties, Agreements and other Constructive Arrangements. Of particular importance for Indigenous Peoples are provisions upholding and affirming our inherent rights to our traditional lands, territories, natural resources and means of subsistence.
12. IITC calls upon the United Nations and states to ensure that the recommendations of the Final Study of Special Rapporteur Miguel Alfonso

Martinez (1999), the UN Expert Seminars on Treaties, Agreements and Other Constructive Arrangements (held in 2003, 2006 and 2012), Article XXIII of the OAS proposed American *Declaration on the Rights of Indigenous Peoples* (April 2012), and relevant provisions of the UN *Declaration on the Rights of Indigenous Peoples* be affirmed and a process be initiated to utilize, modify and/or establish a competent international body to resolve Treaty disputes or violations and provide redress when the processes established between the Parties are deemed ineffective, unjust or unsatisfactory by either Party.

13. IITC calls for full implementation of Article 37 of the UN *Declaration on the Rights of Indigenous Peoples* and the Treaty obligations by States in accordance with their original spirit and intent as understood by the Indigenous Peoples in UN fora and processes addressing right to food, land, resources, education and health and other Treaty rights.
14. IITC reiterates the call for the development of a Global Registry of Indigenous Treaties, and will work with the UN Office of the High Commissioner on Human Rights towards this end.
15. IITC continues to call upon states to establish fair, transparent and fully participatory processes to ensure that the mutual obligations established under Treaties with Indigenous Nations are fully honored, upheld and respected. IITC calls for the immediate implementation of bilateral mechanisms and frameworks with equal and full participation of both State and Indigenous Treaty partners for the just, fair and equitable resolution of Treaty violations and disputes based on the principles contained in the UN Declaration on the Rights of Indigenous Peoples on restitution, reparations and Free, Prior and Informed Consent.
16. In this regard, IITC notes with strong approval the consensus decision of the Organization of American States 14th Session of Negotiations for the proposed American Declaration on the Rights of Indigenous Peoples in Washington, D.C., (April 2012) to adopt the following:

Article XXIII, Treaties, agreements and other constructive arrangements

- 1. Indigenous peoples have the right to the recognition, observance, and enforcement of the treaties, agreements and other constructive arrangements concluded with states and their successors in accordance with their true spirit and intent, in good faith, and to have the same be respected and honored by the States. States shall give due consideration to the understanding of the Indigenous Peoples in regards to treaties, agreements and other constructive arrangements.**

When disputes cannot be resolved between the parties in relation to such treaties, agreements and other constructive arrangements, these shall be submitted to competent bodies, including regional and international bodies, by the States or indigenous peoples concerned.

2. Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements

17. IITC calls upon the Expert Seminar on the Rights of Indigenous Peoples (EMRIP) to present and reaffirm the OAS Declaration Text Article XXIII, relevant CERD recommendations and other advances to the UN Human Rights Council regarding implementation of mechanisms to uphold Treaties as understood and interpreted by Indigenous Peoples. Further, IITC calls on EMRIP to recommend that all states implement bi-lateral, fully participatory processes for redress and restitution of rights affirmed in Treaties, Agreements and Other Constructive Arrangements, with respect for their original spirit and intent as understood and interpreted by the Indigenous Peoples and in accordance with the framework contained in the UN *Declaration on the Rights of Peoples* in their current study on Access to Justice for Indigenous Peoples.
18. IITC calls upon the United Nations bodies including the Expert Mechanism on the Rights of Indigenous Peoples, the UN Permanent Forum on Indigenous Issues, the Special Rapporteur on the Rights of Indigenous Peoples and other UN agencies/ mechanisms to continue work focusing on Treaties, Agreements and other Constructive Arrangements as a follow up to the 3rd UN Seminar on TAOCA. IITC recommends in this regard that the EMRIP and/or the UNPFII carry out a review of states' compliance with Treaties in the context of the UN Declaration on the Rights of Indigenous Peoples, including development of guidelines for new and recent agreements and arrangements.
19. IITC commits to continue work at the United Nations, with human rights allies and in other international processes for the recognition of Indigenous Peoples Treaties and agreements as **legally binding international instruments** on an equal standing with other International treaties, conventions and pacts in a variety of contexts.
20. IITC expresses strong concern regarding the ongoing lack of full implementation of the *UN Declaration on the Rights of Indigenous Peoples* by many ongoing UN processes and bodies, and commits to the active promotion of the full implementation of Article 42 in this regard. Specifically IITC:
 - a. Recognizes that toxic contaminants continue to affect our traditional foods, health, territories and life-ways, and that Article 29 affirms our right to Free Prior and Informed Consent regarding hazardous materials in our lands.

