

E/C.19/2011/CRP. 5
19 April 2011
Language: English

Permanent Forum on Indigenous Issues
Tenth session
New York, 16 – 27 May 2011

**Recommendations of the North American Indigenous
Peoples' Caucus to the Tenth Session of the United
Nations Permanent Forum on Indigenous Issues**

Organizational Details

1. The preparatory meeting of the North American Indigenous Peoples Caucus (NAIPC) in preparation of the 10th session of the UN Permanent Forum on Indigenous Issues (UNPFII) took place on March 19 and 20, 2011 in Blue Lake, California. The meeting was hosted by the Seventh Generation Fund for Indian Development, and co-sponsored by the Indigenous Environmental Network, Big Lagoon Rancheria, Resighini Rancheria, Barbareno Chumash Council, Hoopa Valley Indian Tribe, Intertribal Council of California, American Indian Law Alliance, La Red Xicana, Me'dil Institute, Northern California Court Coalition, Indian Natural Resource, Science and Engineering Program, Red Deer Consulting, Yurok Tribe, and the Hoopa Tribal Museum.
2. The NAIPC meeting was attended by 197 Indigenous Peoples from the Great Turtle Island representing over 85 different Indigenous Peoples/Nations, Indigenous organizations, and communities.
3. The delegates agreed that Arthur Manuel (Secwepemc) and Debra Harry (Kooyooee Dukaddo), who serve as co-coordinators of the North American Indigenous Caucus, would also co-chair the meeting.
4. The delegates recognized and thanked the outgoing Permanent Forum Expert, Tonya Gonnella-Frichner, for her leadership and efforts on behalf of North American Indigenous Peoples, and welcomed Chief Ed John as the new incoming expert to the UNPFII for the North America region.
5. North American Expert to the UNPFII, Ed John provided an overview of the upcoming Tenth Session of the UNPFII, and UNPFII Secretariat Sonia Smallacombe provided logistical and procedural information to the meeting delegates.
6. In the final hours of the meeting, delegates were presented with a draft report of the meeting, reviewed and made amendments from the floor, and the amended report was adopted by consensus. The full report of the NAIPC is attached and is hereby formally transmitted to the UNPFII Secretariat for inclusion as an official document for the upcoming UNPFII-10.

Agenda Item 3 (a): Economic and Social Development

7. At the Meeting of the North American Indigenous Peoples Caucus (NAIPC) in preparation of the UNPFII-10, participants expressed serious concerns that the member States of the North American Region of the UNPFII continue to ignore the United Nations' imperative to recognize and implement the inherent rights of Indigenous Peoples. Participants especially expressed concerns about national policies, programs, and practices based on racial and ethnic classification systems and laws which maintain assimilative and discriminatory social categories, since those obstruct and violate the rights of Indigenous Nations to exercise economic and social development and their right to self-determination. The NAIPC therefore adopted the following recommendations by consensus.
8. The NAIPC calls on the UNPFII to recommend to the governments of Canada and the U.S. to eliminate all assimilation policies that further exacerbate the economic, social and other disparities between Indigenous Peoples and the non-indigenous population.

