

United Nations Expert Mechanism on the Rights of Indigenous Peoples
7th Session, July 7- 11, 2014

Item 3: The World Conference on Indigenous Peoples and the Zero-outcome document

Thank you Mr. Chair

The International Indian Treaty Council has affiliates representing Indigenous Peoples from 5 regions. As others have noted, given the very short time provided for review of this important document, and the limited time provided for any consultation, these observations on the Zero-Draft Document must be considered preliminary. IITC's affiliates may want to comment as well through the regional processes as well as via the Global Coordinating Committee.

Nevertheless, as has been said here, this is the last opportunity to comment on this process in an existing UN Mechanism addressing the rights of Indigenous Peoples. These preliminary observations are offered in that light.

Regarding the Zero-Draft document for the HLPM-WCIP, we are concerned in particular that references to an international oversight body to monitor implementation and redress violations of the rights of Indigenous Peoples are now omitted from the text. The need to create such a body or mechanism on the international level to review the implementation of the UN Declaration on the Rights of Indigenous Peoples as well as Treaties between Indigenous Nations and States was endorsed by consensus of the Indigenous Peoples from all regions of the world attending the Alta preparatory meeting.

All participants in this process, including the President of the UN General Assembly, States and Indigenous Peoples agreed that the Alta Outcome document would be the basis for development of the outcome document to be approved by the HLPM-WCIP in September of this year.

Recommendation 1 under theme 2 of the Alta outcome document from the Indigenous Peoples preparatory meeting for the World Conference on Indigenous Peoples recommends **“the creation of a new UN body with a mandate to promote, protect, monitor, review and report on the implementation of the rights of Indigenous Peoples, including but not limited to those affirmed in the Declaration, and that such a body be established with the full, equal and effective participation of Indigenous Peoples;”**

Recommendation 2 under theme 2 of the Alta outcome document recommends that: **“the General Assembly call for the establishment, in conjunction with Indigenous Peoples, of an international mechanism to provide oversight, redress, restitution and the implementation of Treaties, agreements and other constructive arrangements between Indigenous Nations and States and successor States;”**

We recall that the need for an international mechanism for oversight and redress of violations of Nation-to-Nation Treaties when disputes cannot be resolved between the Parties was also underscored in the UN Study on Treaties, Agreements and Other Constructive Arrangements and all three of the follow-up UN Seminars. This was also endorsed by consensus of States at the

Organization of American States (OAS) meeting for the development of the Draft American Declaration on the Rights of Indigenous Peoples in April 2012.

We are therefore concerned that all mention of Treaties between Indigenous Nations and States have been omitted from the current Zero Draft document, along with any reference to the creation of a new international mechanism to ensure their implementation when disputes or conflicts cannot be resolved between the States and Indigenous Nations involved. This could be a stand-alone body, as called for in the Alta document, or could be combined with the oversight body for implementation of the UN Declaration on the Rights of Indigenous Peoples and other International Standards as also called for in the Alta document in order to maximize limited resources, as Treaties are included in the UN Declaration in both the operative and preamble paragraphs.

The need for a mechanism or mechanisms for international oversight and implementation of various rights and areas of concern was mentioned, according to one expert, a total of 28 different times in the Alta Outcome Document.

IITC appreciates and supports the call in the Zero-Draft to strengthen the role of the UN Treaty Bodies in this regard. But we also recall that at the interactive hearing in New York last month at least 8 states also called for the role and mandate of the EMRIP. We are also interested in the possible role of a new High level representative to be appointed by the UN Secretary General, but we do not consider that this posting would replace the need for an international body or mechanism as called for in the Alta document.

Calling upon the UN Human Rights Council to discuss options in this regard as included in the Zero-Draft could be a positive step for the implementation of such an oversight body, along with strengthening the role and mandate of the EMRIP in this regard. However more guidance and specificity regarding the purpose and objectives along the lines of the recommendations in the Alta document as stated above should be provided to them in this regard.

Addressing these omissions needs to be among the areas of focussed discussion in the upcoming consultations that will take place next week in New York and again in August.

In order to provide the necessary continuity in the upcoming consultations in New York, and to effectively address the critical issues of Treaties and implementation of the UN Declaration on the Rights of Indigenous Peoples, IITC requests that Chief Wilton Littlechild be designated to attend on behalf of EMRIP. This includes in the remaining two consultations in New York in July and August as well as in the WCIP itself in September. This recommendation and request is based on Chief Littlechild's extensive experience as a UN expert over many years and his long history of work in the UN system addressing these issues in particular.

Finally, we appreciate and support maintaining and even strengthening the Zero Draft's current commitment to give consideration to the rights of Indigenous Peoples in the Post 2015 development agenda and the SDG's, in particular in light of the serious problems with the current Zero Draft for that process which in fact omits even the mention of Indigenous Peoples as was noted during our discussion on this matter on Monday of this week. Thank you.