



TREATY COUNCIL NEWS

INTERNATIONAL INDIAN TREATY COUNCIL

Consejo Internacional de Tratados Indios

Winter 2006

“Working For the Recognition and Rights of Indigenous Peoples”

“Trabajando Por el Reconocimiento y los Derechos de los Pueblos Indigenas”

“DEFENDING TREATY RIGHTS AT THE UNITED NATIONS”

IITC Report from the 11th UN Working Group on the Draft Declaration for the Rights of Indigenous Peoples,
December 2005



Indian Nations Delegates to 1st United Nations NGO Conference on “Discrimination Against the Indigenous Populations of the Americas,” Geneva, Switzerland 1977

From December 5th to the 16th, delegates from the International Indian Treaty Council, along with almost 100 other Indigenous representatives from around the world and many state (country) delegations, participated in the 11th session of the United Nations

Intersessional Working Group on the Draft Declaration for the Rights of Indigenous Peoples in Geneva Switzerland. The UN Commission on Human Rights established the Working Group in 1995 to approve a Declaration that would be adopted by the UN General Assembly to recognize

and defend the human rights of Indigenous Peoples internationally.

IITC’s delegation at this session included Indigenous representatives from 5 countries (US, Canada, Mexico, Panama, New Zealand and Guatemala). The IITC has participated in each session of the Working Group to date, focusing on defending the text of the Declaration that was adopted in 1994 by the UN Subcommission for the Prevention of Discrimination and the Protection of Minorities after a 12-year drafting process in the UN Working Group on Indigenous Populations. Throughout this process, most of the changes to the original Subcommission text proposed by states, including the United States, attempted to seriously undermine and weaken the rights it contains.

At last year’s session six Indigenous delegates from throughout the Americas staged a four-day hunger strike and spiritual fast to call world attention to these attempts to weaken the recognition of Indigenous Peoples’ rights. They received hundreds of messages of support and solidarity from Indigenous Peoples and supporters around the world sparking the interest of many Tribes

and communities who are now following this



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“When The International Indian Treaty Council was founded in 1974, our first assignment from our elders and Traditional leaders was to go the United Nations to assert Treaty Rights because there was no way to do that within the United States legal system. It’s clear that we are continuing to do that today, as we move towards adoption by the UN of a strong Declaration for the Rights of Indigenous Peoples that fully recognizes and upholds the rights that our ancestors fought for and that are contained in the Nation to Nation Treaties and Agreements they made with the settler governments. As Indigenous Nations we can and will accept no less .”

*- William Means, Oglala Lakota Nation
IITC Board member and Co-Founder*

A MESSAGE TO IITC'S FRIENDS AND SUPPORTERS FROM THE EXECUTIVE DIRECTOR

December 30, 2005



I hope this finds you all in good health and spirits as the year draws to a close. I want to begin by offering our heartfelt thanks to all of you who supported the work of the International Indian Treaty Council this year. This support came to us in many ways, and the work we were able to do this year would not have been possible without it.

In 2005, the IITC continued to work very hard to defend the rights and survival of Indigenous Peoples around the world, bringing violations of Indigenous human rights to light internationally and supporting critical grass roots and community struggles.

These included, to name a few: the Gwich'in Peoples' struggle to protect the Arctic National Wildlife Refuge from oil exploitation, justice for Leonard Peltier and other political prisoners, protection of Indigenous communities in the US, Mexico, Guatemala affected by pesticides, mercury and other toxics, struggles for land,

treaty and water rights, protection of the Natural world and traditional ecosystems, safeguarding sacred sites and cultural rights, protection of food sovereignty and traditional subsistence ways of life, and work for the adoption of strong Declarations for the Rights of Indigenous Peoples at the UN and the OAS.

We know you agree that this important work must go on so the voices of our grass roots Indigenous communities can continue to be heard though the work of the IITC. I want to take this opportunity to update you about just a few of our key accomplishments in 2005:

- IITC conducted over 60 consultations, training workshops and presentations for communities, schools and universities, tribes and organizations with over 8500 participants. Many more were reached through training community trainers, media coverage and electronic outreach.
- IITC worked with tribes, communities, traditional food producers and elders to submit a-first-of-its kind complaint to the UN Rapporteur on the Right to Food addressing impacts of environmental contamination (mercury emissions, military toxics, industrial pollutants) on subsistence foods of Indigenous Peoples in the United States.
- IITC's Youth Mentorship Program continued to distribute the "Gold, Greed and Genocide" video and study guide and to provide educational, activism and organizing opportunities for Native Youth. Over 85 high school and college-age Indian youth have been mentored to date.
- In 2005, IITC credentialed, mentored, prepared and/or trained over 50 Indigenous representatives to attend 27 different United Nations, Organization of Americas States (OAS) and other international sessions to defend and advance the recognition of Indigenous Peoples' Rights and address their concerns.
- 24 communities and organizations submitted documentation, testimony and text for 11 written and 4 oral IITC interventions to the 2005 United Nations Commission on Human Rights.
- Over 650 participants attended IITC's 31st Anniversary Treaty Conference August 3rd – 7th, 2005 in Ermineskin First Nation, Alberta Canada, hosted by the Confederacy of Treaty 6 First Nations. The Conference theme was: "Our Treaties are Sacred; We must protect them, as long as the grass grows and the river flows." The first day of the conference was an "International Day of Solidarity Among Indigenous Youth and Elders," a first for IITC.
- Innovative community oriented educational materials and handbooks were produced and widely distributed. IITC also continued to publish its popular newsletter "Treaty Council News," IITC's web page, www.treatycouncil.org received up to 600,000 "hits" monthly, providing an effective tool for networking, education, organizing, urgent action, delegate preparation, information dissemination and reporting back to communities.

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- IITC advanced community-based projects with direct participation by affected Indigenous Peoples; These included: "The Mercury and Tribal Health Education Project," addressing health and environmental effects of mercury from the Californian Gold Rush in Northern California; the "Indigenous Peoples' North-South Network Against Pesticides," which grew to include members from 18 countries; a collaborative project with Heifer International, its Indian Nations Program, and Indigenous communities for the development of community-based projects for protection and restoration of traditional foods systems; and a new international Indigenous Peoples' information-sharing and solidarity Network addressing community impacts of mining (formed in August 2005).
- IITC worked with other Indigenous organizations and supportive countries to secure adoption by the UN General Assembly of a 2nd UN Decade for the World's Indigenous Peoples, beginning on January 1, 2005.
- IITC's sunrise gatherings on Alcatraz Island (October and November), with a combined participation of over 6000, continued to build solidarity, promote "truth in history" focus public attention on ongoing struggles for Indian survival locally and around the world.

I especially want to thank all of the foundations, individual donors, tribes and organizations who made financial or other kinds of contributions to IITC in 2006. IITC receives no government funding, and all donations are tax deductible. We conduct an annual fiscal audit, which is available to our donors upon request. We also work hard to keep our overhead costs to under 15% (13 % in 2004!) so the bulk of the support we receive goes directly to program work to defend human rights, build community capacity and protect our Sacred Mother Earth.

We invite you to visit our web site for more information about IITC's wide range of work, and to find out how you can become involved. We thank you once again for your friendship and we send our very best wishes and prayers for a blessed winter season and a very happy New Year to you and your families.

Sincerely,




Andrea Carmen
IITC Executive Director

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From Cover process with greater attention.

Indigenous delegations, as well as many states, have expressed strong disappointment that to date only two of the 45 articles in the original text have been provisionally adopted by consensus of the Working Group in its 11 years of existence.

At the latest session, which will continue to meet for a final week, from January 30th through February 3rd, 2006, there was some progress at long last. A group of 23 articles and preambular paragraphs, either in their original form or with only small changes which clarify, or even in some cases strengthen the original text, were agreed upon as ready to present for final adoption by

consensus.

The strong position, for no changes that weaken the original text, is beginning to have an effect. It seems that most state delegations now understand Indigenous Peoples will not accept less than the "minimum standard" contained in the Subcommittee text, explained Andrea Carmen, Yaqui Indian Nation and Executive Director of the IITC, who attended this and previous sessions of the Working Group.

"In the case of Treaty Rights, in keeping with the position of our Treaty Nation affiliates from the US, Canada and Aotearoa/New Zealand and elsewhere, the IITC for the first time in this process advocated for changes to strengthen the original

text language. We were very encouraged that by working with other representatives of Indigenous Treaty Nations and a group of states, mainly those that have Treaty relationships with Indigenous Nations, we were able to reach consensus on strong language which should be able to be adopted by the Working Group."

But she added that, despite the first signs of progress in many years at this session and the wide support for strong language on Treaties in the text, many issues remain unresolved. "Full and effective international recognition of Indigenous Peoples' rights by the UN is still threatened

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UN MENSAJE A LOS AMIGOS DE CITI Y LAS PERSONAS QUE NOS APOYAN, DE LA DIRECTORA EJECUTIVA



30 de diciembre del 2005

Ojalá que al leer esta nota del fin de año, todos ustedes estén bien de salud y de espíritu. Quisiera iniciar estos comentarios con un agradecimiento profundo a todos los que nos apoyaron durante este año con el trabajo del Consejo Internacional de Tratados Indios. Recibimos varias y diferentes formas de aportes de todos ustedes, sin los cuales nuestros logros de este año no hubieran sido posibles.

En el año 2005, CITI continuó su arduo trabajo en la defensa de los derechos y la supervivencia de los Pueblos Indígenas en las distintas partes del mundo, denunciando las violaciones de los derechos humanos de los Pueblos Indígenas a nivel internacional y dando nuestro apoyo a luchas críticas comunitarias y a nivel de base.

Algunas de las luchas con las cuales participamos incluyen: la lucha de los Pueblos Gwich'in para la protección del Refugio Silvestre Ártico Nacional en contra de la explotación petrolera; la justicia para Leonard Peltier y otros presos políticos; la protección de las comunidades Indígenas en los Estados Unidos, México y Guatemala afectadas por los plaguicidas, el mercurio y otras sustancias tóxicas; las luchas por la tierra; la reivindicación de los derechos consagrados por los tratados; el derecho al agua; la protección del mundo natural y de los ecosistemas tradicionales; la salvaguarda de los sitios sagrados; los derechos culturales; la soberanía alimentaria y las formas de vida de subsistencia tradicionales; así como nuestro trabajo para que se adopten Declaraciones para los Derechos de Pueblos Indígenas con un sólido contenido tanto en las Naciones Unidas como la Organización de los Estados Americanos.

Sabemos que ustedes también son del criterio que este trabajo importante tiene que continuar, para que se pueda escuchar las voces de nuestras comunidades Indígenas de base a través del trabajo de CITI. Quisiera tomar esta oportunidad para presentar una coyuntura acerca de algunos logros claves de CITI en el año 2005:

- CITI llevó a cabo más de 60 consultas, talleres de capacitación y presentaciones para comunidades, escuelas y universidades, tribus y organizaciones, que contaron con una participación de más de 8500 personas. Asimismo, difundimos información a muchas más personas a través de la capacitación de promotores comunitarios y nuestro trabajo con los medios informativos e Internet.
- CITI trabajó con tribus, comunidades, productores de alimentos tradicionales y ancianos para presentar una denuncia histórica al Relator de las Naciones Unidas sobre del Derecho a la Alimentación, que da a conocer el efecto adverso de la contaminación ambiental (emisiones de mercurio, tóxicas de procedencia militar, contaminantes industriales) sobre las comidas de subsistencia de los Pueblos Indígenas en los Estados Unidos.
- El Programa de CITI de Capacitación por Trabajo Orientado (“Mentorship”) continuó la distribución de la película "Gold, Greed y Genocide" [Oro, avaricia y genocidio] y la correspondiente guía para su estudio, con lo cual creamos oportunidades educativas, de activismo y de trabajo organizativo para los Jóvenes Indígenas. Más de 85 indígenas de la edad de estudiantes universitarios y de preparatoria han participado en este programa hasta la fecha.
- En 2005, CITI proporcionó credenciales, orientación, preparación y/o capacitación a más de 50 representantes Indígenas quienes asistieron a 27 diferentes sesiones de las Naciones Unidas, la Organización de los Estados Americanos (OEA) y otros foros internacionales, donde trabajaron para defender y lograr el reconocimiento de los derechos de Pueblos Indígenas y para dar a conocer sus inquietudes.
- 24 comunidades y organizaciones presentaron documentación, testimonios y textos para 11 intervenciones escritas y 4 intervenciones orales de CITI ante la Comisión de Derechos Humanos de las Naciones Unidas del 2005.

