

**Decisions and Recommendations of the North American Indigenous Peoples' Caucus  
to the 12th Session of the United Nations Permanent Forum on Indigenous Issues  
and to other bodies and fora, as appropriate**

**Organizational Details**

1. The North American Indigenous Peoples Caucus (NAIPC) met on March 1, 2 and 3, 2013 at the Sycuan Resort, in the traditional territory of the Kumeyaay Nation. The meeting was sponsored by the Sycuan Band of the Kumeyaay Nation, the Haudenosaunee, the Viejas Band of the Kumeyaay Nation, and the Lummi Nation.
2. The meeting was opened with a traditional prayer by Kumeyaay elder, George Prieto, and with songs by Kumeyaay bird singers in accordance with traditional protocol.
3. The NAIPC meeting was attended, for varying amounts of time, by approximately ninety-seven (97) representatives from fifty-four (54) Indigenous Peoples' Nations and organizations, including AIM West, American Indian Law Alliance, American Indian Movement of Colorado, Americans for Indian Opportunity, Arizona State University, Assembly of First Nations, Barbareno Chumash Council, Boys & Girls Clubs in Indian Country, Center for World Indigenous Studies, Central Council of Tlingit & Haida Indian Tribes of Alaska<sup>1</sup>, Chiefs of Ontario, Citizen Potawatomi Nation<sup>2</sup>, Coastal Band of the Chumash Nation, Confederated Tribes of the Colville Reservation, Continental Network, Emilio Institute for Indigenous Human Rights, Emerging Indigenous Leaders Institute, Ewiiapaayp Band of Kumeyaay Indians, Franks Landing Indian Community, Haudenosaunee, Hoopa Valley Tribe, Iipay Nation of Santa Ysabel, Indigenous Environmental Network, Indigenous Peoples Council on Biocolonialism, Indigenous World Association, Indigenous World Forum on Water & Peace, International Indian Treaty Council, Last Real Indians, Lipan Apache Women Defense, Lipan Apache Band of Texas, Mille Lacs Band, Miwok Nation, NATEA, National Indian Youth Council, Inc., Native American Rights Fund, Native Grounds, National Congress of American Indians, Navajo Nation, Oneida Nation Council of Chiefs, Quinault Indian Nation, Sacred Places Institute for Indigenous Peoples, San Carlos Apache, Seventh Generation Fund, TMTANF, Tonatierra Nahuacalli, UBCO, UC-Denver AISS/FWC, United Coalition to Protect Panhe/Acjachemem, United South and Eastern Tribes, Inc. (USET), Ute Mountain Tribe, Winnemem Wintu Tribe, and the Yurok Tribe. The North American expert to the UN Permanent Forum on Indigenous Issues, Ed John, was also in attendance.
4. The participants selected Arthur Manuel (Secwepemc) and Debra Harry (Kooyooee Dukaddo), to co-chair the meeting.
5. Volunteers and nominations were taken for individuals to serve as the meeting rapporteurs. Volunteers included Steve Newcomb and Donna Goodleaf. Angela D'Arcy Mooney was

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<sup>1</sup> Central Council of Tlingit & Haida Indian Tribes of Alaska, Citizen Potawatomi Nation, Ute Mountain Ute, and United South and Eastern Tribes, Inc. dissociate from this report.

nominated by Alfred Cruz of the United Coalition to Protect Panhe / Acjachemem. Janice Mokokis was nominated by Sharon Venne, an ambassador of Treaty Six and other Indigenous Nations. Steve Newcomb, Janice Makokis, Donna Goodleaf, and Angela Mooney D'Arcy agreed to serve as the rapporteurs of the meeting.

6. In the final hours of the meeting, delegates present and participating reviewed a draft report of the meeting, made amendments from the floor, and the amended draft 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-12, and to other bodies and fora, needed.

### **North America Indigenous Peoples Preparatory Meeting regarding the UN High Level Plenary to be called a World Conference on Indigenous Peoples**

7. The North American representatives to the Global Coordinating Group, Kenneth Deer and Debra Harry, provided an overview and background to the HLP-WCIP for meeting participants. After extensive discussion the NAIPC agreed upon a strategy for the Indigenous Peoples Global Preparatory Meeting in Alta, Norway in June 2013 and at HLP-WCIP in 2014, and these decisions and recommendations will also serve as the NAIPC recommendation to the UNPFII-12, Agenda Item 6.
8. **North American Indigenous Peoples' Caucus Strategy for the Indigenous Peoples' Preparatory Meeting in Alta, Norway and the HLP/WCIP in 2014-  
Preamble to NAIPC Framework Regarding the HLP/WCIP in 2014**
  - 1) Following up on last year's NAIPC meeting at Niagara Falls, the North American Indigenous Peoples' Caucus decided to take a careful and vigilant approach to the 2014 UN High Level Plenary Meeting, which is "to be known as a World Conference on Indigenous Peoples." That stance by the NAIPC resulted in the "Caucus Strategy" statement presented herein.
  - 2) It was observed that the word "participate" was dividing the room and a suggestion was made that "participate" and "participation" be replaced with the position that NAIPC is going to "explore" or is "exploring" what the UN HLPM is all about. Suggested text was offered by the North American Representative to the UNPFII. After a brief discussion, the word "participate" was removed from two places in the suggested text, and replaced with the words "exploring" and "explore."
  - 3) What led to NAIPC's cautious and vigilant approach, is the expressed concern that full "participation" in the HLPM process, at this stage, can be viewed as providing active or tacit consent for states to proceed with their HLPM and outcome document, which will be controlled by state governments, and which might well retreat from the successes of our work as nations and peoples over the past forty years, and might lead to an erosion of the provisions of the UN Declaration on the Rights of Indigenous Peoples that advance the rights and protections of Indigenous Nations and Peoples. Another expressed concern was whether Indigenous peoples "participation" is even possible given the constraints of the HLPM framework.
  - 4) The result, arrived at by consensus, is that after an outcome document has been produced at the Indigenous Peoples' gathering in Alta, Norway, that document will be reviewed by