9. On November 12, 2010 the Government of Canada endorsed the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), yet Canada's Comprehensive Claims Policy (land rights), the policy on the inherent right to self-government and the lack of implementation of treaty obligations continues policies of discrimination and maintains the status quo regarding lack of economic and social development. The NAIPC recommends the UNPFII to urge the government of Canada to work with the Indigenous Peoples to design laws and policies that will recognize and implement the Aboriginal and Treaty Rights of the Aboriginal Peoples in Canada consistent with the UNDRIP.
10. On February 5, 2011 President Obama and Prime Minister Harper announced negotiations aimed at sweeping away obstructions to trade while integrating efforts to deter "criminals" and "terrorists" regarding Canada and U.S. border management. Indigenous Peoples in North America are divided physically, culturally, socially and economically by artificial borders maintained under the guise of "homeland security." The Eurocentric primacy of 'security' discriminates against the ability of Indigenous Peoples to maintain their historical cultural, social and economic relationships. Indigenous Peoples also have rights to peace and security as set out under the UN Charter. The NAIPC recommends the UNPFII to urge the Governments of Canada and the United States to work with the Indigenous Peoples to ensure respect for the Jay Treaty and UNDRIP Article 36 in the context of Canada-US Beyond the Border Working Group discussions.
11. Based upon prior submissions to the 8th Session of the UNPFII (2009) for "the inclusion of an item on unrepresented and unrecognized Indigenous Peoples in the agenda for UNPFII 9 (2010)," the NAIPC renews its request to "create a Task Force on unrepresented and unrecognized Indigenous Peoples, to include direct consultation with unrepresented and unrecognized Indigenous Peoples," and "to appoint or designate a Rapporteur to undertake a study on the conditions of unrepresented and unrecognized Indigenous Peoples, including but not limited to migrant peoples and their families born outside of their traditional territories."
12. The NAIPC further recommends that the UNPFII create a task force to investigate and report on the impacts on Indigenous Nations in the North American Region who are directly affected by the states' maintenance of "recognized" and "unrecognized", and/or "status" and "non-status" categories of Indigenous Peoples. We further recommend the UNPFII remind member States of the North American region that the right to self-determination includes the ability of Indigenous Peoples and Nations to identify themselves, without settler-created definitions and processes.
13. The NAIPC recommends that the UNPFII undertake research of the historical and ongoing destructive impacts of member States – in particular, U.S. and Canadian classification policies and laws which impose constraints upon the exercise of self-determination and sovereignty by Indigenous women, children, elders, workers, families and Nations, to deliver the initial findings in report form to the NAIPC, and to determine a schedule for the public presentation of the findings to the NAIPC and Indigenous Nations in North America.
14. NAIPC recommends that the UNPFII request an expert panel, including impacted Indigenous Peoples to examine the violent impacts and consequences of borders, border walls, drones, border infrastructure, and militarization on Indigenous Peoples' self-determination and sovereignty.
15. NAIPC further requests the UNPFII to call for the immediate appointment of a Special Rapporteur for the Protection of Indigenous Peoples' rights to self-determination and sovereignty relative to the U.S.-Mexico and the U.S.-Canadian international borders and militarization and the

use of Eminent Domain, the Declaration of Taking, and Expedited Condemnation to expropriate Indigenous Peoples' lands and environments along the U.S.-Mexico and U.S.-Canadian borders.

16. NAIPC further requests the UNPFII to call for the expansion of the existing mandate for Special Rapporteur for Water to include water catchment areas, and for the Special Rapporteur to gather testimony directly from Indigenous Nations of the world targeted for, or impacted by, Water privatization, diversion, toxic contamination, co-modification, mining, dams, pollution, non-sustainable energy development, hydro-fracking, and other environmental injustices that damage water sources on which Indigenous Peoples rely for our physical, economic, social, cultural, spiritual sustainability. Whereas we acknowledge and commend the work of Ms. Catarina De Albuquerque, Special Rapporteur on Water, we believe the current mandate of her work limits her review to drinkability and sanitation, and excludes core issues relating to identity, culture and sustainability.
17. The NAIPC requests the UNPFII to call on the International Labor Organization (ILO) to conduct a study and to submit a report to UNPFII on the implications and relevancy of the Preliminary Study on the Doctrine of Discovery as it relates to ILO Convention 169. and its application in the regional economy of North America, with particular focus on the specifics of the policies of the NAFTA countries (Canada-USA-Mexico) and their international borders, utilizing the UNDRIP as a fundamental standard to design the methodology for such a study.
18. In order to help alleviate violence and suicide in Indigenous communities, and to recognize Indigenous leadership, the NAIPC recommends that the UNPFII call for the inclusion and honoring of Indigenous heroes and heroines, as freedom fighters, heroes and heroines of Indigenous rights, humanity, justice, and defenders of our lands during the Celebration of the International Day for the Elimination of Racial Discrimination.
19. NAIPC reiterates its previous recommendation, submitted in UNPFII-8 (2009), to establish a seat on the Permanent Forum for a youth delegate and/or a youth committee representing global Indigenous youth.
20. Recognizing the destructive effects and lethal consequences of uranium mining, nuclear power development, and the exploitation of our indigenous communities, the NAIPC recommends that the UNPFII request a study and report from the United Nations International Atomic Energy Agency (IAEA) to share its assessments, methods, and practices it is currently developing to address the demands for protection by Indigenous Peoples against uranium and nuclear development, and from the exploitative practices of transnational corporations and states.