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• Más de 650 participantes asistieron a la Conferencia Anual de Tratados No. 31 de CITI, del 3 al 7 de agosto de 2005 en el territorio de la Primera Nación Ermineskin, Alberta, Canadá, patrocinada por la Confederación de las Primeras Naciones del 6º Tratado. El tema de la conferencia fue: "Nuestros Tratados son Sagrados; los protegeremos, mientras la grama crezca en el llano, mientras el agua corra en el río." La conferencia se comenzó con un "Día Internacional de Solidaridad entre los Jóvenes y Ancianos Indígenas," el primer evento de dicha naturaleza patrocinado por CITI.

• Se produjeron materiales educativos y manuales con una orientación comunitaria, los cuales se diseminaron ampliamente. Asimismo, CITI continuó publicando su noticiero popular "Boletín de CITI." Nuestro sitio web, www.treatycouncil.org recibió hasta 600 mil visitas por mes, sirviendo como una herramienta efectiva en el trabajo de relaciones, educación, organización, las acciones urgentes, la preparación de los delegados, la diseminación de información y la retroalimentación a las comunidades.

• CITI contribuyó a los proyectos comunitarios, apoyando la participación directa por parte de los Pueblos Indígenas afectados, como, por ejemplo: "El Proyecto de Educación y Salud Tribal sobre el Mercurio," ante los efectos ambientales y sobre la salud del mercurio que se dejó como su legado mortífero la Fiebre de Oro en el Norte de California; la "Red Indígena Norte Sur contra los Plaguicidas," que en la actualidad tiene miembros en 18 países; un proyecto en colaboración con el Programa de las Naciones Indígenas de Heifer Internacional y las comunidades Indígenas para la elaboración de proyectos comunitarios destinados a proteger y reestablecer los sistemas de alimentos tradicionales; y una nueva Red Internacional de los Pueblos Indígenas para la solidaridad y el intercambio de información relacionada con los afectos adversos de la minería sobre nuestras comunidades (la cual se formó en agosto del 2005).

• CITI trabajó con otras organizaciones Indígenas y países que nos apoyaron para lograr la adopción por parte de la Asamblea General de las Naciones Unidas General de una 2ª Década de las sobre los Pueblos Indígenas del Mundo, a partir del 1 de enero del 2005.

• Las celebraciones en la Isla de Alcatraz de CITI (de octubre y noviembre), contaron con una participación combinada de más de 6000 personas, fortaleciendo la solidaridad y alentando "la verdad en la historia" e informando a la opinión pública sobre las luchas continuas para la supervivencia indígena a nivel local y en las distintas partes del mundo.

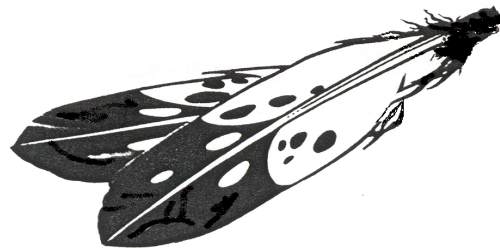
Quiero agradecer sobre todo a las fundaciones, donantes individuales, tribus y organizaciones que hicieron aportes financieros u otros tipos de contribuciones a CITI en 2006. CITI no recibe ningunos recursos gubernamentales y todas las donaciones pueden acreditarse contra los impuestos en los Estados Unidos. Se lleva a cabo una auditoría anual de nuestras cuentas, disponible a nuestros donantes al solicitarla. Asimismo, hacemos un gran esfuerzo para que nuestros gastos generales no superen el 15% (¡en el año 2004, este rubro llegó a sólo el 13% de nuestro presupuesto!). Así, la mayor parte del apoyo que recibimos va directamente a los trabajos de nuestros programas en defensa de los derechos humanos, el fortalecimiento de la capacidad comunitaria y la protección de la Sagrada Madre Tierra.

Les invitamos a visitar nuestro sitio web para más información acerca de la amplia gama de trabajo de CITI y de esa manera informarse acerca de cómo usted puede

Reiterando nuestro agradecimiento por su amistad,
estarán en
Esperando
familias
Nuevo lleno



nuestras
que
tengan
de



participar.
ustedes
oraciones.
ustedes y sus
un Año
bendiciones.

Atentamente,

From Pg. 3

by proposals for changes being pushed by a few states, including the US, Australia and New Zealand and Great Britain, especially on key provisions addressing self-determination, land rights and natural resources.”

“IITC's affiliates have agreed that we will not oppose changes in the original text that have consensus among the Indigenous participants and that either strengthen or clarify it without in any way weakening the rights it now upholds. But the IITC reserves the option to maintain the Subcommittee text with no changes at all if any provisions are included at the end of the day that undermine the rights of Indigenous Peoples,” she explained.

In the last session only the United States expressed major opposition to the proposed language on Treaties Rights contained in two preambular paragraphs and one operative article of the Declaration. The US, represented by both the State and Justice Departments in the sessions, continues to oppose international recognition of Treaties or any international mechanisms to address Treaty violations, which are essential elements for Indigenous representatives.

US Justice Department officials explained that they base their position on the US doctrine defining Indian Nations, even those with which it signed Nation-to-Nation Treaties, as “domestic dependent Nations” and therefore the Treaty relationship and any disputes which arise from it would be addressed only in a “domestic” context.

Most Treaty Nations in and outside the US strongly disagree with this



Willie Littlechild speaking at the 32nd IITC Treaty Conference, Ermineskin Cree First Nation, Alberta Canada, August 2005

perspective and do not believe it should be allowed to impact the final language of the Declaration on Treaty rights. The Declaration is intended to reflect a universal and international perspective and not be limited by the views or policies of any one country.

Willie Littlechild, Ermineskin Cree Nation, Alberta Canada, and member of the UN Permanent Forum on Indigenous Issues representing Indigenous Peoples in North America, continued to take a lead role at this session to insure that the final Declaration contains strong language upholding Treaty Rights of Indigenous Nations as legally binding international agreements. His organization, the International Organization of Indigenous Resource Development (IOIRD), worked closely with the IITC at this session on the Treaty Rights provisions. Willie presented the following consensus language for operative Article 36 on Treaties in the plenary:

“Indigenous Peoples have the right to the recognition, observance and enforcement of Treaties, Agreements and Other

Constructive Arrangements concluded with States or their successors and to have States honor and respect such Treaties, Agreements and other Constructive Arrangements.

Nothing in this Declaration may be interpreted as to diminish or eliminate the rights of Indigenous Peoples contained in Treaties, Agreements and Constructive Arrangements.”

Several delegations, including Indigenous delegations and the governments of Canada, New Zealand, Mexico and Venezuela took the floor after Willie Littlechild spoke to support this language.

Willie summed up the current status of these discussions, in the view of **IOIRD** and Ermineskin First Nation, which is part of the Confederacy of Treaty 6 First Nations:

“While I’m very encouraged by the current emerging consensus on the cluster of paragraphs on Treaties and Agreements, we still need to be vigilant in monitoring the remaining work to ensure we end up with the strong proposed wording we presented after many serious deliberations.

It is important that we have strong wording on Treaties because for Indigenous Peoples, Tribes and Nations, this is a United Nations Declaration of our Treaty Rights. Virtually every article in the Declaration touches an element of our Treaties. Whether it’s a right to self-determination that is evidenced by Treaty or Indigenous Government affirmed by Treaties. Whether the article is on Lands, Territories and Resources, or health education or development.

Cont. Pg. 7

From Pg. 6 *Whether it's about free, prior and informed consent or spiritual rights, all of these and more are Treaty Rights. Because they are also inherent rights and international in character, we need to maintain the integrity of the whole Declaration.*

Whenever States talk about what "States shall do" in the U.N. Declaration, they are Treaty based obligations. Therefore, we cannot agree to lower standards than are contained in our existing

International Treaties and Agreements. To do so would be to put ourselves in potential breach or violation of our own Treaties. We have always tried to honour our own Treaty obligations by considering every proposal presented from this perspective. We will continue to work in other International arenas to elaborate further our understanding of Treaties according to the original spirit and intent as exemplified through sacred ceremonies.

The historic decision that was taken

by the United Nations to hold a U.N. Expert Seminar in an Indigenous Treaty Territory has now taken on larger importance. The Maskwaciy's Cree of the Treaty 6 Territory will host this United Nations' meeting this fall. As the U.N. Declaration could be making its way to the U.N. General Assembly, the U.N. Expert Seminar on Treaties, Agreements and Other Constructive Arrangements could be an important time for a call to action or a commitment to follow up early implementation of the U.N. Declaration on the Rights of Indigenous Peoples, in particular, as it applies to Treaties." ♦

Excerpt from IITC Resolution on International Standards for Defending Indigenous Peoples' Rights: Addressing the UN Draft Declaration on the Rights of Indigenous Peoples

31st Anniversary International Indian Treaty Council Conference, hosted by the Confederacy of Treaty 6 First Nations, Ermineskin Cree Nation, Alberta Canada , August 3 – 7, 2005

"The delegates to this conference, representing Indigenous Peoples from North, Central, South America and the Pacific adopt by consensus the following resolution regarding the international work of the IITC to defend Indigenous Peoples Rights

RESOLVE THE FOLLOWING...

If the States or the Working Group President move forward to present a weakened Declaration text to the UN Commission on Human Rights which falls below the minimum standard represented by the Subcommission text, the IITC will vehemently object and will take all appropriate and affective actions in response, both in and outside of the United Nations, in coordination with other Indigenous Peoples.

IITC will continue to reaffirm that any proposals for changes must be assessed in light of the existing international human rights laws, norms and standards and must not fall below these existing standards.

The Legally binding Nation – to Nation Treaties and Agreements, which were freely, entered into by Indigenous Peoples with settler governments and other States constitute an important body of International law. These Treaties also address and affirm a wide range of the rights contained in the 1994 Subcommission text of the Declaration. IITC will affirm that no proposals for changes to this text can be considered which fall below, undermine or violate the rights of Indigenous Peoples and Nations as affirmed in these Treaties..." ♦

Adopted by Consensus August 7, 2005

En Español, pagina 9



31st Anniversary Treaty Conference Ermineskin Maskwacîys Cree Nation
hosted by the Confederacy of Treaty 6 First Nations, Alberta Canada

From August 3 - 7, 2005, the International Indian Treaty Council held its 31st Anniversary Treaty Conference in Ermineskin Maskwacîys Cree First Nation, Alberta Canada, hosted, hosted by the Confederacy of Treaty 6 First Nations, Canada. The Conference theme was: **“Our Treaties are Sacred; We must Protect them, as long as the grass grows and the river flows.”** In total, over 650 participants representing Indigenous organizations, communities and Nations from the United States, Canada, Mexico, Panama, New Zealand, Guatemala, Alaska, Hawaii and Europe attended.

