



International Indian Treaty Council
Consejo Internacional de Tratados Indios
2940 16th Street, Suite 305, San Francisco, CA 94103 (415) 641-4482
456 N. Alaska Street Palmer, AK 99645 (907) 745-4482



INTERNATIONAL INDIAN TREATY COUNCIL
35th ANNUAL CONFERENCE
USTUPU, KUNA YALA, PANAMA
August 29th – 31st, 2009
“DII BURBA NIKI DII ANMAR SABED BURBA”
“WATER IS SACRED, WATER IS LIFE”

**Resolution on Land, Territories and Natural Resources, Treaties, Support for
Traditional Governments 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 these decisions that are for the benefit of all Indigenous Peoples.
2. IITC reaffirms that as Indigenous Peoples our Traditional ways of life and our survival are based on the protection of our lands, territories and natural resources. We recognize that their protection is both our right and sacred responsibility.
3. IITC recognizes that Indigenous Peoples from all regions and many countries are facing similar struggles to protect and defend their traditional homelands, waters, and natural resources from contamination, appropriation, desecration and destruction. We commit our mutual solidarity to one another and pledge our support as brothers and sisters in these struggles.
4. IITC calls for the full implementation of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) by States, the UN System and Indigenous Peoples. 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; our right to Self-determination; the rights recognized in Treaties and agreements and the Right to Free Prior and Informed Consent (FPIC) in all matters affecting our lands, natural environments, ways of life and survival.

5. IITC calls for full implementation of Article 37 of the UNDRIP and the Treaty obligations by States in accordance with their original spirit and intent as understood by the Indigenous Peoples.
6. IITC affirms its original founding commitment to defend Treaties and Treaty rights on the local, national and international levels. IITC further recognizes that Treaties affirm the inherent and inalienable rights of Indigenous Nations to land, natural resources and are an expression of the self-determination and nation status of Indigenous Peoples. IITC will continue to work for implementation of and respect for the legally binding nation-to-nation Treaties concluded between its government and Indigenous Nations. Specifically:
 - a. IITC calls for full implementation of Article 3 of the 1805 Treaty between the US Government and the Dakota Nation, and its respect for the land, water, fishing and other traditional inherent rights of that nation, specifically recognizing their right to “do all things as they have formally done in said district”.
 - b. IITC calls for the full implementation of the 1868 Fort Laramie Treaty upholding the land, water, health, education, housing rights of the Lakota, Dakota, and Nakota Nations.
 - c. IITC supports the visit of the UN Rapporteur on Housing to the Lakota and Dine Territories during her official country visit in October 2009 to address violations of the human right to housing including the Treaty Right to housing.
 - d. IITC endorses the Lakota Treaty rights gathering to be held in early 2010 in South Dakota and commits to provide capacity building on related international human rights instruments as requested.
7. IITC commits to continue work at the United Nations 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. Specifically IITC:
 - a. Calls upon the UN Expert Mechanism on the Rights of Indigenous Peoples to accept and endorse the report from the 2nd UN seminar on treaties and agreements including the report from the preparatory session “The River Cree Declaration”
 - b. IITC calls for the UNOHCHR to work with Indigenous Peoples to hold the 3rd UN Treaty Seminar in Aotearoa as called for by the 2nd UN Seminar to be hosted by the Maori Peoples, in 2011.
 - c. IITC reaffirms its call for the OHCHR to implement an International registry of Treaties and agreements concluded between States and Indigenous Peoples.
8. IITC will support the activities of Indigenous Treaty Nations to assert and defend their treaty rights through actions, public education, gatherings, information

dissemination, treaty education programs for children and youth, and filing international human rights complaint mechanisms.