Agenda Item 3 (b) Environment

21. The NAIPC calls on the UNPFII to encourage all states to conduct cumulative impact studies regarding prior, existing and planned industrial activities before allowing new or expanded activities to occur in or near Indigenous communities and their spiritual and cultural areas.
22. Throughout the UN Framework Convention on Climate Change (UNFCCC) Conference of the Parties (COP) meetings, Indigenous Peoples have consistently pushed for mechanisms within the UNFCCC regarding Indigenous participation. The UNPFII has made specific recommendations to the UNFCCC. For example, the UNPFII-2 (2003) recommended an *ad hoc* working group “whose objectives would be to study and propose timely, effective, and adequate solutions to respond to the urgent situations caused by climate change that Indigenous Peoples and local

communities face.” The UNPFII recommended “that the UNFCCC consider providing necessary funding and support to UNPFII members and Indigenous Peoples to guarantee their participation and to strengthen their participation.” UNPFII-3(2004) recommended that the UNFCCC sponsor a workshop to discuss the merits and mechanisms for the establishment of a working group on Indigenous Peoples. The UNPFII database on recommendations does not indicate any response from the UNFCCC to these recommendations. Thus, the NAIPC recommendations are as follows:

- that the UNPFII take up their previous recommendations to the UNFCCC.
 - that the UNPFII support the outcome of the Technical Workshop (of Indigenous Peoples) with states on the UNFCCC Negotiations, Xcaret, Quintana Roo, Mexico, 27-29 of September 2010.
 - that the UNPFII call for the creation of a mechanism such as an Indigenous Peoples Working Group to report directly to the UNFCCC COP and provide consistent recommendations at the COPs and inter-sessional meetings. This participation should be at the same level as other UN Agencies and Programs.
23. The NAIPC further calls for the formalized and increased direct participation of Indigenous representatives in all UNFCCC processes and to ensure the ability of Indigenous Peoples to speak on the floor and participate fully in all sessions.
 24. The NAIPC further calls for a change to the existing UNFCCC Voluntary Fund or the creation of a dedicated fund to allow the support of participation of Indigenous Peoples from developing and developed countries in UNFCCC processes.
 25. The NAIPC calls on the UNPFII to support the Cochabamba Peoples’ Agreement and the Declaration on the Rights of Mother Earth.
 26. Resulting from the International Expert Group Meeting on Indigenous Peoples and Forests, January 12 to 14, 2011, the NAIPC makes the following recommendations:
 - For the UNPFII to call upon States to recognize Indigenous Peoples’ rights to forests.
 - For the UNPFII to recommend the inclusion and full participation of Indigenous Peoples in the United Nations Conference on Sustainable Development (Rio +20) process.
 - For the UNPFII to call upon the relevant United Nations agencies to undertake a compilation of good practices on forests and Indigenous Peoples as well as a compilation of relevant provisions of UN human rights instruments for advocating, defending, and promoting Indigenous Peoples’ rights to lands, territories, and resources.
 27. Upon review of the report of UNPFII-3(2004) Section 6. Environment, Parks and Protected areas, and in implementing “Article 11, Section 1” of the Declaration on the Rights of Indigenous Peoples, we recommend that the UNPFII call for the formal recognition of sacred sites (i.e. “culturally and spiritually significant areas”) of Indigenous Peoples.
 28. The Report of the UNPFII-9, Section 131 recommended the following: “The UNPFII reiterates its concern about conservation efforts, including the designation of national parks, biosphere reserves and world heritage sites, which frequently lead to the displacement of Indigenous Peoples from their traditional lands and territories. In this regard, the UNPFII requests that a member of the Forum attend the thirty-fourth session of the United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Committee, to be held in Brasilia, Brazil, in August 2010.”
 29. The UNESCO World Heritage Committee is represented by numerous countries around the world, but Indigenous Peoples are absent. In implementing UNDRIP, NAIPC supports the call by