The Confederacy of Treaty Six First Nations is the united political voice established to defend and protect the fundamental Treaty and human rights of the Treaty 6 First Nations. It includes 19 First Nations from four distinct language groups. The Confederacy is dedicated to ensuring that the terms, spirit, and intent of Treaty No. 6, which was signed in 1876 with the British Crown, are honored and respected, and to upholding all First Nations Peoples’ right to self-determination, including the right to choose their own governments and political structures and to determine and direct their own social, cultural, spiritual and economic development.

This Conference focused on key Treaty Rights issues facing the Confederacy of Treaty Six First Nations as well as First Nations throughout Canada. Ron Lameman, Bilateral Co-chair for the Confederacy of Treaty 6 First Nations and Board member of the International Indian Treaty Council, explained that:



“Honor Song,” Ermineskin Maskwacîys Cree Nation, Bear Hills Drum Group, Photo by Alex Redcrow

“The Nations and Peoples of Treaty No. 6 continue to have respect for and hold Sacred the true spirit and intent of Treaty No. 6. However, the government of Canada, along with the provincial governments, continue to steamroll ahead with their modern version of Manifest Destiny by instituting legislation, policies and regulations that violate the treaty and collective rights of the Indigenous Nations of Treaty No. 6 territory.”

The conference was also instrumental in building awareness about the devastating effects at the First Nations community level affecting their health, social, economic and spiritual well-being. Issues such as environmental contamination, youth suicide, high rates of Native incarceration and other key issues were effectively and movingly presented by members of the host Nations. Mutual understanding and joint strategies to address ongoing violations of Indian Treaty Rights were an especially important result for participating Treaty Nations from Canada, the US

and the Pacific (Hawaii and New Zealand).

The Conference also supported and built awareness about the struggles of Indigenous Nations in Canada and around the world to protect their homelands and traditional territories, subsistence practices and ecosystems and to safeguard their traditional cultures, ceremonial practices and languages for future generations. It provided an opportunity for Indigenous representatives from many Nations to present human rights violations affecting their Peoples, develop strategies to support community struggles, share information, and provide updates about the ongoing international work to defend Indigenous Peoples’ rights.

Presentations and discussions focused on the environmental and human rights impacts of mining, drilling and mineral extraction, protection of Indigenous traditional knowledge, Community health issues; women and children’s rights; international standards for recognition of Indigenous rights; using international mechanisms to address human rights violations; protection of bio-diversity; and strengthening Traditional governments, sovereignty and self-determination.

One of the high points of the conference was the first day, August 3rd, which was dedicated to an "International Day of Solidarity Among Indigenous Youth and Elders," a day of sharing and learning among youth *Cont. Pg. 9*

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and elders of many
Indigenous Nations.

This day provided a unique opportunity to strengthen and revitalize our Nations from a traditional perspective, and enabled elders from the host community, as well as other regions, to pass on their stories, experiences, wisdom and the history of their struggles to the next generation of our Nations' leaders.

Cultural programs took place each evening. Another key aspect of the conference were the Commissions, in which participants whose work focuses on specific areas and issues met together to network, share information, and draft resolutions and position statements which were presented to the Conference General

Assembly for discussion and adoption by consensus on the last day. These resolutions will form the basis for IITC's program work and international positions of a variety of issues throughout the next year.

The IITC wishes to once again thank our hosts the Confederacy of Treaty 6 First Nations, Ermineskin and Maskwaciy's First Nations. We also thank all those who provided financial support, including Kimo Campbell and the Pohaku Fund, the Lannan Foundation, Akonadi Foundation, Grousbeck Family Foundation, Sky Crosby, Public Welfare Foundation, Wallace Global Fund, the Calvert Group, Heifer International, Beaver Lake Cree Nation and the Aboriginal

Affairs and Northern Development Centennial 2005 Grants Program (via Treaty 6), as well as our hosts, for their generous financial support. We also express our heartfelt appreciation to the many volunteers and community members who worked to make this event a success. ♦

Selected IITC Conference Resolutions found on Pages 7, 9, 17 & 20-28. Complete collection at www.treatycouncil.org

Resoluciones seleccionadas de las conferencia de CITI se encuentra en las páginas 7,9,17 y 20 a 28. La selección completa se encuentra en www.treatycouncil.org

Extractos de la Resolución sobre Normas Internacionales en Defensa de los Derechos de los Pueblos Indígenas en los cuales se aborda el tema de la Declaración de las Naciones Unidas sobre los Derechos de los Pueblos Indígenas

Conferencia del CITI en su 31º Aniversario, En la Nación Cree Ermineskin, patrocinada por la Confederación de Primeras Naciones del 6º Tratado, Alberta, Canadá, de 3 a 7 de agosto del 2005

“Los delegados a esta conferencia, que representan a distintos Pueblos Indígenas del Norte, Sur y Centroamérica y las islas del Pacífico, adoptan por consenso la siguiente resolución acerca del trabajo internacional del Consejo Internacional de Tratados Indios (CITI) en defensa de los derechos de los Pueblos Indígenas...

RESOLVEMOS...

Si los Estados o el presidente del Grupo de Trabajo proceden a presentar un texto debilitado para la Declaración ante la Comisión de Derechos Humanos de las Naciones Unidas que no consagre las normas mínimas sostenidas por el texto de la Subcomisión, CITI protestará vigorosamente, tomando todas las acciones apropiadas y efectivas ante tal situación, tanto en las Naciones Unidas y fuera de dicha entidad en coordinación con otros Pueblos Indígenas.

CITI seguirá reafirmando que cualquier propuesta de cambio deberá evaluarse a la luz de las actuales leyes internacionales en materia de derechos humanos y con las normas y estándares internacionales ya existentes, y que no puede dejar de cumplir con las mismas.

Los Tratados y Acuerdos legalmente vinculantes entre Naciones que los Pueblos Indígenas han celebrado con los gobiernos de pobladores y otros Estados, constituyen un importante componente del derecho internacional. Estos tratados también contemplan y sostienen gran parte de los derechos que se consagran en el texto de la Declaración del 1994, aprobada por la Subcomisión. CITI sostendrá que ninguna propuesta de cambio a ese texto podrá tomarse en consideración si no cumple o si debilita o viola los derechos de los Pueblos y Naciones Indígenas consagrados en estos Tratados...” ♦

Adoptada por consenso, 7 de agosto del 2005

English version on Page 7

“SOBERANÍA ALIMENTARIA Y CONOCIMIENTO TRADICIONAL”



Fragmento de un documento presentado por Estebancio Castro Diaz a nombre del Consejo Internacional de Tratados Indios al Taller del Foro Permanente sobre Cuestiones Indígenas de las Naciones Unidas sobre Conocimiento Tradicional, las Naciones Unidas y los Pueblos Indígenas



Soberanía Alimentaria y Pueblos Indígenas

Para los Pueblos Indígenas la soberanía alimentaria y el conocimiento tradicional está profundamente identificado con la Madre Tierra. Los pueblos indígenas consideran estos dos conceptos como de importancia fundamental para la relación entre los pueblos indígenas y sus tierras, territorios y recursos y para su sobre vivencia cultural y espiritual.

La definición de soberanía alimentaria varía entre diferentes sectores tales como los campesinos, el sector privado y las organizaciones no gubernamentales. Es apropiado para los pueblos indígenas usar la definición originada de la Declaración de Atitlan [de la 1era Consulta Global de los Pueblos Indígenas sobre el derecho a la Alimentación y a la Soberanía Alimentaria, Guatemala, 2002] como un punto de referencia para el propósito de este documento.

La Declaración de Atitlan expresa:

“la Soberanía Alimentaria es el derecho de los Pueblos de definir sus propias políticas y estrategias para la producción, distribución y consumo sustentable de alimentos, respetando sus propias culturas y sus propios sistemas de manejo de recursos naturales y áreas rurales. La soberanía se considera como una

precondición de la Seguridad Alimentaria.”

Conocimiento tradicional es un concepto que abarca creaciones tangibles e intangibles, manifestaciones culturales, tecnologías, ciencias, conocimiento sobre agricultura, diseños, literaturas y artes visuales y de actuación derivados de tradiciones orales y escritos. Conocimiento tradicional esta también conectado a las tierras y territorios indígenas tradicionales, recursos naturales y genéticos y es transmitido de generación en generación.

Políticas nacionales e internacionales, programas y acuerdos de libre comercio están teniendo un efecto negativo sobre el derecho a la alimentación y la soberanía alimentaria de los pueblos indígenas. El actual régimen legal permite a los gobiernos y al sector privado de continuar explotando las tierras, territorios y recursos de los pueblos indígenas, al mismo tiempo creando poco o nada para el beneficio de los pueblos indígenas.

La relación entre los Pueblos Indígenas y su Medio Ambiente

Los pueblos indígenas han mantenido por siglos una relación única con su medio ambiente, incluyendo la protección del medio ambiente, la cual, es esencial para su soberanía alimentaria y su seguridad alimentaria.

En 2004, el CITI condujo entrevistas entre los pueblos indígenas para determinar indicadores culturales para

agricultura sostenible y desarrollo rural. Las entrevistas demostraron la importancia de la producción de alimentos tradicionales para la cultura e identidad de los pueblos indígenas. Lo que claramente se observó fue los impactos negativos del desarrollo en las comunidades indígenas. Muchos quienes fueron entrevistados se refirieron al desarrollo como una cuestión impuesta en sus comunidades, mayoría sin consultación, acuerdo o participación de la comunidad. Dichos desarrollos debilitan la habilidad de mantener la producción alimentaria de los pueblos indígenas, la cual, ha llevado a los pueblos indígenas de sustituir su alimentación por la alimentación extranjera o ajena, incluyendo alimentación genéticamente modificados. La sustitución de la alimentación tradicional no solo llevó a la pérdida de producción de alimentos tradicionales y culturalmente apropiados, sino también en la pérdida de conocimiento tradicional relacionado a la producción alimentaria. Esto también creó enfermedades, ha perjudicado la salud físicamente y mentalmente entre los miembros de la comunidad. Estas entrevistas también notaron la degradación del medio ambiente y la pérdida de hábitat causado por estos desarrollos y sus efectos negativos sobre la salud de la comunidad y la habilidad de reproducir para las futuras generaciones.

Estas entrevistas también sirvieron para destacar la importancia de producción alimentaria y de seguridad alimentaria a la bienestar y al mantenimiento cultural y

Cont. Pg. 11

From Pg. 10 espiritual. Las repuestas enfatizaron la relación entre la producción de subsistencia tradicional de alimentos y la práctica del lenguaje y actividades culturales tradicionales, historias de creación, ceremonias, danzas y cantos. Para pueblos indígenas viviendo en el mundo natural la practica de la cultura, lengua y la religión esta ligado a la producción de alimentos tradicional. Practicas culturales indígenas y conocimiento tradicional están para asegurar la subsistencia y la sobre vivencia de la comunidad y de mantener el balance entre el mundo natural, el medio ambiente y la gente. La pérdida de su conocimiento tradicional y su habilidad de proveer para su propia subsistencia tradicional es la perdida de su cosmovisión y propósito, una profunda perdida espiritual, una perdida de identidad como persona y como pueblos.

