

31st Anniversary International Indian Treaty Council Conference
hosted by the Confederacy of Treaty 6 First Nations,
at Ermineskin Cree Nation, Alberta Canada

August 3 – 7, 2005

Resolution on International Standards
for Defending Indigenous Peoples' Rights

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:

I. The United Nations Declaration on the Rights of Indigenous Peoples

Bearing in mind that:

- 1) The International Indian Treaty Council (IITC) and its affiliates have adopted the UN Draft Declaration on the Rights of Indigenous Peoples in its current text, E/CN.4/Sub2/1994/2/Add.1 (1994) as their own document;
- 2) Many other Indigenous Peoples have done so as well;
- 3) The current text was developed in a process that lasted over 12 years, from 1982 – 1994, in the United Nations Working Group on Indigenous Populations, in which hundreds of Indigenous Peoples' representatives as well as states and UN experts participated actively;
- 4) The current text has been adopted by two UN Bodies, the Working Group on Indigenous Populations and the Subcommission for the Prevention of Discrimination and the Protection of Minorities;
- 5) The current text “constitutes the minimum standard for the survival, dignity, and well being of the Indigenous Peoples of the world”, as stated in Article 42; and
- 6) Despite the ongoing attempts by some states to weaken or qualify the rights that the current text upholds, it remains the official UN document, in large part because of the continued resistance of the IITC and other Indigenous Peoples' organizations to defend and preserve it;

WE THEREFORE RESOLVE THE FOLLOWING:

To commit IITC to continue to defend the current official text of the Declaration as adopted by the Subcommission.

Towards this end we authorize IITC's representatives to the next session of the Intersessional Working Group on the Draft Declaration (ISWGDD) in December 2005 and January-February 2006, and to all bodies and fora where the Declaration is discussed to uphold and advance the following positions:

- 1) IITC will call upon Intersessional Working Group on the Draft Declaration to reaffirm key elements in its long-established and agreed upon working methods, specifically:
 - a) The Subcommission text will be the basis of the discussions in the Working Group
 - b) Nothing is agreed until everything is agreed, including any proposed changes
 - c) No Declaration will be adopted without the free, prior and informed consent of the Indigenous Peoples
- 2) IITC will continue to work actively for the adoption of the original text of the Declaration by the ISWGDD, the UN Commission on Human Rights, the Economic and Social Council (ECOSOC) and finally by the UN General Assembly.
- 3) IITC's delegations to these bodies may decide not to block a consensus of the Indigenous Peoples' caucus in support of new language if it:
 - a) Either clarifies or strengthens the current text
 - b) Promotes the adoption of the original text and the fundamental provisions it upholds
 - c) AND would not in any way weaken or modify the rights and principles it now upholds
- 4) 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.
- 5) 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.
- 6) 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.
- 7) IITC will continue to work to build unity and improve communications within the Indigenous Peoples' caucus, and will support the reestablishment of previously

agreed to methods of work in the caucus towards this end.

- 8) IITC will continue to educate Indigenous Peoples about the Declaration and the rights it includes, and will disseminate it widely. IITC will also develop an analysis of the proposed changes to the Subcommission text and their effects on the rights of Indigenous Peoples.
- 9) IITC will continue to call upon Indigenous Peoples, Nations, Tribes, Organizations and Communities to also formally adopt the Declaration in its current text, and to use it to assert their rights on the local, national, regional and international levels.
- 10) IITC calls upon the Intersessional Working group to begin its next session with a broad discussion and agreement among participants of “new and dynamic methods of work”, including the parameters and principles for the debate, timeframes and objectives for each session, and effective methods to ensure the full, equitable, and broad participation of Indigenous Peoples both within and outside the UN sessions, and their full, free and informed consent in all stages of this process.
- 11) IITC calls upon the upcoming Seminar to be hosted by the government of Mexico from September 26 - 29, 2005 regarding the Declaration’s fundamental issues to address as a first priority the methods of work in the Intersessional Working Group. This includes the way that the debates are organized and how to achieve broader participation based on the free prior and informed consent of Indigenous Peoples, which must be guaranteed in every step of this process. IITC insists that in order for the seminar in Mexico to be considered a legitimate step in this process, there must be no restrictions in the participation of Indigenous Peoples and the designation of funding to support the participation of Indigenous delegates must not be based on their political position regarding the Declaration.

II. The Organization of American States (OAS) Declaration on the Rights of Indigenous Peoples

IITC recognizes that the current process in the OAS has opened a space for Indigenous Peoples to participate in the development of the Declaration’s text. IITC will continue to be active in the process to work for the full and effective participation of Indigenous Peoples and to assure that no Declaration be adopted by the OAS without the free, prior and informed consent of the Indigenous Peoples. IITC will also continue to be active and vigilant to assure that this Declaration will not fall below the rights affirmed in existing International law and the minimum standard contained in the 1994 Subcommission text of the United Nations Declaration for the Rights of Indigenous Peoples.

Adopted by Consensus August 7, 2005