Indigenous Peoples for an indigenous representative in the UNESCO World Heritage Committee to advocate, protect and nominate Indigenous sacred sites to be formally recognized. A new category should be developed for the UNESCO World Heritage Site list entitled “Indigenous sacred sites.” The criteria of Indigenous sacred sites category should be set by Indigenous Peoples, and they should determine how these places will be protected.

30. The NAIPC recognizes the significant contributions of the first International Indigenous Women’s Environmental Toxics and Reproductive Health Symposium held June 30 – July 1, 2010 in Alamo, California, which called attention to and proposed strategies to address the critical health, environmental and human rights impacts of toxic contaminants which disproportionately affect Indigenous women, children, infants and unborn generations. Participants reiterate the recommendation made by a group of North and Latin American Indigenous organizations as well as by the Global Indigenous Caucus in their closing statement to UNPFII-9 calling upon the UNPFII to organize an expert group meeting on Indigenous women, reproductive health and environmental toxins, NAIPC recommends that such a meeting be held in 2012 before UNPFII-11.
31. Recalling UNPFII-6 (2007) recommendation 53 that States review, with the direct participation of Indigenous Peoples, their laws on water regulation and the treaties, land claims, and self-government agreements that they have entered with Indigenous Peoples, taking into consideration the sanctity of water, reflected in those agreements. (It was recommended that States present their reviews at the eight session of the PF in 2009.) We recommend that the Permanent Forum reiterate this recommendation and call for immediate action by the States.
32. Recalling recommendation 78 of Session 7 (2008), the NAIPC urges the UNPFII, in coordination with UNEP, a call for the coordination of an official UN Experts Meeting on Water that specifically initiates a close review and assessment of Water allocation, regulation, and access policies that affect the rights of Indigenous Nations, the health of our Peoples and ecosystems, and that of future generations. This high level Experts Meeting can explore and establish indicators of Water Well-being for Indigenous Nations, and the world community, particularly in the light of increasing negative water impacts owed to climate change.
33. The NAIPC affirms President Evo Morales’ call in 2008 for a UN Convention on Water, and further that Indigenous Peoples and Nations fully participate in all aspects of the development of that convention.
34. The NAIPC recommends that the UNPFII reject the Rio+20 definition of "green economy" and create a collaborative definition of “green economy” that does not include placing forests, water, biodiversity, etc. within the market system.
35. Recalling Article 29 of UNDRIP, the NAIPC recommends that the PF initiate an expert study in order to examine closely the failures of states and their regulatory agencies to enforce laws and rules protecting the waters, the water sheds and aquifers that serve and support life. As well, the NAIPC has determined that there is a critical need to interrogate correlations between the role and influence of corporations on the formation of state policies and failures to achieve environmental law enforcement.
36. The NAIPC recommends an expert study on the influence of transnational corporations on states decisions and policies regarding access to and protection of all waters – from springs, streams, rivers, lakes, aquifers and the open seas and specifically as it relates to the Great Lakes of North America and their watersheds, which hold over one quarter of the world’s potable water.