El significado de la tierra y el medio ambiente en la cultura y en la espiritualidad de los pueblos indígenas esta basado en una cosmovisión donde criaturas y plantas vivientes obtienen un significado particular, incluyendo el respeto por la madre tierra cual es un valor fundamental para la continuidad de la vida. La transferencia de conocimiento tradicional combina estas prácticas culturales en una forma cohesiva y tangible. Es imperante que el derecho a la alimentación, seguridad alimentaría y la protección del conocimiento tradicional sea reconocida, conservada y respetada para que las prácticas culturales son continuados y protegidos.

Articulo 27 del Pacto Internacional sobre Derechos Civiles y Políticos establece el derecho a la lengua, cultura y la religión. El comité de Derechos Humanos, el órgano de monitoreo del tratado ha determinado que:

En cuanto al ejercicio de derechos culturales protegidos bajo el artículo 27, el comité observa que la cultura se manifiesta en muchas formas, incluyendo en una forma particular de vida asociado con el uso de los recursos de la tierra, especialmente en el caso de los pueblos indígenas. Ese derecho quizás incluya actividades tradicionales como la pesca o la caza y el derecho de vivir en reservaciones protegidos por la ley. (Traducción no oficial)



Acuerdo sobre los Aspectos de los Derechos de Propiedad Intelectual Relacionados (TRIPS)

El acuerdo de la Organización Mundial del Comercio sobre la TRIPs y otros acuerdos relacionados buscan uniformar los derechos de la propiedad intelectual. Los derechos de propiedad intelectual buscan promover derechos individuales para crear monopolios legales a través de la explotación comercial de esta propiedad intelectual por un periodo de tiempo.

La aplicación de este régimen a la propiedad intelectual de los pueblos indígenas la cual es a menudo referida como conocimiento tradicional ha causado problemas. El concepto occidental de propiedad intelectual crea un monopolio para el beneficio individual del “creador” de este conocimiento, la cual es antitética a la

visión indígena de conocimiento tradicional la cual es colectiva y compartida con la comunidad. Además, surgen conflictos cuando la TRIPs permite materiales genéticos o conocimiento tradicional sea usado en un proceso inventivo o incorporado a una invención sin una participación y consideración por parte de los pueblos indígenas quienes su conocimiento tradicional han sido tomados.

De esta manera, es esencial desarrollar y diseñar un sistema *sui generis* para proteger los conocimientos tradicionales de los pueblos indígenas. Tal sistema tiene que estar basado en el sistema de derechos de los pueblos indígenas. Pueblos indígenas consideran que es importante crear un sistema único que pueda responder a las necesidades de sus comunidades. Es apropiado introducir términos como derecho colectivo y derecho de origen como las bases del nuevo sistema.

Organización de las Naciones Unidas para la Agricultura y la Alimentación (FAO) y Tratado Internacional sobre los Recursos Filogenéticos para la Alimentación y la Agricultura

La parte III del tratado internacional reconoce la contribución de las comunidades indígenas y locales y de los campesinos en todas las regiones del mundo, para la *conservación y desarrollo* de recursos genéticos de las plantas. Sin embargo, el tratado no hace una referencia específica a los derechos de los pueblos indígenas.

El tratado también establece un sistema multilateral de acceso y distribución *Cont. Pg. 12*

From Pg. 11 de beneficios que garantizan que estados miembros tengan derecho a facilitar acceso a 64 siembras de alimento del 85 % de la nutrición humana del mundo. El tratado también permite derecho de propiedad intelectual sobre materiales derivados de recursos genéticos bajo su sistema multilateral. Conocimiento tradicional de pueblos indígenas sobre las semillas y recursos genéticos no están protegidos. Hasta su habilidad de usar, cambiar y cultivar su propia semilla tradicional y cultivos o, si los derechos de los pueblos indígenas puede ser protegido por las legislaciones naciones esta en duda.

La falta de plena y efectiva participación de los pueblos indígenas en el proceso relacionado al derecho a la alimentación y soberanía alimentaría disminuye seguridad alimentaría para todos los pueblos indígenas y contribuye a un desastre segura en la deliberación de alimentos. Además, negociaciones de libre comercio, procesos y programas son de poco apoyo puesto que no proveen ningún apoyo a los pueblos indígenas para su efectiva y plena participación en estos procesos internacionales o ninguna protección a su conocimiento tradicional relacionado a la alimentación.

El uso de pesticidas en agricultura contribuye negativamente al cambio climático. La pesticida y fertilizantes químicos usados por los campesinos continúan destruyendo tierras, lagos y ríos donde los pueblos indígenas viven y sus semillas tradicionales, plantas, vida silvestre, todos son parte del conocimiento y origen de alimentos. Los campesinos han sido motivados por los gobiernos y por los acuerdos de libre comercio de sobre pescar, sobre producir

productos agrícolas y de usar una cantidad excesiva de químicos para poder sobre producir los productos.

El Convenio sobre Biodiversidad Biológica

El Convenio sobre Biodiversidad Biológica establece el desarrollo de un régimen internacional para acceso y distribución de beneficios y asegura la facilitación de acceso a y de comercialización de conocimiento tradicional y recursos genéticos. Las organizaciones de los pueblos indígenas han reiterado a través de reuniones de CDB, la conferencia de partes y grupos de trabajo de ABS que los estados tienen que respetar y proteger los derechos de los pueblos indígenas de controlar sus tierras, territorios y de proteger sus conocimientos y recursos de explotación. Además, ellos han indicado que el régimen internacional propuesto tiene que estar consistente con las normas y derechos humanos internacionales.

Uno de los asuntos principales para los pueblos indígenas es lo que se conoce informalmente la semillas asesinas y el proceso que crea tal producto – Tecnología de Uso Genético restringido (GURTs). Estas semillas no se pueden reproducir. Para los Pueblos indígenas que viven en agricultura, estas semillas representan una relación desigual entre los que producen y los que tienen derecho de que semillas están disponibles para la producción.

Conclusiones

Pueblos indígenas alrededor del mundo han sobrevivido los efectos dañinos causados por la agricultura industrial destructiva. En muchos casos, hemos encontrado contaminaciones en nuestros ríos y degradación en nuestro medio ambiente. Esto ha llevado un impacto negativo sobre nuestra seguridad

alimentaría. Pueblos indígenas podía beneficiarse de los acuerdos comerciales que tenga como bases las normas internacionales de derechos humanos. Si los tratados de libre comercio estuvieran basados en derechos humanos, el medio ambiente podía estar protegidos y la seguridad alimentaría podía ser mantenido.

El proyecto de declaración de las Naciones Unidas sobre los derechos de los pueblos indígenas busca activamente proteger los derechos de los pueblos indígenas y de reconocer los derechos colectivos de los pueblos indígenas sobre sus tierras, territorios y recursos naturales. Además, el principio de libre consentimiento previo e informado tal como esta incluido en la declaración es una norma importante que protegerá el medio ambiente. Las agencias de las Naciones Unidas deberían adoptar la declaración para poder contribuir a la protección del medio ambiente.

La negación de un derecho humano como el derecho a la alimentación y sus formas de subsistencia, particularmente para los pueblos indígenas, es una negación de todos los derechos humanos incluyendo el derecho a la cultura, desarrollo, identidad y sobre vivencia – el derecho colectivo a la vida como pueblos. Nuestros conocimientos tradicionales es de importancia fundamental a esa identidad y sobre vivencia. ♦

Para la versión completa de este documento como también las referencias o documentos mencionados (declaración de atlitán, el proyecto de declaración, etc.) por favor entrar a la pagina web del CITI, www.treatycouncil.org

“FOOD SOVEREIGNTY AND TRADITIONAL KNOWLEDGE”

Excerpts from an IITC Paper presented by Estebancio Castro Diaz
to the UN Permanent Forum on Indigenous Issues, Workshop on Traditional
Knowledge, the United Nations and Indigenous Peoples

21-23 September, 2005, Panama City



Food Sovereignty and Indigenous Peoples

For Indigenous Peoples food sovereignty and traditional knowledge are profoundly linked with Mother Earth. Indigenous Peoples consider these two concepts as critical to the relationship between Indigenous Peoples and their lands, territories and resources and, their cultural and spiritual survival.

The definition of food sovereignty varies as between different sectors such as farmers, the private sector and non-governmental organizations. It is appropriate for Indigenous Peoples to use the definition sourced from the Atitlán Declaration [from the 1st Indigenous Peoples' Global Consultation on the Right to Food and Food Sovereignty, Guatemala, 2002] as a point of reference for the purpose of this paper. The Atitlán Declaration 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.”

Traditional knowledge is a concept that encompasses tangible and intangible creations, cultural manifestations, technologies, sciences, agricultural knowledge,

designs, literatures, and, visual and performance arts derived from oral and written traditions. Traditional knowledge is also connected to indigenous traditional territories, lands, natural and genetic resources and, is transmitted from generation to generation.

National and international policies, programmes and free trade agreements are having a negative effect on Indigenous Peoples' right to food and food sovereignty. The current legal regimes allow governments and the private sector to continue exploiting Indigenous Peoples' lands, territories and resources while creating little if any benefit for Indigenous Peoples.

The Relationship between Indigenous Peoples and their Environment

Indigenous Peoples have for centuries maintained a very unique relationship with their environment including the protection of the environment which is essential for their food sovereignty and food security.

In 2004, IITC conducted a survey amongst Indigenous Peoples to ascertain cultural indicators for sustainable agricultural rural development. The survey showed the importance of the production of traditional foods to indigenous people's cultures and identities. What clearly came through was the impact of development schemes in indigenous communities. Many who were surveyed referred to development

schemes that were imposed upon their communities, most without consultation, agreement or participation by the community. Such developments weakened the indigenous people's ability to maintain food production, which lead to Indigenous Peoples substituting foreign or alien foods, including genetically modified food. The substitution of traditional food not only led to a loss of production of traditional and culturally appropriate food, but in the loss of traditional knowledge related to food production. It also created disease, poor physical and mental health among community members. Those surveyed also noted the environmental degradation and loss of habitat caused by these development schemes and their negative effects on the community's well-being and ability to reproduce itself for future generations.

The survey also served to underline the importance of food production and food security to the well being and maintenance of culture and spirituality. The responses emphasized the relationship between the production of traditional subsistence foods and the practice of language and traditional cultural activities, stories of creation, ceremonies, dance and song. For Indigenous



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From Pg. 13 Peoples living in the natural world, the practice of culture, language and religion is tied to the production of traditional foods. Indigenous cultural practices and traditional knowledge are meant to insure the subsistence and survival of the community and maintain the balance between the natural world, the environment, and people. The loss of their traditional knowledge and their ability to provide for their own traditional means of subsistence is the loss of their world view and purpose, a profound spiritual loss, a loss of identity as self and as peoples.

The significance of the land and environment in Indigenous Peoples' culture and spirituality is based on a holistic vision where all living creatures and plants obtain particular meaning, including a respect for Mother Earth, which is a fundamental value for the continuity of the life. The passing on of traditional knowledge binds these cultural practices together into a cohesive and tangible form. It is imperative that Indigenous Peoples' rights to food, food security and the protection of traditional knowledge are recognized and upheld so that cultural practices are continued and protected.

