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Division for Social Policy and Development
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The International Indian Treaty Council, Indigenous World Association, American Indian Law Alliance, International Organization of Indigenous Resource Development and the Native Women's Association of Canada, Indigenous Non-governmental Organizations with UN ECOSOC Consultative Status, submit the following information to the UN Secretary General. We are making this submission in accordance with resolution 63/161 adopted on 18 December 2008, in which the UN General Assembly called on the Secretary General, in consultation with Member States, relevant United Nations agencies and mechanisms, and other stakeholders including indigenous peoples' organizations, to submit a mid-term assessment report to the General Assembly at its sixty fifth session, that evaluates progress made in the achievement of the goal and objectives of the Second Decade.

The following submission is an excerpt from a document entitled "**The Report of the North America Region Preparatory Meeting for the United Nations Permanent Forum on Indigenous Issues Eighth Session (UNPFII8)**". The meeting was held March 13th and 14th, 2009 at Window Rock, Arizona, hosted by the Navajo Nation. The Report was submitted to the UNPFII8 and was distributed and posted on the UNPFII web site as Conference Room Paper (CRP) 6. The preparatory meeting was co-chaired by Clarence Chee (*Diné/Navajo Nation*), Vice Chair, Navajo Nation Human Rights Commission, Beverley Jacobs (*Mohawk Nation*), Native Women's Association of Canada and Jihan Gearon (*Diné/Navajo Nation*), Indigenous Environmental Network. The report was prepared and Submitted by Co-Rapporteurs Andrea Carmen (*Yaqui Nation*), International Indian Treaty Council, Celeste McKay (*Métis Nation*), Native Women's Association of Canada and Donna House (*Diné/Navajo Nation*), American Indian Law Alliance.

The meeting was attended by 65 representatives from 43 Indigenous Nations, organizations and communities from the UNPFII's North America Region, United States and Canada, participants list attached.

Below is the excerpt, enclosed in its entirety, from the "Report of the Meeting" document which specifically addresses the mid-point review of the Decade by the Secretary General and presents the concerns and observations of the participants in this regard:

II. CONCLUSIONS AND RECOMMENDATIONS

3. Follow-up to the recommendations of the Permanent Forum on:

(c) Second International Decade of the World's Indigenous Peoples.

46. Participants welcomed the opportunity to submit comments to the Secretary General on the occasion of the mid-point of the 2nd International Decade of the World's Indigenous Peoples, through this submission to the 8th session of the UNPFII.

47. Participants emphasized that the UN *Declaration on the Rights of Indigenous Peoples* is the minimum standard upholding a range of social and economic rights. They reiterated that the rights affirmed in the UN *Declaration on the Rights of Indigenous Peoples* must now be applied as the operative framework and criteria for carrying out the Programme of Action for the 2nd International Decade of the World's Indigenous Peoples, in particular its objective calling for Free Prior and Informed Consent (FPIC) by Indigenous Peoples. Participants stressed the vital importance of the Right of FPIC as expressed in article 19 pertaining to legislative and administrative decisions by States, article 32 pertaining to development activities as well as a number of other articles which underscore this right for Indigenous Peoples. They also stressed the importance of the State obligations related to FPIC as contained in the UNDRIP as a framework for assessing the implementation of the 2nd Decade.

48. Participants called upon all states to enter into immediate participatory dialogues with Indigenous Peoples, Nations and organizations to initiate processes and develop strategies by mutual agreement for implementation of the UN General Assembly Plan of Action for the 2nd International Decade of the World's Indigenous Peoples (adopted in January 2005).

49. Of particular importance to the North America Caucus, and to Indigenous Peoples from many regions, is the 2nd Decade Plan of Action's objective of "promoting full and effective participation of indigenous peoples in decisions which directly or indirectly affect their lifestyles, traditional lands and territories, their cultural integrity as indigenous peoples with collective rights or any other aspect of their lives, considering the principle of free, prior and informed consent".

50. Participants take note that in October 2008 the UN General Assembly decided to call for a general evaluation of the degree and progress made in the implementation of the goal and objectives of the Second International Decade of the World's Indigenous Peoples. Participants look forward to contributing to this evaluation. Through this report we also express our profound concerns that development activities affecting Indigenous Peoples' lands, territories and resources which continue to be carried out without their FPIC are not sustainable, and continue to be the greatest impediment to the exercise of Indigenous Peoples' human rights as well as the full realization of the Plan of Action for the Decade. These activities lead to the destruction of Indigenous Peoples' lands, territories and natural resources in North America and other regions, and cause ongoing violations of a range of human rights, including treaty rights.

Participants encouraged and recommended the UNPFII members and Secretariat as well as the UN General Assembly to include these urgent concerns and the examples provided by Indigenous Peoples in this report in the development of their evaluation of the 2nd Decade.

In closing we appreciate this opportunity in light of the fact that the 1st International Decade on Indigenous Peoples did not include a mid-term review process. We thank you for including the issues raised by the North America region as contained in this submission in the mid-term review report of the 2nd International Decade of the World's Indigenous Peoples, and request that this submission be forwarded to all appropriate representatives and agencies in the United Nations system, including the United Nations Secretary General.

Thank you, for all our relations.

Contact for questions or comments:

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