37. The NAIPC urges all states to acknowledge that we as Indigenous Peoples stand opposed to any and all patenting and/or genetic modification on life forms. If these processes affect the seeds and all other biological diversity originating in our lands, waters, and territories, we urge the UNPFII to ensure all UN agencies implement free, prior and informed consent by all parties involved.
38. The NAIPC recommends that the World Bank and the International Monetary Fund provide low or deferred interest business loans to the renewable resource sector to increase investment and development, and that International Fund for Agricultural Development and the United Nations Industrial Development Organization (UNIDO) commission an expert study on the most efficient method of transferring the world energy sources from oil, coal and nuclear power to clean renewable resources.
39. The NAIPC calls upon the UNPFII to request WIPO member states ensure equal participation by Indigenous Peoples in WIPO processes that affect them, to recognize and protect Indigenous Peoples' collective and inalienable rights over their traditional knowledge, genetic resources, and traditional cultural expressions, and this recognition be reflected in any future outcomes of the WIPO negotiations. The outcomes of WIPO member states shall recognize the right of self-determination of Indigenous Peoples, the corresponding right of permanent sovereignty over their genetic resources, and ownership and control of their natural resources, knowledge systems, and cultural heritage. Further, WIPO members states must recognize and protect the right of free prior and informed consent if Indigenous Peoples' TK, GR, and TCEs are affected. The UNPFII further call upon the WIPO member states to give primacy to Indigenous peoples' laws and knowledge systems over intellectual property rights, in the negotiations on TK, GR and TCEs, and all WIPO outcomes must be based upon and consistent with international Indigenous Peoples' rights in any future outcomes of the IGC.

Agenda Item 3(c) Free, Prior Informed Consent

40. The NAIPC calls on the UNPFII to ensure UN agencies protect and implement the full right of FPIC of Indigenous Peoples in all issues that impact them. The compromised language such as that included in the Convention on Biological Diversity's proposed Nagoya Protocol suggests that FPIC can be substituted with the "approval and involvement" of Indigenous Peoples. This language attempts to diminish the right of Indigenous Peoples to an uncompromised right of FPIC and is unacceptable.
41. The NAIPC calls for standardization in the implementation of Article 32 regarding FPIC by all parties concerned.
42. In the implementation of FPIC, the NAIPC calls upon the PF to embolden advocacy and education focusing on the necessary component of FPIC which ensures that consent must be acquired within the leadership structures and with Indigenous grassroots communities that would be affected by the decision.
43. Recalling UNPFII-9 recommendation: "The Permanent Forum called upon those States which have granted leases, concessions and licenses on Indigenous Peoples' territories for projects related to logging, minerals, oil, gas and water without proper consultation and without respecting the free, prior and informed consent of the Indigenous Peoples concerned to review those arrangements and to address the complaints raised by Indigenous Peoples in those territories." The NAIPC requests the UNPFII provide a report to Indigenous peoples on the implementation of this recommendation and any proposed further action.