Article 27 of the International Covenant on Civil and Political Rights establishes the right to language, culture and religion. The Human Rights Committee, the treaty monitoring body of the covenant, has determined that:

“With regard to the exercise of the cultural rights protected under article 27, the Committee observes that culture manifests itself in many forms, including a

particular way of life associated with the use of land resources, especially in the case of Indigenous Peoples. That right may include such traditional activities as fishing or hunting and the right to live in reserves protected by law. “



IITC representative Estebancio Castro, Kuna Nation, speaking at the UN Working Group on Indigenous Populations, July 2005, Geneva, Switzerland

Trade Related Aspects of Intellectual Property Rights

The World Trade Organization's agreement on Trade Related Aspects of Intellectual Property Rights (“TRIPs”) and other related agreements seek to standardize intellectual property rights. Intellectual property rights seek to promote individual rights to create legal monopolies through the commercial exploitation of that intellectual property for a specific period of time.

The application of this regime to indigenous people's intellectual property, which is often referred to as traditional knowledge has caused problems. The western concept of intellectual property creates a monopoly for the benefit of the individual “creator” of this knowledge, which is antithetical to the Indigenous vision of traditional knowledge as collective and shared within the community. Further, conflicts arise when

TRIPs allow genetic material or traditional knowledge to be used in an inventive process or incorporated into an invention without the deliberation and consideration by those Indigenous Peoples whose traditional knowledge is being co-opted.

It is therefore essential to develop and design a “*sui generis*” system to protect Indigenous Peoples' traditional knowledge. Such a system must be with based on Indigenous Peoples' rights system. Indigenous Peoples consider it important to create a unique system which could respond to the needs of their communities. It is appropriate to introduce the term “collective rights” and “sources/origin rights” as the basis of such a system.

The UN Food and Agriculture Organization (FAO) and International Treaty on Plant for Food and Agriculture

Part III of the International Treaty on Plant for Food and Agriculture recognizes the contribution of local, indigenous communities and farmers of all regions of the world, to the ***conservation and development*** of plant genetic resources. However, the treaty does not refer specifically to Indigenous Peoples rights.

The treaty also establishes multilateral systems of access and benefit sharing that guarantee member states the right to “facilitate access” to sixty-four food crops, accounting for 85% of the worlds human nutrition. The Treaty also allows intellectual property rights over material derived from genetic resources under its multilateral systems. Indigenous Peoples' traditional knowledge of seeds and genetic resources are

Cont. Pg. 15

not protected. Even their ability to use, exchange and cultivate their own traditional seeds and crops or, whether Indigenous Peoples rights would be protected by national legislation are called into question.

The lack of effective and full participation of Indigenous Peoples in the processes relating to the right to food and food sovereignty reduces food security for all Indigenous Peoples and contributes to sure disaster in the delivery of food. Further, trade negotiations, processes, and programmes are also unhelpful as they do not provide for the effective and full participation of Indigenous Peoples in these international nor any protection to their food related traditional knowledge.

The use of pesticides in agriculture contributes negatively to climate change. The pesticide and chemical fertilizers used by farmers continue to destroy lands, lakes and rivers where Indigenous Peoples live, and their traditional seeds, plants and wildlife, all part of traditional food sources and knowledge. The farmers have been encouraged by governments and free trade agreements to over fish, over farm and use an excessive amount of chemicals in order to over produce goods.

The Convention on Biological Diversity

The Convention on Biological Diversity (“CBD”), establishes the development of an international regime for access and benefit sharing and, ensures the facilitation of access to, and the commercialization of, traditional knowledge and genetic resources. Indigenous Peoples’

organizations have reiterated through the CBD meetings, the Conference of Parties (“COP”) and Working Group on Access and Benefits sharing (“ABS”) that the parties must respect and protect the rights of Indigenous Peoples to control their lands, territories and protect their knowledge and resources from exploitation. Further, they have indicated “the proposed international regime must be consistent with international human rights laws and standards.”



One of the major issues for Indigenous Peoples is what is colloquially known as ‘terminator seeds’ and the processes that create such products – Genetic Use Restriction Technologies (“GURTs”). These seeds are unable to reproduce themselves. For Indigenous Peoples who rely on agriculture, these seeds represent a unequal relationship between those who grow and those who own the right as to what seeds are available for production.

Conclusions

Indigenous Peoples around the world have survived the damage caused by destructive industrialized agriculture. In many cases, we have found contamination in our rivers and degradation of our environments. This in turn has led to a negative impact on our food safety.

Indigenous Peoples would benefit from free trade agreements that have as their basis human right international norms. If trade agreements were based on human rights, the environment would be protected and food safety would be maintained.

The United Nations Draft Declaration on the Rights of Indigenous Peoples actively seeks to protect the rights of Indigenous Peoples and recognizes Indigenous Peoples’ collective rights over their lands, territories and natural resources. Further, the principle of free and informed consent as included in the Declaration is an important norm that will help to protect the environment. The United Nations agencies should adopt the declaration in order to contribute to the protection of the environment.

The denial of one human right such as the right to food and means of subsistence, particularly for Indigenous Peoples, is the denial of all human rights including the rights to culture, development, identity and survival - the collective right to life as peoples. Our traditional knowledge is critical to that identity and survival. ♦

For the full version of this paper, as well the documents it refers to (the Declaration of Atilán, the Draft Declaration on the Rights of Indigenous Peoples, etc.) please log on to IITC’s web site, www.treatycouncil.org

Western Shoshone Petition for Public Support; *US Fails to Respond to UN CERD Request*

The United States government has missed a year-end deadline to answer questions posed by a United Nations committee looking into charges of federal harassment of the Western Shoshone people.

But along with the Western Shoshone traditional government, the Western Shoshone Defense Project is determined not to let the matter die.

The Western Shoshone maintain that the US government, through a host of measures including the seizures of livestock and the imposition of heavy trespass fines as well as attempts to privatize large tracts of land to multinational gold companies, is violating the rights of indigenous people to their ancestral lands—some 60 million acres that stretch across Nevada, Idaho, Utah, and California.

The Western Shoshone have now launched a nationwide **petition** calling on the UN Committee for the Elimination of Racial Discrimination, or CERD, to act immediately to address the human rights violations the Western Shoshone have long endured.

CERD was the committee that issued the list of 10 questions the government failed to answer by Dec. 31, 2005. The questions are part of a request for “urgent action,” which, if accepted, would allow the committee to open an investigation into US conduct regarding the land issues and the treatment of indigenous people.

“CERD is going to get a lot of pressure from the United States to drop this thing and not take it on as a formal urgent action before the full committee,” said Julie Ann Fishel, the land recognition program director for the defense project.

The appeal to CERD is the latest step in a long-simmering dispute between the Western Shoshone and the federal



Western Shoshone leader and elder Mary Dann passed away April 2005, shown here with her sister Carrie who carries on the struggle.

government. At issue is the Western Shoshone’s contention that the land is theirs—recognized as such by the Treaty of Ruby Valley in 1863—and that federal agencies along with energy and mining industries are

Sign on to the Petition at:
(http://ga0.org/campaign/shoshone_petition)

trampling on the rights of indigenous people in a scramble to access the valuable resources lying beneath the land.

Protection of the land is critical to the Western Shoshone’s preservation of their cultural and spiritual integrity. But among the threats it now faces is a plan to store nuclear waste at Yucca Mountain and to conduct open-pit gold mining at Mt. Tenabo, both areas that are spiritually significant to the Western Shoshone.

“This is a critical land rights issue. The federal government needs to be held accountable for violating

treaties with Indian nations, as the Inter-American Commission on Human Rights has clearly established,” said Oxfam America’s Laura Inouye, referring to an earlier decision by that body which found the US Bureau of Land Management had violated Western Shoshone rights to due process, property rights, and equality. “A similar finding by UNCERD will help the Western Shoshone press their case for justice.”

“This isn’t just about Indians. It’s about everybody,” added Fishel. “It’s about land, clean water, clean air, and protection of significant areas. This is about not allowing the US government to place corporate interests before human rights and environmental concerns.”

In August, a Western Shoshone delegation traveled to Geneva, Switzerland, to speak with CERD members and present their case.

Another delegation plans to make a second trip to Geneva in March to present the **petition** in person. **The deadline for signing the **petition** is Feb. 28 of this year.**

“If we can get to the heart of US treatment of indigenous people, and tell the truth about that treatment, we’re going to get to the core of cleaning up social justice issues here and wherever US and corporate policies are affecting peoples’ lives,” said Fishel. ♦



Resolution in Support of the Urgent Action Request from the Western Shoshone Nation to the United Nations Committee on the Elimination of Racial Discrimination (CERD)

31st Anniversary International Indian Treaty Conference , Ermineskin Maskwacîys Cree Nation , Confederacy of Treaty No. 6 First Nations Territory, Alberta Canada, August 3 – 7, 2005

WHEREAS, the Western Shoshone Nation has lived in relationship with their traditional homelands for an unknown succession of ages, even to this day. Western Shoshone culture, spirituality, governance and economy are inextricably connected with these lands, and;

WHEREAS, the Western Shoshone Nation entered into a Treaty of Peace and Friendship with the United States in 1863 which recognized the land boundaries of the Western Shoshone. This Treaty was not a treaty of cession, but instead merely allowed the United States limited use and access of those lands; and

WHEREAS, according to the United States Constitution, the 1863 Treaty of Ruby Valley is the Supreme Law of the land; and

WHEREAS, in the 1787 Northwest Ordinance Congress declared that the utmost good faith shall always be observed toward the Indians, and in their lands, rights and liberty they shall never be invaded or disturbed; and

WHEREAS, the Nevada Territorial Act, following the Northwest Ordinance, stipulated that all Indian land "shall be excepted out of the boundaries, and constitute no part of the Territory of Nevada"; and

WHEREAS, the United States is currently engaged in or allowing activities which deny Western Shoshone continued occupation of their ancestral lands and threaten the survival of the Western Shoshone people, their culture,

social fabric, economy and ecology; and

WHEREAS, Western Shoshone leaders have called upon the United States to address land and resource rights of the Western Shoshone; and,

WHEREAS, the United States has refused to address these issues on a government to government basis with Western Shoshone leadership and the Western Shoshone Nation;

WHEREAS, the United States is currently engaged in or allowing activities which deny Western Shoshone continued occupation of their ancestral lands and threaten the survival of the Western Shoshone people, their culture, social fabric, economy and ecology; including in particular privatization of Western Shoshone lands to multinational gold companies, and expansion of open pit cyanide heap leach gold mining and nuclear waste disposal on Western Shoshone lands, and;

WHEREAS, The United States Government has been found to be in current violation of Western Shoshone rights to property, to due process and to equality under the law by the Inter-American Commission on Human Rights, and;

WHEREAS, the United States has ratified the United Nations Convention on the Elimination of Racial Discrimination and is therefore obligated to ensure that its domestic laws and policies are in compliance with internationally recognized standards of human rights, and;

NOW, THEREFORE, BE IT RESOLVED that the International Indian Treaty Council, an Indigenous Non-Governmental Organization with Consultative Status to the United Nations Economic and Social Council (ECOSOC), calls upon the United Nations Committee on the Elimination of Racial Discrimination to act immediately upon the Second Amended Urgent Action Request under its Early Warning Procedure filed by the Western Shoshone to address this long standing dispute with the United States before privatization, expansion of mining or nuclear waste disposal proceeds any further on Western Shoshone lands. ♦

Adopted by consensus, August 7, 2005

The 14th Annual Western Shoshone Defense Project Spring Gathering
Crescent Valley, Nevada
Friday May 19th to Sunday May 21st 2006

“A gathering to protect the land, the people, and future generations. Come show your support for the 1863 Treaty of Ruby Valley and the Sogobia we all depend on.”