IITC takes note in particular of work of the Stockholm Convention as well as the current international negotiations for a legally binding global instrument on Mercury. IITC recognizes that mercury has devastating impacts on the right to health of current and future generations, right to food including traditional subsistence fisheries, and right to culture. IITC therefore will call upon states to adopt a strong and effective Treaty which will eliminate new sources (i.e. mining, coal fired power plants, industry), clean up already-contaminated sites and prevent the import and export of mercury for large and/or small scale mining and other purposes. IITC will also continue to insist that Indigenous Peoples are included in the operative text of the Treaty on mercury; that negotiations, drafting and implementation are carried out in full compliance with the *UN Declaration on the Rights of Indigenous Peoples*, and that the full, equal and active participation of Indigenous Peoples in the Mercury Treaty processes is ensured.

- b. Endorses and accepts action #7 of the Declaration of the International Indigenous Corn Conference, “La Lucha Sigue y Maize Vive”, September 30, 2012 Santo Domingo Tomaltepec, Mexico, to *“Promote the recommendation of UN CERD addressing the US and Canada that countries are responsible for human rights violations by corporations they license. We call on the IITC to prepare, in collaboration with affected communities, a shadow report to the CERD for the next review of the US in 2013 regarding the export of banned and restricted pesticides and GMO seeds, as well as the attempt by US corporations to control the traditional seeds of Indigenous Peoples;”*
- c. Remains concerned that the outcomes of Rio +20 (July, 2012), including the concept of a “green economy”, do not ensure Indigenous full participation in decision-making processes related to the development of “Sustainable Development Goals” (SDGs), and calls for the development of the SDG’s to be fully compliant with the *UN Declaration on the Rights of Indigenous Peoples*, in particular with respect to our rights to culture, spirituality, Treaties, lands, territories, resources, Free, Prior and Informed Consent, Self-determination and right to participate in decision making.
- d. Notes the adoption of General Assembly resolutions 65/198 and 66/296, addressing the modalities of the high-level plenary meeting of the General Assembly, to be known as the World Conference on Indigenous Peoples (WCIP), to be held 22 and 23 of September in 2014, and further takes note of preparatory processes, including the preparatory meeting to be held in Guatemala, on 21st of December 2012. In this regard, IITC:
 - i. Appreciates the work of the Indigenous Global Steering Committee and the two co-facilitators – Ambassador Luis Alfonso de Alba (Mexico) and John Henrikson (Sami Parliament);

- ii. Is very concerned that the recent GA modalities resolution does not meet the minimum standard of UN *Declaration on the Rights of Indigenous Peoples* regarding participation. IITC is concerned in particular about ensuring participation of Indigenous Peoples in the drafting of the outcome document of the World Conference on Indigenous Peoples;
- iii. Calls upon states to promote the full, active and equal participation of Indigenous Peoples, including Indigenous Nation governments, during the preparatory process and the World Conference itself, and calls upon the President of the General Assembly to actively support such participation. Further, IITC calls upon states to provide support for the World Conference on Indigenous Peoples, in particular through technical and financial contributions to ensure full and effective Indigenous participation at all stages;
- iv. Will work to ensure that IITC and our affiliates participate as much as possible in the preparatory processes, including regional meetings;
- v. Undertake to create a shadow report or contribute to regional preparatory reports addressing implementation of the UN *Declaration on the Rights of Indigenous Peoples*, including Treaty Rights, sovereignty, land rights and self-determination;
- vi. Calls for better communication between Indigenous Peoples and the United Nations as well as wide dissemination of information with respect to the World Conference on Indigenous Peoples processes and opportunities for input and participation;
- vii. Calls upon our allies, UN mechanisms addressing the rights of Indigenous Peoples, States and civil society, to support the full participation of Indigenous Peoples in accordance with the minimum standard established by the UN Declaration. IITC commits to engaging in dialogue with our allies for this purpose.
- viii. Reiterates proposals of Indigenous Peoples for themes of World Conference including (1) Self-Determination and Free, Prior and Informed Consent; (2) Right to Economic, Social and Cultural Development from the perspective of Indigenous Peoples including food sovereignty; and (3) Lands and Territories, Resources and Treaty Rights, including that the development of effective, participatory international processes to resolve conflicts and redress violations of Treaties, Agreements and Other Constructive Arrangements;
- ix. Will strongly reject and oppose any attempts by any states to undermine the minimum standard rights contained in the UN *Declaration on the Rights of Indigenous Peoples* through this process and will utilize this opportunity to advance the effective recognition, respect and implementation of these inherent rights.
- x. Reaffirms the urgent need for the ongoing UN climate change negotiations and the UNFCCC processes to comply with the