Agenda Item 4(a): Implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

44. On behalf of the original peoples and nations of what is now called North America, the NAIPC observes that Canada and the United States, both of which originally voted against the adoption of the UNDRIP (13 September 2007), finally expressed their support for the UNDRIP (12 November 2010 and 17 December 2010, respectively).
45. Although we acknowledge that the US and Canada have stated that they no longer oppose the UNDRIP, both states have issued official documents that appear to limit and to qualify their endorsement of UNDRIP, and to impose a narrow and unjustifiable reading of the UNDRIP, with possible global implications. Specifically, these two countries have attempted to unilaterally rewrite and to redefine essential recognitions of the rights of Indigenous Peoples, *inter alia*, the international legal character of Indigenous Peoples; our inherent right to self-determination; the right to identify ourselves and the citizens of our nations; the recognition of the international character and enforcement of treaties between settler states and Indigenous Peoples; the requirement of obtaining the free, prior and informed consent of Indigenous Peoples prior to the execution of any state or corporate policy that affects Indigenous Peoples; the right to control our traditional knowledge and intellectual property, our sacred medicines, sites and ceremonies; and our Indigenous Peoples' control of our territories and the natural resources on, beneath, or through those territories. We strongly reject the attempted qualifications on the implementation of UNDRIP by the US and Canada. Our recommendations on this important issue are as follows:
46. The NAIPC requests that the UNPFII and all bodies within the United Nations system, including but not limited to, the Human Rights Council, the Expert Mechanism on the Rights of Indigenous Peoples and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, remind the United States and Canada, and all states, that they do not have the right unilaterally to define, to rewrite, or to interpret the UNDRIP. The NAIPC further recommends that the UNPFII encourage these states to reassess their current positions and express their full, unqualified support for the UNDRIP as adopted by the United Nations General Assembly.
47. The NAIPC supports Proposals 4 and 5, of the Expert Mechanism on the Rights of Indigenous Peoples' Report, 12-16 July 2010 (2010 EMRIP Report) (A/HRC/15/36), which propose that the EMRIP conduct an annual review on the manner in which the UNDRIP is being interpreted, represented and implemented. Further still, as proposed, for the EMRIP to take such information and to give advice to the Human Rights Council about the manners in which states are interpreting and implementing both the spirit and the letter of the Declaration and steps that need to be taken to achieve the objectives of the Declaration.
48. The NAIPC supports the recommendations set forth by the UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, James Anaya, in his Interim Report of 9 August 2010 to the General Assembly (A/65/264), in which paragraphs 64-69 provide useful recommendations for "minimal practical steps toward the implementation of DRIP", including, but not limited to the need for states to review existing laws and policies to ensure compliance with the standards set forth by the UNDRIP.
49. The NAIPC recommends that the UNPFII call upon the Human Rights Council to compile – as also proposed by the 2010 EMRIP Report – the recommendations issued so far in respect of Indigenous Peoples in the context of the Universal Periodic Review process and in addition, to

review and comment upon the weaknesses or failings of certain states to omit significant indigenous issues and/or key testimonies provided to them during their pre-report “listening sessions” and/or “consultations”. In particular, rampant and pervasive violations of the standards contained in the UNDRIP with respect to imminent threats and ongoing destruction to spiritual and cultural areas of Indigenous Peoples as imposed by extractive industries and non-indigenous recreational activities should be addressed.

50. The NAIPC requests that the UNPFII call upon all UN agencies and processes to implement Article 42 of the UNDRIP, including the full right to participate in decision making as stipulated by Article 18 and all the Declaration’s provisions affirming and upholding Free Prior and Informed Consent. That the UNPFII request clarification from these agencies as to what steps they are taking to include the formal participation of Indigenous Peoples in their decision-making processes, including, but not limited to, providing an official seat and voice for the UNPFII in their proceedings.
 51. Of particular concern to NAIPC is the failure of key UN processes to provide mechanisms and procedures for Indigenous Peoples’ full and effective participation, and a meaningful role in their decision-making and policy development. These include, inter alia, the UN Framework Convention on Climate Change, the Stockholm Convention on Persistent Organic Pollutants, the Convention on Biological Diversity, the World Intellectual Property Organization and the International Maritime Organization (IMO). The NAIPC therefore recommends that steps are taken to ensure the full and meaningful participation of Indigenous Peoples in these processes.
 52. The NAIPC recommends the creation, under the auspices of the UNPFII, of a searchable database of best practices demonstrating the ways in which the Declaration is being implemented, e.g., the application of the UNDRIP by the Supreme Court of Belize in October, 2007, Bolivia’s implementation of the Declaration into national law; as well as the development of an annotated bibliography that connects the provisions of the UNDRIP with specific instruments of international law, including charters, conventions, legal opinions, and the writings of legal scholars.
 53. The NAIPC recommends that UNPFII encourage the UN system to support the efforts of Indigenous Peoples and nations to implement and to enforce the standards set forth in the UNDRIP in a variety of forums, including the formal and informal educational systems of indigenous nations, the legislative and governance acts and decisions of indigenous bodies, and the decisions of indigenous judicial bodies.
 54. The NAIPC further calls upon the UNPFII to recommend that UNICEF and other relevant UN agencies take into their mission statements and work on immediate review, acknowledgment and assistance to all Indigenous Peoples globally, both in the “developing” states and the “developed” states, including in particular, the Indigenous Peoples of the United States and Canada that have endured historical and continue to resist ongoing atrocities of unimaginable proportions.
 55. The NAIPC recommends that the UNPFII create courses emphasizing ongoing training and knowledge dissemination in order to gain crucial understandings related to the history and future of the UNDRIP, and with a special focus to discern what a more hands-on approach to the education about the UNDRIP could mean to the empowerment of Indigenous youth.
- Finally, and significantly, for our future generations, affirming that our children are the seeds of our peoples and hence our greatest gift as societies of Indigenous Peoples, that in order to strengthen Article 14 of the UNDRIP relating to the right to establish and control our own