For more information:
Western Shoshone Defense Project phone (775) 468-0230, fax (775) 468-0237, email wmdp@igc.org or cell phone 775 397-1371



INTERNATIONAL INDIAN TREATY COUNCIL

2390 Mission St., Suite 301
San Francisco, CA. 94110
Telephone (415) 641-4482
Fax (415) 641-1298
email: iitc@treatycouncil.org



The Committee on the Elimination of Racial
Discrimination
Urgent Action Process
Office of the High Commissioner for Human Rights
United Nations, Geneva

August 11, 2005

RE: Amici Letter in Support, Second Request for Urgent Action under Early Warning Procedures, Presented to the CERD Committee, by the Western Shoshone Peoples of the Timbisha Shoshone Tribe, Winnemucca Indian Colony and Yomba Shoshone Tribe, v. the United States, Dated July 29, 2005

Dear Members of the CERD Committee,

Please receive our respectful greetings.

The International Indian Treaty Council (IITC), the oldest Indigenous Non-Governmental Organization with Special Consultative Status before the Economic and Social Council, respectfully requests that the CERD Committee receive and consider this amici letter of support and its attachments in its deliberations on the Urgent Action/Early Warning petition by the Western Shoshone Peoples presently found within the State of Nevada in the United States.

The attached Resolution, adopted by the consensus of all Nations, Tribes, communities and organizations affiliated with the IITC serves as the basis for our intervention.

We further recall the CERD Committee's General Recommendation XXXIII (Fifty first Session, 1997), which states in pertinent part:

5. The Committee especially calls upon States parties to recognize and protect the rights of indigenous peoples to own, develop, control and use their communal lands, territories and resources and, where they have been deprived of their lands and territories traditionally owned or otherwise inhabited or used without their free and informed consent, to take steps to return those lands and territories. Only when this is for factual reasons not possible, the right to restitution should be substituted by the right to just, fair and prompt compensation. Such compensation should as far as possible take the form of lands and territories.

Referring to the right of restitution, we attach a chart of land held by the United States, showing that the United States government owns 87.6% of the entire State of Nevada (NV on the Chart). Factual reasons exist whereby the Western Shoshone lands could and should be returned to them.

The International Indian Treaty Council very much appreciates the Committee's consideration of the Western Shoshone petition under its Urgent Action processes, and their consideration of this amici letter. Please do not hesitate to communicate with us on any question or comment you may have.

For all our relations,

Alberto Saldamando, IITC General Counsel



La Conferencia Nacional de Ministros de la Espiritualidad Maya
de Guatemala Oxla'uj Ajpop

E-mail: oxlajujajpop@intelnnet.com / liderespiritualmaya@hotmail.com

COMUNICADO URGENTE: PROFANACIÓN Y DESTRUCCIÓN TOTAL DEL CENTRO CEREMONIAL MAYA Y SITIO ARQUEOLÓGICO TULAM TZU

DENUNCIA

Ante la comunidad nacional e internacional que con autorización del Departamento de Monumentos Prehispánico y coloniales y la Dirección del Patrimonio Cultural y Natural del Ministerio de Cultura y Deportes, la Unidad de Calidad Ambiental de la Dirección General de Gestión Ambiental y Recursos Naturales del Ministerio de Ambiente y Recursos Naturales, la Dirección de Construcción Privada de la municipalidad de Mixco departamento de Guatemala; el día martes 27 de diciembre de 2005 CONSTRUTTIERRA Y LEXUS SOCIEDAD ANÓNIMA, han iniciado la profanación y destrucción total de los restos antiguos, piezas, objetos y el lugar sagrado y reconocido sitio arqueológico Tulam Tzu ubicado en la cuarenta avenida final de El Naranjo Zona Cuatro de Mixco para desarrollar el proyecto Condominio Cañadas del Naranjo.

SOLICITAMOS URGENTEMENTE

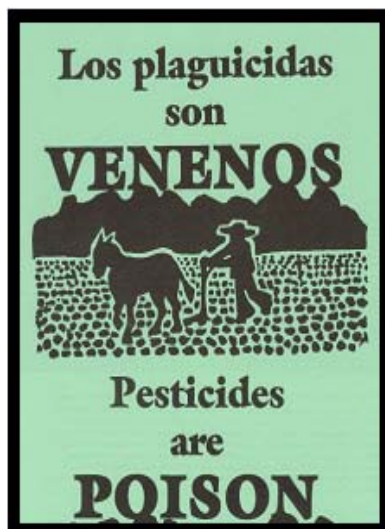
Al Doctor Sergio Morales, Procurador de los Derechos Humanos PDH, a la Señora Rogoberta Menchú Tum Embajadora de Buena Voluntad de los Acuerdos de Paz, Comisión Presidencia Contra la Discriminación y el Racismo, Comisión Nacional de los Acuerdos de Paz, Comisión Presidencial de Derechos Humanos, Secretaria de la Paz SEPAZ y al Consejo Asesor de Pueblos Indígenas de la Presidencia de la República de Guatemala que de manera inmediata coordinen acciones legales para que se respeten: los derecho de los pueblos indígenas reconocidos por leyes nacionales e internacionales, la conservación y protección del patrimonio cultural y natural y el cumplimiento de los compromisos adquirido en el Acuerdo de Identidad y Derechos de los Pueblos Indígenas reconocido en la Ley Marco de los Acuerdos de Paz.

HACEMOS UN LLAMADO

A las diversas instituciones, agrupaciones y organizaciones Mayas a pronunciarse contra la violación espiritual y destrucción del centro ceremonial Maya Tulam Tzu.

POR EL DERECHO HISTORICO, ESPIRITUAL CULTURAL OXLAJUJ AJPOP

Ciudad de Guatemala 30 de diciembre de 2005



IITC "Pesticides are Poison" booklet now available online/"Los Plaguicidas son Venenos" manual ahora disponible en internet:

[http://www.hesperian.org/newbooks envirohealth.htm](http://www.hesperian.org/newbooks/envirohealth.htm)

(scroll half a page down/busca media pagina abajo)

To find out more about the "North-South Indigenous Network Against Pesticides project" of the IITC, or to order a copy of the "Pesticides are Poison" handbook in English or Spanish, contact the IITC in San Francisco, or email angel@treatycouncil.org.

Para más información sobre la "Red Indígena Contra los Plaguicidas Norte y Sur," proyecto del CITI, o para pedir una copia del manual "Los Plaguicidas son Venenos," en inglés o español, comuníquese con CITI en San Francisco o escriba por e-mail a: angel@treatycouncil.org.

Selected Conference Resolutions

31st Anniversary Treaty Conference August 3 - 7, 2005, Ermineskin Maskwacîys Cree Nation, hosted by Confederacy of Treaty 6 First Nations, Alberta Canada

“Our Treaties are Sacred; We must Protect them, as long as the grass grows and the river flows.”

Resoluciones Seleccionadas de la Conferencia

Asamblea anual XXXI del Consejo Internacional de Tratados Indios en la Nación Cree “Ermineskin Maskwacîys” en la provincia de Alberta, Canadá, 3 – 7 de agosto de 2005.

“Nuestros tratados son sagrados; los protegeremos, mientras la grama crezca en el llano, mientras el agua corra en el río.”



DECLARATION OF TREATY 6, 7 AND 8 FIRST NATIONS ~ Treaty Right to Health

Recalling and agreeing with the Chiefs in Canada 1981 Declaration which stated that...

“We the original peoples of this Land know the Creator put us here.

The Creator gave us Laws that govern all our relationships to live in harmony with nature and mankind.

The Laws of the Creator define our rights and responsibilities.

The Creator gave us our spiritual beliefs, our Languages, our culture, and a place on Mother Earth which provided us with all our needs.

We have maintained our freedom, our Languages, and our traditions from time immemorial.

We continue to exercise the rights and fulfill the responsibilities and obligations given to us by the Creator for the Land upon which we were placed.

The Creator has given us the right to

govern ourselves and the right to self-determination.

The right and responsibilities given to us by the Creator cannot be altered or taken away by any other Nation.”

Noting that the Royal Proclamation of 1763, initiated and adopted by the British Government, recognizes nations or tribes of Indians. The proclamation recognizes our original title of all lands traditionally occupied and used by our ancestors. The status of our Indian nations was confirmed and entrenched by our entering into Treaties with the British Crown.

Recognizing that in 1982, at the peak of our Indian Nations’ struggle to securely entrench our Treaty and Inherent Rights in the Constitution Act; Justice Lord Denning supported the solemnity, integrity and durability of our treaties with the British Crown.

On January 28, 1982, Lord Denning in the High Court of the United Kingdom, proclaimed in his

judgment, “There is nothing, so far as I can see, to warrant any distrust by the Indians of the Government of Canada. But, in case there should be, the discussion in this case will strengthen their hand so as to enable them to withstand any onslaught. They will be able to say that their rights and freedoms have been guaranteed to them by the Crown, originally by the Crown in respect of the United Kingdom, now by the Crown in respect of Canada, but, in any case, by the Crown. No Parliament shall do anything to lessen the worth of these guarantees. They should be honoured by the Crown in respect of Canada ‘as long as the sun rises and the river flows’. The promise must never be broken.”

Further on July 5, 1973 Her Royal Highness Queen Elizabeth II affirmed the Treaties in an address to the Chiefs in Alberta, stating “You may be assured that my Government of Canada recognizes the

Cont. Pg. 21

importance of full compliance with the spirit and intent of your treaties.”

The Treaty which became known as Treaty No. 6 contains a medicine chest clause which was agreed to due to existing circumstances at the time.

Emphasizing that Sections 25 and 35 (1) of the 1982 Constitution Act of Canada recognizes and affirms treaty rights.

Also emphasizing that the Treaty 6, 7 & 8 Unity Agreement of 2003 recognizes that the Cree, Dene, Chipewyan, Blackfoot, Nakoda Sioux, Assiniboine, Sauteaux, Beaver, Ojibway and Tsuu T’ina within their traditional territories have always considered ourselves integrally related, possessing from time immemorial, all the attributes of nationhood and all it entails under

international law.

Acknowledging that International Law recognizes the nationhood of the Cree, Dene, Chipewyan, Blackfoot, Nakoda Sioux, Assiniboine, Sauteaux, Beaver, Ojibway and Tsuu T’ina in Treaty 6, 7 and 8, and the Geneva Declaration on the Health and Survival of Indigenous Peoples (23-26 November 1999) Part 1 includes “a call on governments where Treaties, agreements and other constructive arrangements exist, that the original spirit and intent of these international agreements be honoured, respected and implemented.”

We now therefore declare,

As Treaty Indians there is nothing more important than our Treaties, our land and the well being of our future generations.

All rights are recognized in Treaties between the Crown and Nations or Tribes of Indians in Canada ensuring the wholistic and the spiritual concept of Treaties.

That the medicine chest clause binds the federal government to provide medicines and all that is required to maintain proper health.

Treaty 6, 7 & 8 discussions were based on previous treaties and that all were equally inclusive and applicable.

So long as the sun shines, rivers flow and the grass grows, these words must never be broken.