minimum standards set out in the UN *Declaration on the Rights of Indigenous Peoples*.

- xi. Encourages ongoing discussions amongst Indigenous Peoples regarding the most effective and appropriate parallel actions to organize during or leading up to the World Conference to broaden participation and call attention to the voices of Indigenous Peoples, including, inter alia, proposals for an Indigenous Peoples Declaration and/or parallel events.
21. IITC reaffirms the resolution in the Declaration of the International Indigenous Corn Conference, “La Lucha Sigue y Maize Vive”, September 30, 2012 Santo Domingo Tomaltepec, Mexico to “promote the development and implementation of community based plans for adaptation to climate change.”
22. IITC reaffirms the Treaty Conference “**Resolution on the Protection of the Environment and biodiversity: Climate Change, Mining, Oil, Water and Natural Resources: Toxics and Pesticides and the Protection of Sacred Sites and Forests**” adopted in Ustupu, Kuna Yala Panama August 2009, which states that “forests must not be included in any market-based carbon trading and carbon offset program and REDD should not be included in any clean development mechanisms of the UNFCCC.”
23. IITC firmly rejects carbon trading as a false solution to climate change. IITC is very concerned that carbon trading is being used by corporations and states to promote or justify unsustainable development on or affecting Indigenous Peoples’ lands, territories, waters and ways of life and violating their cultural, land, treaty, food sovereignty and spiritual rights. These include fossil fuel development activities such as hydraulic fracturing, tar sands extraction, coal mining and oil drilling on or near Indigenous Peoples’ lands that directly contribute to global climate change.
24. IITC calls for wider dissemination of information to Indigenous Peoples including IITC’s affiliates about REDD (“*Reducing Emissions from Deforestation and Forest Degradation*”) including impacts on human rights, land and Treaty rights, cultural rights and food sovereignty. In this regard IITC will work to consolidate existing information about REDD and disseminate this information to our affiliates. IITC will also support and actively participate in the convening of international gatherings and information exchanges for the development of strong and unified positions regarding REDD, emphasizing a rights-based approach and direct participation of affected Indigenous Peoples.
25. IITC supports the recent work of the Expert Mechanism on the Rights of Indigenous Peoples regarding languages, extractive industries and the right to participation. IITC also supports the future work of the Expert Mechanism to prepare a study on access to justice in the promotion and protection of the rights of indigenous peoples, and to present it to the Human Rights Council at its

twenty-fourth session, and welcomes the new Special Rapporteur on Truth, Justice, Reparations and Rights to Redress as well as the 2013 EMRIP Expert Group Seminar on Truth and Reconciliation Processes as a mechanism for Justice for Indigenous Peoples. IITC will participate in future meetings related to the EMRIP Study on Access to Justice, will contribute to the work of the Special Rapporteur on Truth. IITC will also support the Truth and Reconciliation processes addressing Residential and Boarding School policies and legacies in the US, Canada, New Zealand and other states to ensure that responses extend beyond apologies to achieve real and effective restitution, redress for human rights violations, policy change stressing non repetition, and establishment of intergenerational healing processes as determined and designed by the affected Indigenous Peoples.