educational systems, the UNPFII encourage states to ratify the Convention on the Rights of the Child and its optional protocols. The NAIPC further recommends that the UNPFII conduct a study on the issues facing Indigenous children and families, including but not limited to housing and limited standards, access to food and clean water, forced migration, labor exploitation, forced conscription into the military, deportation, forced displacement and severance from parents and families, sex traffic and other violent informal labor systems, and exposure to harmful pharmaceuticals, pesticides, herbicides and toxics.

56. The NAIPC strongly urges the UNPFII to call upon all states to immediately abandon existing policies which claim to extinguish or have the effect of extinguishing indigenous children's rights to the land, territories and resources, in particular, policies such as Comprehensive and Specific Claims policies. To date Canada has not resolved legal liabilities in terms of justice and equity and are instead mandated to implement take it or leave it settlements solely to achieve the extinguishment of our Children's Right to their Treaty Lands. Therefore, the NAIPC requests the UNPFII to urge Canada to terminate its Comprehensive and Specific Claims Policies that require the extinguishment of Aboriginal and Treaty Rights as a prerequisite to Land Rights settlements.

Agenda 4 (b) Dialogue with the Special Rapporteur on the rights of Indigenous Peoples, other United Nations human rights mechanisms, and UN Agencies (including UNICEF)

57. Participants recommend a North American caucus meeting with the Special Rapporteur given the particular history and current situation of the Indigenous Peoples of North America.
58. As Indigenous Peoples within the boundaries of what is now called "North America", we fall into the United Nations' self-created definition of "developed countries." As such, our peoples and nations have been and continue to be excluded from most UN agency work and/or dialogue. We note the UNPFII report, State of the World's Indigenous Peoples (2009), states "Even in developed countries, Indigenous Peoples consistently lag behind the non-indigenous population in terms of most indicators of well-being." We call upon the UNPFII and all United Nations mechanisms and agencies to immediate reform their mandates, missions and work statements to include within their programs all Indigenous Peoples *globally* and to immediately cease dividing us or further defining us in terms of which colonial borders continue to be imposed upon us.

Agenda Item 7: RECOMMENDATIONS FOR FUTURE Work of the UNPFII

59. The NAIPC recommends that uranium mining on indigenous lands, and the lethal impact of harmful mining practices be included as an agenda item of the UNPFII.
60. The NAIPC recommends the appointment of a special rapporteur to examine and investigate the mining and use of uranium, the consequences of using uranium in all its forms, and the disposal/storage of uranium. This item should be forwarded to the Expert Mechanism to the UN Human Rights Council at its next meeting in August 2011.
61. The language related to a "global caucus" should be excluded from any future documents presented to the United Nations. It is a misnomer to refer to a global caucus as it is only the people present at that meeting and cannot bind Indigenous Nations and Peoples who are not present at the meeting. It gives states a false sense of security. It is recommended that this language not be used anymore. If there is reference to an Indigenous Caucus then it should be

qualified: Those Indigenous Peoples who are present at (name of meeting) (place) and (date) so that it is clear that it is those people present making those decisions.