Dated: March 16-17, 2005

Signed by

Chiefs in Treaty No. 6, No. 7 and No. 8

IITC Conference Resolution on the Treaty Right to Health

The 31st Annual Conference of the International Indian Treaty Council, held August 3rd-7th 2005 at Ermineskin First Nation, attended by Indigenous Peoples from North, Central and South America and the Pacific, endorses and supports by consensus the above Declaration of the Treaty 6, 7 and 8 First Nations Chiefs on the Treaty Right to Health, as presented to the Conference by the Confederacy of Treaty 6 First Nations. The IITC further affirms that this Declaration and its contents are now the policy of the IITC. ♦

Adopted by Consensus August 7, 2005

Resolution on Mining and Extractive Industries

THE INTERNATIONAL INDIAN TREATY COUNCIL 31st ANNIVERSARY CONFERENCE RESOLVES to endorse the Indigenous Peoples Caucus Resolution from the Western Mining Action Conference which met in Treaty No. 6 First Nations Territory (Edmonton Alberta Canada), and was adopted on July 30, 2005 as follows:

Whereas, the Indigenous Peoples Caucus of the Western Mining

Action Network was formed to strengthen our alliances and inherent responsibilities to protect Mother Earth from the destructive impacts of irresponsible mining, in particular uranium, hard rock and coal mining. The caucus is composed of representatives from across the northern region of Turtle Island (Canada and the United States). Together, our voices are united as one to advocate for the health, safety and welfare of our communities to the decision makers in governments and industry.

Whereas, the North American Indigenous Peoples Mining Summit was convened in the traditional territory of the Cree Nation (Edmonton, Alberta Canada) July 27 – July 30, 2005 to bring Indigenous Peoples together to share our traditional knowledge and understanding of western science as its relates to our individual community and collective concerns on mining practices, and;

Cont. Pg. 22

Prom Pg. 21 Whereas, these indigenous representatives from across Turtle Island registered numerous concerns on the hazardous impacts of irresponsible mining on the health, welfare and safety of our peoples, our communities, our lands and spiritual and cultural resources, and;

Whereas, there have been numerous violations of our inherent and human rights as Indigenous Peoples as given to us by the Creator both by the mining industry and governmental sectors, and;

Whereas, in order to protect these rights of all Indigenous Peoples and to safeguard against any future harms that threaten our physical and spiritual survival through the protection of Mother Earth and our natural world, and;

Now therefore, be it resolved, we, as indigenous representatives and organizations, hereby unite to discuss spiritual, cultural, social and environmental concerns that will not only directly impact Indigenous Peoples but impact the sustainability of all life and all peoples, globally and;



Be it further resolved that, we as indigenous representatives and organizations hereby unite to develop strategies and initiate immediate changes to educate and inform communities, the corporate world and government officials of the indigenous worldview and that

those harms caused by irresponsible mining affect the water, the air, the land and the overall sustainability of our earth and all life and must be addressed and corrected immediately.

THE INTERNATIONAL INDIAN TREATY COUNCIL
31ST ANNIVERSARY

CONFERENCE FURTHER RESOLVES that the IITC will work to promote and support a North-South Indigenous Peoples' partnership to address the impacts of Extractive Industries (mining, oil and gas, etc.) in our lands and territories and develop strategies for information-sharing and mutual support, including a convening to be held in Guatemala within the next two years. ♦

Adopted by consensus August 7, 2005

Resolution on Treaties and Land Rights

Whereas the 31st Annual Conference of the International Indian Treaty Council held on August 3rd-7th 2005 held in Ermineskin First Nations Treaty No. 6 territory, co-existent with Alberta Canada, was attended by Indigenous Peoples from North, Central and South America and Pacific; and

Whereas we the Indigenous Peoples in attendance, representing our respective Nations and Indigenous organizations, re-affirm previous IITC resolutions regarding Treaties and Land Rights. This re-affirmation pays particular regard to our assertion that Treaties and Agreements between nation-states and Indigenous Nations are to be regarded from our respective traditional spiritual understanding; and

Whereas nation-states are undermining Treaty and Land Rights, specifically by:

Not honouring treaty obligations to a large number of Indigenous Peoples by denying their rights to land, e.g. such as those who have had their reserves illegally surrendered in Canada.

Developing policies and law extinguishing the nation-state's legal recognition of legal personality e.g. Canada's Treaty Land Entitlement process and New Zealand's "governance" initiative eliminating the legal status of hapu as Treaty partners.

The passing of laws and regulations by nation-states limiting the exercise

by Indigenous Peoples of Treaty and Land Rights, e.g. Canada's gun registry legislation.

Interpreting Treaties as domestic agreements rather than as international agreements.

The non-recognition of rights implicit in Indigenous Nations entering into Treaties and Agreements with nation-states.

Therefore Be it Resolved that the International Indian Treaty Council will undertake the following:

Affirm and support the Onion Lake resolution of the Confederation of Treaty No. 6 First Nations in regards to sovereignty and self determination.

Cont. Pg. 23

From Pg. 22 Actively engage in Treaty education initiatives.

Support the development of Treaties between our Indigenous Nations for our mutual support and development.

Support the development of aggressive legal strategies to target key nation-state legal decisions that undermine Treaty and Land Rights.

Support the recognition of Health as an inherent Treaty and Land Right explicitly for the Confederation of Treaty No. 6 First Nations and

implicitly for all Indigenous Peoples.

Support the development of an Indigenous Peoples institution regarding Indigenous Peoples legal frameworks based on our respective traditional spiritual beliefs.

Supports the Yaqui of Rio Yaqui Sonora Mexico in their case to the Organization of American States (OAS) and the assertion of traditional Yaqui authority.

Be it finally Resolved that the International Indian Treaty Council (IITC) endorses, supports and will participate in the United Nations Treaty

Seminar to be held in the Confederation of Treaty No. 6 First Nations territory in September of 2006, and will continue its advocacy on Treaty Rights utilising the United Nations Treaty Study on Treaties, Agreements and Constructive Arrangements between Indigenous Peoples and states conducted by Special Rapporteur Miguel Alfonso Martinez, the United Nations Declaration on the Rights of Indigenous Peoples, and the OAS Inter-American Declaration on the Rights of Indigenous Peoples. ♦

Adopted by Consensus on August 7th 2005

Resolution Urging the Prohibition of Release of Genetic Use Restriction Technologies (“GURTs”)

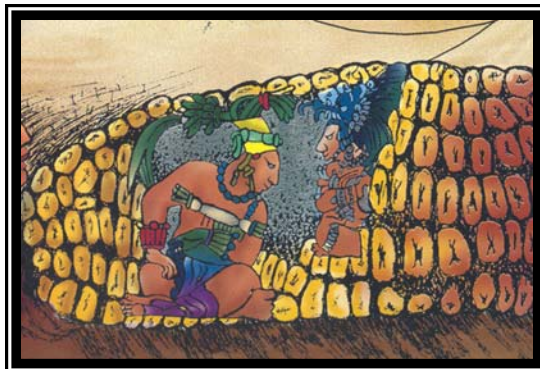
Bearing in mind that Indigenous Peoples’ knowledge, innovations and practices have developed and nurtured plant species for agriculture and medicinal uses for millennia, contributing to both biological and cultural diversity; and

Bearing in mind that Indigenous Peoples depend on the sharing and exchange of saved seeds for their livelihoods; and

Bearing in mind that the productivity and fertility of seeds is the basis for the on-going sustenance, livelihoods, and cultural life-ways of Indigenous Peoples; and

Affirming by virtue of their human right of self-determination, Indigenous Peoples have the right to food sovereignty and food security; and

Taking note that Genetic Use Restriction Technologies



(GURTs), also known as “Terminator Technology,” refers to plants that have been genetically modified to render sterile seeds at harvest, thereby preventing the practice of seed saving and threatening food sovereignty and food security; and

Reminded that the Conference of the Parties of the Convention on Biological Diversity (CBD) decided in their sixth meeting (Paragraph 21 of decision VI/5) to establish an Ad Hoc Technical Experts Group (AHTEG) to address the potential impacts of GURTs on smallholder

farmers, indigenous and local communities and farmers; and

Taking note that the AHTEG found that the potential negative affects of GURTs require the ongoing implementation of the precautionary principle to insure that the rights, safety and food security of Indigenous and local communities are not threatened; and

Taking note that the AHTEG report found that GURTs has many possible negative impacts on Indigenous peoples, which include the potential to:

- reduce and limit traditional seed exchange practices;
- reduce the knowledge and local innovation capacity of local and indigenous communities for crop improvement, threatening local food security;
- precipitate the loss of local knowledge, reduce or negatively affect local agrobiodiversity,

Cont. Pg. 24

From Pg. 23

and result in a deterioration of indigenous knowledge systems; displace traditional farming systems and the social, cultural and spiritual dimensions associated with them; cause seed dependency or crop failure through the potential misuse of unintentional use of GURT's seeds; negatively and irreversibly create changes in the environment caused by gene flow or other problems with environmental containment; and facilitate the appropriation of some elements of indigenous traditional knowledge and genetic resources in a permanent and irreversible manner.

Recognizing that any field testing or any commercial use or other release of GURT's is a fundamental violation of the human rights of Indigenous Peoples, a breach of our right of self-determination, and a threat to our rights of food sovereignty and food security;

Considering that the Ad Hoc Open-ended Working Group on Article 8(j)

of the CBD will further consider the social, economic, and cultural impacts of GURT's on Indigenous Peoples at its 4th meeting on January 23-27, 2006 in Grenada, Spain;



THEREFORE, BE IT RESOLVED THAT

The International Indian Treaty Council calls upon the WG8J to advise the Eighth meeting of Conference of the Parties of the Convention on Biological Diversity (COP8) that GURT's is a dangerous technology that threatens biodiversity, Indigenous knowledge systems, small holder farmers and global food security;

The International Indian Treaty Council calls upon CBD COP8 to fully consider the AHTEG Report on GURT's, and approve the Report's recommendation that governments develop

national regulations to prohibit commercialization of GURT's;

In light of the continued lack of data on the potential negative impacts on Indigenous and local communities and Farmers' Rights and in line with the precautionary approach, International Indian Treaty Council will advocate that the COP8 should not approve GURT's for field-testing and commercial use and reaffirm paragraph 23 of its decision V/5; and

The International Indian Treaty Council will continue to advocate that the Parties to the Convention on Biological Diversity and the CBD Secretariat must ensure the full and effective participation of Indigenous Peoples in all future processes of the CBD related to GURT's; and

The International Indian Treaty Council will support Indigenous Peoples' efforts to develop and disseminate educational materials about GURT's and its cultural, social and economic impacts on Indigenous Peoples. ♦

Adopted by consensus, August 7, 2005

Resolución urgiendo la prohibición de la liberación de las Tecnologías de Restricción del Uso Genético

CONSIDERANDO que los Pueblos Indígenas, con sus innovaciones y sus prácticas han desarrollado y nutrido especies de plantas para la agricultura y para usos medicinales por milenios, contribuyendo tanto a la diversidad biológica como cultural; y

CONSIDERANDO que los Pueblos Indígenas dependen de compartir e intercambiar semillas para su supervivencia;

CONSIDERANDO que la productividad y fertilidad de las semillas es la base para el sustento, supervivencia y forma de vida cultural de los pueblos indígenas;

AFIRMANDO que por virtud del derecho humano a la libre determinación, los pueblos indígenas tienen derecho a la soberanía y seguridad alimentaria;

TOMANDO NOTA que las Tecnologías de Restricción del Uso Genético (TRUGs), también conocidas como "Tecnologías Terminator" se refieren a plantas que han sido modificadas genéticamente para producir semillas estériles, y que por lo tanto evitan que se ejerza la selección de semillas, lo cual amenaza la soberanía y la seguridad alimentaria;

Cont. Pg. 25

From Pg. 24 **RECUERDA** que la Conferencia de las Partes del Convenio sobre Diversidad Biológica (CDB) decidió en su sexta reunión (Parágrafo 21 de la decisión VI/5) establecer un Grupo de Expertos Técnicos Ad Hoc (AHTEG, por sus siglas en inglés) para analizar los impactos potenciales de las TRUGs sobre productores de pequeña escala, comunidades indígenas, locales y agricultores; y

TOMANDO NOTA que el AHTEG llegó a la conclusión de que potencial negativo de las TRUGs es mucho mayor que los impactos positivos, y que por lo tanto se reclama la implementación del Principio de Precaución para asegurar que los derechos, la salud y la seguridad alimentaria de las comunidades indígenas y locales no sea amenazada;

CONSIDERANDO que el reporte del Grupo de Expertos concluye que las TRUGs pueden tener impactos negativos sobre los Pueblos Indígenas, incluyendo (entre otros):

Que se podrían reducir y limitar las prácticas tradicionales de intercambio de semillas;

Que se podría demeritar la capacidad de innovación y en general el conocimiento de las comunidades indígenas y locales para el mejoramiento de los cultivos, amenazando con ello la seguridad alimentaria local;

Que se podría precipitar la pérdida local de conocimiento y reducir o afectar negativamente la agro biodiversidad local y ocasionar el deterioro de los sistemas de conocimiento indígenas;

Que se podrían desplazar los sistemas agrícolas tradicionales y las dimensiones sociales, culturales y espirituales asociadas con ellos;

Que se podría causar la dependencia de semillas o el fracaso de los cultivos debido al potencial uso equivocado o la utilización involuntaria de las semillas;

Que se podrían ocasionar cambios negativos irreversibles en el ambiente debido al flujo genético o a otros problemas de contención ambiental;

Que el uso de las TRUGs como forma de protección de propiedad intelectual podría facilitar la apropiación y confinamiento de algunos elementos del conocimiento indígena y recursos genéticos de forma permanente e irreversible.