9. IITC calls for the implementation of bilateral mechanisms and framework 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 UNDRIP which call for restitution and reparations based on FPIC.
10. 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.
11. IITC calls for 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 UNDRIP in their own laws, norms, courts, programs and ordinances.
12. IITC commits to strengthening and building capacity through human rights training for Indigenous traditional and tribal governments as well as grassroots communities.
13. IITC will continue to support the wide dissemination of the UNDRIP and how it can be applied, used and implemented and encourages its translation into traditional Indigenous languages.
14. IITC calls upon the governments of Panama, Mexico, Guatemala, the United States, Canada Puerto Rico and others, to change their constitutions and domestic laws to bring them into accordance with their obligations under international human rights instruments.
15. IITC expresses its support and solidarity for the current struggles of the Indigenous Peoples of Panama, in particular
 - a. IITC supports the call by the Kuna Nation for the government of Panama to ratify and fully implement ILO Convention 169, and to honor its commitments to implement the UNDRIP as well as all other International conventions, treaties and declarations that uphold and respect the rights of Indigenous Peoples;
 - b. IITC expressed support for the Indigenous leaders of Cerro Pelado Panama, Francisco Acosta Mercedes Acosta, Bernardo Jimenez and Domicia Jimenez, who are being prosecuted in the criminal system based

- on the arbitrary accusation made by a multinational mining corporation Exploration Inc. due to their opposition to the mining company;
- c. IITC support the Ngobe Bugle peoples in their opposition to the mining, hydroelectric and residential tourism projects being carried out in their territories without their free prior and informed consent;
 - d. IITC supports the request that the Panamanian government appoint a high-level commission of the Indigenous peoples affected by mining projects and to review the concessions now in effect and those now being processed by the government, and to suspend all these projects until this review and the human rights implications can be fully investigated and resolved with the full participation and agreement of the impacted Indigenous Peoples;
 - e. IITC calls for international solidarity of the Ngobe Bugle October 12th walk to oppose mining projects in their territories, demand that the Panamanian Government comply with Indigenous law, and adopt the precautionary measure requested by the International Human Rights Commission in support of the Ngobe people at Chan 75 hydroelectric plant AE-S in Panama;
 - f. IITC supports the Kuna Nation's opposition to the electrical interconnection passing through Puerto Escoses (Gudnadi), near the community of Carreto (Galed) in Township No. 3, Dubwala near Columbia;
 - g. IITC supports the Kuna Nation in their demand for full restitution and recognition as Kuna ancestral territory of Nurdargana, bordering on Santa Isabel, currently occupied by Dutch and French business people and other persons who fraudulently obtained their land titles and possession from Panama;
 - h. IITC supports the efforts of the Kuna General Congresses in the unification of the territories they occupy in Panama and Columbia with the aim of strengthening the cultural and palatial identity and unity of the peoples of Ugigundiwar (Caiman Nuevo), Makila, Gundivar (Agua), Dagargunyala, Wargandi, Mardung and Kuna Yala.
16. IITC 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 UNDRIP.
17. IITC will continue to support the current struggles of the Yaqui Nation of Sonora Mexico for the full implementation by the Mexican government of the Decreto of 1939, in particular the full recognition of the Yaqui territorial boundaries and Yaqui water rights.
18. IITC supports the struggle for independence of the Maluku Peoples and calls for international recognition and solidarity with their struggle. Further, IITC will continue to support the Maluku Peoples in their struggle to defend their human

rights and self determination, and will prioritize work for the decolonization of occupied Indigenous Peoples and the defense of their human rights.

19. IITC calls upon the Government of New Zealand to endorse the UNDRIP and its land and Treaty rights provisions, and to fully recognize and implement the Treaty of Waitangi according to its original spirit intent as understood by Maori. Further IITC supports the call by Maori for the New Zealand government to immediately repeal the Foreshore and Seabed Act.

20. Finally, IITC reiterates its call upon the United Nations to honor its commitment to the Indigenous Peoples of Alaska under Article 73 of the UN Charter, which calls for the full implementation of their right to self-determination under international law.

Adopted by Consensus August 31st, 2009, Ustupu Kuna Yala Panama