62. In relation to the Seminar on Treaties, we note Cree delegate, Sharon Venne co-authored the resolution in February 1983 to the Commission on Human Rights to have a study on Treaties, and served as the Chair/Rapporteur of the Seminar on Treaties in November 2006. There needs to be a detailed discussion about the role of the treaties in the work of Indigenous Peoples, and a need to have a clear path on the implementation of international treaties made between Indigenous Peoples and the Crown(s), and their state successors in the ongoing work of our Indigenous Nations.
63. The NAIPC further notes that it is critical that work on treaties within the United Nations and not marginalize the significance of the treaties concluded with Indigenous nations by diminishing the conclusions and recommendations of the final report of the study written by Miguel Alfonso-Martinez.
64. The NAIPC recognizes that while the EMRIP has accepted the report of the Second Seminar on the Treaty Study, other avenues to implement the recommendations of the Treaty Study should also be pursued including the International Court of Justice.
65. Treaty Peoples must give their free, prior and informed consent to any change in the treaty relationship; organizations that did not make treaties cannot affect the rights of Treaty Peoples. The NAIPC therefore recommends that future work include a comprehensive discussion of Indigenous Peoples' understanding and interpretation of treaties, and we demand respect for our interpretation and applications of treaties between our peoples and settler societies or international bodies.
66. The NAIPC recommends that Indigenous Peoples insist on a more respectful protocol for their participation at the UNPFII including fairly balanced participation with states. The NAIPC recommends establishing ethical protocols to provide a safe place for Indigenous Peoples to speak on matters affecting them. Similarly, rules of procedure should not be read or applied to the detriment of indigenous delegates.
67. There should be a comprehensive discussion and statement regarding the Indigenous World Conference coming from the caucus prior to the UNPFII-10 in May 2011.

Doctrine of Discovery

68. Mindful of the Report on UNPFII-9, E/2010/43-E/C.19/2010/15 (19 May 2010), and its acknowledgement of the Preliminary study of the impact on Indigenous Peoples of the international legal construct known as the Doctrine of Discovery, E/C.19/2010/13, (4 February 2010), by Special Rapporteur Tonya Gonnella Frichner, the NAIPC reiterates its call for additional attention, study and documentation of the racist and genocidal doctrine of Christian discovery, and the manner in which the doctrine of Christian discovery has been constructed, elaborated, applied and extended in law, policy, socio-cultural practices, through both secular and religious practices, and to set the stage for its eradication and reversal as a fundamental element of colonialism and imperialism.
69. We repeat and support the recommendation UNPFII-9 calling for the special theme for UNPFII-11 (2012) to be "The Doctrine of Discovery" and "its enduring impact on Indigenous Peoples and

the right to redress for past conquests (Articles 28 and 57 of UNDRIP).” The NAIPC supports the recommendation of the Special Rapporteur to expand this study to include a global review of this doctrine and call upon other indigenous caucuses to discuss and prepare studies documenting the impacts in their regions. The NAIPC also calls on UNPFII-10 to take into consideration the recommendations of the Regional Hearing on the Impact of the Doctrine of Discovery on Indigenous Peoples, held on March 14, 2011 in Pueblo Grande, Phoenix and the upcoming hearings in Mexico and India.

70. The NAIPC supports the recommendation by the Special Rapporteur that an international expert group meeting be convened to discuss the findings and implications of the preliminary study of the Doctrine of Discovery, and to present its findings to the next UNPFII session. Further study and review will be needed to ascertain to what extent and how the Doctrine of Discovery and the framework of domination are applied to Indigenous Peoples throughout the world.

Other Matters

71. The NAIPC supports the Haudenosuane Iroquois Nationals Lacrosse Team in their participation in the Men's World Indoor Lacrosse Championships. The Championships will be hosted by the Czech Republic and the Iroquois Team will be travelling on their own Haudenosuane passports. The NAIPC believes this is an important symbol of indigenous identity and self-determination for all indigenous nations and peoples.
72. The NAIPC welcomed and accepted the offer by the Chiefs of Ontario to host the next NAIPC session in 2012.
73. Debra Harry and Arthur Manuel were nominated as co-coordinators for NAIPC. Each accepted the nominations, and they were appointed by acclamation.