CONSIDERANDO que cualquier prueba de campo o uso comercial u otro tipo de liberación de las TRUGs es una violación fundamental de los derechos humanos de los Pueblos Indígenas, una grieta en nuestro derecho a la libre determinación y una amenaza a nuestro derecho a la soberanía y seguridad alimentaria;

CONSIDERANDO que el Grupo de Trabajo Abierto Ad Hoc en el Artículo 8(j) del CDB examine con mayor profundidad los impactos sociales, económicos y culturales de las TRUGs sobre los pueblos indígenas durante su 4ª reunión, del 23 al 27 de enero de 2006 en Granada, España;

SE RESUELVE QUE

El Consejo Internacional de Tratados Indios hacen un llamado al Grupo de Trabajo del Artículo 8 (j) para que exponga en la Conferencia de las Partes (COP8) que las TRUGs son una tecnología peligrosa que amenaza la biodiversidad, los sistemas de conocimiento indígenas, a los agricultores de pequeña escala y la seguridad alimentaria global;

El Consejo Internacional de Tratados Indios hace un llamado a las partes en la octava conferencia del Convenio de Diversidad Biológica (COP8) para que considere ampliamente el reporte del Grupo Ad Hoc de Expertos sobre las Tecnologías de Restricción del Uso Genético y que aprueben la recomendación que se hace de que los gobiernos deben desarrollar regulaciones nacionales para prohibir la comercialización de las TRUGs;

A la luz de la continua falta de información acerca de los potenciales impactos negativos sobre las comunidades indígenas y locales y los Derechos de los Agricultores, y en concordancia con el Principio de Precaución, El Consejo Internacional de Tratados Indios abogara que la COP8 no debe aprobar las TRUGs para pruebas de campo y uso comercial y debe reafirmar el parágrafo 23 de su decisión V/5; y

El Consejo Internacional de Tratados Indios continuara apoyando que en reconocimiento de los impactos negativos que las TRUGs representan para los Pueblos Indígenas, las partes del Convenio de Diversidad Biológica y el Secretariado deben asegurar la participación total y efectiva de los pueblos indígenas en todos los proceso futuros del CDB *Cont. Page 26*

Resolución Sobre Los Lugares Sagrados en Guatemala presentado por la Conferencia Nacional de Ministros de La Espiritualidad Maya de Guatemala Oxlajuj Ajpop

Los Hermanas y hermanas proveniente de distintos países reunidos en esta conferencia organizado por el Consejo Internacional de Tratados Indios CITI, en nombre del Corazón del Cielo-Corazón de la Tierra, de los Antepasados, los cuatro puntos cardinales y los cuatro rincones del universo se definen acciones nacionales e internacionales de fortalecer ante los nuevos desafíos mundiales que afectan la vida de los pueblos indígenas.

Tomando en cuenta que hay derecho histórico-espiritual y cultural a los lugares sagrados:

Los Mayas son una cultura completa que tiene principios espirituales, filosóficos, conocimientos y experiencias que les permitió desarrollar el sistema de organización, sistema de justicia, sistema de salud, sistema agrícola, sistema de numeración, sistema espiritual y sistema propios de la economía.

La espiritualidad fue la base de los grandes aportes científicos que son reconocidos actualmente por la ciencia occidental. Esta experiencia espiritual Maya desde su origen se desarrolló en espacios sagrados como los templos, las cuevas, las montañas, los volcanes, centros ceremoniales y altares comunitarios.

Los lugares sagrados eran definidos, establecidos, administrados y conservados por las instituciones de

Guías espirituales Mayas; y

Tomando en cuenta los efectos de la colonización:

Durante la invasión-colonización, el cristianismo destruyo templos, construyo iglesias sobre centros ceremoniales importantes de la cultura y la espiritualidad maya.



Posteriormente, el estado de Guatemala por medio de la ley del Patrimonio Cultural de la Nación ha estado administrando política, financieramente varios lugares sagrados mayas como las ciudades antiguas, templos, centros ceremoniales; y

Considerando la situación actual, negativamente:

Los lugares sagrados de gran valor históricos esta siendo administrado por el Estado y no por el Pueblo Maya.

Los lugares sagrados convertidos para fines comerciales.

Varios sitios sagrados son excavados, removidos e incluso traficados y comercializados.

Hay sectores de la iglesia católica e iglesias evangélicos celebran cultos en los lugares sagrados Mayas.

Corrientes espiritistas contaminan los

lugares sagrados con sus ritos extraños a la espiritualidad maya.

Para ir a celebrar una ceremonia sagrada en una ciudad antigua tenemos solicitar permiso al Ministerio de Cultura y Deportes para poder ingresar a dichos lugares.

Las iniciativas de ley de Concesiones, leyes de Aguas y la actual ley del patrimonio cultural de la nación afectan el derecho espiritual e históricos de administración de los lugares Mayas.

La delincuencia común ha causado asaltos, intimidaciones y acoso varios altares comunitarios.

Últimamente ha sido asesinado algunos líderes espirituales sin que se esclarezca los responsables.

Y Positivamente:

Hay un crecimiento fuerte de la práctica espiritual maya en las comunidades como las celebraciones sagradas para pedir la lluvia, bendición de semillas, ritos de bautismo y Matrimonio Maya.

Muchas familias han vuelta a reconocer la importancia de los altares familiares y comunitarios.

Los lugares sagrados son visitados frecuentemente por líderes espirituales para realizar sus

Cont. Pg. 27

From Pg. 26 celebraciones sagradas.

Existe varias agrupaciones y organizaciones de guías espirituales maya en todo el país.

Participamos en la Comisión para la Definición de los Lugares Sagrados integrado por representantes del gobierno, organizaciones indígenas y organizaciones de líderes espirituales Mayas para definir el régimen de preservación y administración de los lugares sagrados de los pueblos indígenas; y

Afirmando Estas Perspectivas y Compromisos:

Fortalecer la organización comunitaria de los practicantes de la espiritualidad maya.

Que la comunidad practicantes de la espiritualidad Maya y sus líderes

espirituales conserven y administren los lugares sagrados.

Proponer la iniciativa de ley que reconozca el derecho histórico, espiritual y cultural de los Pueblos Indígenas en administrar los lugares sagrados.

Por Lo Tanto Resolvemos A:

Definir acciones para apoyar los esfuerzos de los líderes espirituales de los pueblos indígenas.

Estudiar y denunciar casos de violación contra las espiritualidad, piezas y lugares sagrados de la espiritualidad indígena.

Unificar esfuerzos para enfrentar los efectos de las leyes que afectan los lugares sagrados. ♦

Adoptada por consenso, 7 de agosto del 2005

Conference resolutions in this edition of Treaty Council News, and others adopted by consensus of the participants (18 in total), are posted on IITC's web site, www.treatycouncil.org

Las resoluciones de las conferencias que se publican en este ejemplar del Noticiero de CITI así como otras resoluciones adoptadas por los participantes (18 resoluciones en total), pueden consultarse en el sitio web de CITI: www.treatycouncil.org



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- IITC does not receive any state or federal funding for our work. Instead we are supported by foundation grants, and contributions from private donors, friends and allies. Please consider contributing to support the work of IITC. Whether it be planned giving or a one time donation, any amount helps and all are tax deductible.
- IITC provides internship and volunteer opportunities. Please call or email us to discuss becoming involved.

For additional information please contact us, or visit our website at: www.treatycouncil.org

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**International Indian Treaty Council
2390 Mission St, Suite #301,
San Francisco, CA 94110**

International Indian Treaty Council

Consejo Internacional de Tratados Indios

Mission & Objectives

Mission

The International Indian Treaty Council (IITC) is an organization of Indigenous Peoples from North, Central, South America and the Pacific working for the Sovereignty and Self-Determination of Indigenous Peoples and the recognition and protection of Indigenous Rights, Traditional Cultures and Sacred Lands.

Objectives:

- To seek, promote and build official participation of Indigenous Peoples in the United Nations and its specialized agencies, as well as other international forums.
- To seek international recognition for Treaties and Agreements between Indigenous Peoples and Nation-States.
- To support the human rights, self-determination and sovereignty of Indigenous Peoples; to oppose colonialism in all its forms, and its effects upon Indigenous Peoples.
- To build solidarity and relationships of mutual support among Indigenous Peoples of the world.
- To disseminate information about Indigenous Peoples' human rights issues, struggles, concerns and perspectives.
- To establish and maintain one or more organizational offices to carry out IITC's information dissemination, networking and human rights programs.

Declaration de Proposito y Objectivos

Declaración de propósito del CITI

El Consejo Internacional de Tratados Indios (CITI) es una organización de Pueblos Indígenas del Sur, Centro, Norteamérica y del Pacífico; que trabaja por la soberanía y la libre determinación de los Pueblos Indígenas, asimismo, por el reconocimiento y la protección de los derechos de los indígenas, los tratados, sus culturas tradicionales y las tierras sagradas.

Objetivos:

- Representar, promover y fortalecer la participación oficial de los Pueblos Indígenas en la Organización de las Naciones Unidas y en las agencias especializadas de dicho organismo, también en otros foros internacionales.
- Obtener el reconocimiento internacional de los tratados y acuerdos entre los Pueblos Indígenas y los distintos Estados.
- Apoyar la lucha por los derechos humanos, la autodeterminación y la soberanía de los Pueblos Indígenas rechazando el colonialismo en todas sus formas y los efectos que éste tiene sobre los Pueblos Indígenas.
- Fortalecer la solidaridad y relaciones de apoyo mutuo entre los pueblos indígenas del mundo.
- Difundir la información sobre la situación de los derechos humanos de los Pueblos Indígenas, sus luchas, inquietudes y perspectivas.
- Establecer y mantener una o más oficinas de la organización, para llevar a cabo los programas de información, difusión sobre derechos humanos y del trabajo de relaciones.

Address Correction Requested



Treaty Council News
2390 Mission St, Suite #301
San Francisco, CA 94110

(415) 641-4482 Fax: (415) 641-1298
Email: iitc@treatycouncil.org
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