26. IITC calls upon the UN Permanent Forum on Indigenous Issues to follow up on and implement the recommendation from the UNPFII Expert Group Seminar on Children in State Custody (2010) calling for a 2nd follow up EGM on this theme to review implementation by States of the original recommendations, including addressing the legacy and intergenerational trauma resulting from residential and boarding school policies as well as other forms of forced removal of children in States including the US, Canada, New Zealand and Australia
27. IITC welcomes with appreciation the recent work of the Special Rapporteur on the Rights of Indigenous Peoples, in particular the recent reports to the Human Rights Council on violence against women, extractive industries and states including most recently the United States, Argentina amongst many others. IITC calls upon states to fully implement his recommendations.
28. Further to the recent report of the Secretary General to the Human Rights Council on “Ways and means of promoting participation at the United Nations of indigenous peoples’ representatives on issues affecting them” (A/HRC/21/24), as well as in light of the upcoming World Conference on Indigenous Peoples 2014 and related issues of UN accreditation, IITC supports the participation and representation of Indigenous Traditional Nations and governments as the highest authority and representation for Indigenous Peoples, in United Nations fora and bodies and calls upon the United Nations to recognize their participation as such.
29. IITC calls on states and the international community to respect and support traditional Indigenous governments, including their laws, legal and judicial systems and self-government activities. Further, IITC encourages all Indigenous governments to implement and utilize the UN Declaration on the Rights of Indigenous Peoples in their own laws, norms, courts, programs and ordinances. IITC urges Indigenous Peoples to develop a guide for implementation of the UN Declaration for use by Indigenous parliamentarians and government delegates, as well as for use by non-Indigenous members of State governments.

30. IITC calls upon the governments of Mexico, Guatemala, Panama, the United States, Canada, New Zealand and others to change their constitutions and domestic laws to bring them into accordance with their obligations under international human rights and environmental instruments they have ratified, including obligations under the *Stockholm Convention on Persistent Organic Pollutants*, the *International Convention of the Elimination of All forms of Racial Discrimination*, the *Human Rights Covenants*, the *United Nations Declaration on the Rights of Indigenous Peoples* and *ILO 169* among others.
31. IITC notes that Canada has recently implemented significant funding cuts to Indigenous representative organizations and Indigenous governments. In addition, IITC is concerned with the potential for privatization of collectively held Indigenous lands in Canada and denounces any activity which may result in the displacement of Indigenous Peoples from their lands and territories in all countries.
32. IITC specifically calls upon the government of Guatemala to bring its constitution and legal systems into accordance with its legally binding obligations under ILO 169, as well as its commitments to respect the rights of Indigenous peoples under the UN *Declaration on the Rights of Indigenous Peoples*. In this regard, IITC calls upon Guatemala to honor its legal obligations to fully implement Free, Prior and Informed Consent as well as consultation regarding mining and other imposed activities.
33. IITC specifically calls upon the Government of Guatemala to honor and implement all legal and human rights obligations created through decisions, Treaty ratification, legal rulings and recommendations of Treaty monitoring bodies, United Nations mechanisms such as the Special Rapporteur on the Rights of Indigenous Peoples and international conflict resolution mechanisms such as the Inter-American Commission on Human Rights, and to report to such bodies or mechanisms as to progress made regarding implementation. Further, we call upon civil society to fully support such implementation and work in partnership with Indigenous Peoples for the full realization of their rights under traditional, national and international law.
34. IITC supports and endorses the nomination of Saul Vicente Vasquez by Unidad de la Fuerza Indigena y Campesina and the participants in the International Indigenous Peoples Conference on Corn as a member of the United Nations Permanent Forum on Indigenous Issues for a 2nd term beginning in 2013.
35. IITC calls for the United Nations to change the name of United Nations Permanent Forum on Indigenous *Issues* to the United Nations Permanent Forum on Indigenous *Peoples*.
36. Finally, IITC welcomes the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the context of National Food

Security, adopted by the UN Committee on Food Security in May 2012, which endorse the UN *Declaration on the Rights of Indigenous Peoples* and calls upon states and civil society to support implementation of these Guidelines, with the full and effective participation of Indigenous Peoples. Specifically:

- i. IITC calls upon Mexico and other states to establish mechanisms, programmes and action plans for effective implementation of the Guidelines with the full participation of Indigenous Peoples;
- ii. IITC calls on FAO to immediately and fully implement the FAO Policy concerning Indigenous and Tribal Peoples. IITC calls upon FAO to recognize the creation of an Indigenous Caucus on Food Sovereignty to assist with the development of FAO strategies, programs and procedures in this regard.

Adopted by Consensus October 3rd, 2012, Santo Domingo Tomaltepec, Mexico