the NAIPC “to explore and assess” the possible positive and negative impacts of the HLP/WCIP. After having explored and assessed that outcome document, the NAIPC will decide (“determine”) at its gathering next year, 2014, about its “future involvement” with regard to the HLP/WCIP.

- 5) Having agreed by consensus on a Caucus Strategy with regard to the HLP/WCIP, a decision was made to attend Indigenous Peoples’ gathering in the Alta, Norway, but to attend as “Peoples and Nations with rights equal to all other Peoples,” with “the inalienable right of and to self-determination are expressed in various international instruments (the Universal Declaration of Human Rights, Article 1 of the Human Rights Covenants, and U.N. Resolution 1514).”
- 6) At the gathering in Alta, the NAIPC will hold to the position that the Indigenous Peoples’ outcome document shall protect and advance the inalienable and fundamental rights we have as Indigenous Nations and Peoples, and will attend the Alta, Norway meeting “fully and equally as Peoples and Nations to support the implementation of the provisions of the UN Declaration on the Rights of Indigenous Peoples that advance the rights and protections of Indigenous Peoples and Nations.”
- 7) On the basis of the careful and vigilant NAIPC Caucus Strategy statement, a decision was made to support the appointment of Mr. John Henrikson by the President of the General Assembly as Indigenous Co-facilitator so long as his actions are consistent with the mandate of the NAIPC strategy statement. It was also pointed out that as Indigenous Peoples and Nations we have “a right to interpretation” (Article 13, ¶ 2: “...to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through provision of interpretation or by other appropriate means”). Indigenous Nations and Peoples have a right to know how states are interpreting key language regarding the UN Declaration and the HLP/WCIP “to be known as a World Conference on Indigenous Peoples” so that as NAIPC continues to explore what the UN HLP/WCIP is all about, NAIPC can make informed judgments with regard to every aspect of the UN High Level Plenary Meeting, with all necessary caution and vigilance.
- 8) We will advance the work of the NAIPC by exploring the possibilities of where this can go, including attending and participating in the Indigenous Peoples’ preparatory gathering in Alta, Norway for the HLP/WCIP 2014, based on the following:
  - a) Advance the rights of Indigenous Peoples as Peoples and Nations with rights equal to all other Peoples<sup>3</sup>.
  - b) That we have and confirm the inalienable right to and of self-determination as recognized in various international instruments (the Universal Declaration of Human Rights, Article 1 of the Human Rights Covenants, and U.N. Resolution 1514), including Article 3 of the UN Declaration on the Rights of Indigenous Peoples, as well as our rights to our lands, territories, resources, treaties, languages and cultures.
  - c) At the global Indigenous Peoples’ preparatory meeting we will advance the position that the Indigenous Peoples’ “outcome document” shall protect and advance the inalienable and fundamental rights we have as Indigenous Peoples and Nations, including the right to participate fully and equally as Peoples and Nations to support

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<sup>3</sup> See preambular paragraph 5.

- the implementation of the provisions of the UN Declaration that advance the rights and protections of Indigenous Peoples and Nations.
- d) The Caucus may propose and consider specific recommendations consistent with this decision.
  - e) That the Alta “outcome document” will be reviewed by NAIPC to explore and assess the possible benefits and negative impacts, and to determine future involvement including at the HLP/WCIP.
  - f) Key Themes
    - International oversight and monitoring mechanism to ensure implementation of the rights of indigenous Peoples
    - Domination
    - Decolonization
    - Self-determination
    - Culture, language and spirituality
    - International personality of Indigenous peoples
    - Free prior and informed consent
    - Defense against ecocide, ethnocide and genocide
    - Militarization
    - International border issues
    - Environmental including water rights
    - Land rights
    - Treaties and treaty rights
    - Defense of Indigenous Peoples traditional knowledge and cultural expressions and genetic resources
  - g) Major Topics
    - Militarization borders/occupation,
    - Violence against women, children, and elders
    - True cost economy, poverty and economic development
    - Forced assimilation,
    - Recognizing Indigenous Peoples’ contribution
    - Land rights, and Territorial/jurisdiction
    - Treaties, Agreements and other constructive Arrangements

**The NAIPC Recommendations for Outcome Document**

- 9) The NAIPC recommends that the entire UN system, especially the Permanent Forum, use the term Peoples at all times when referring to Indigenous Peoples.
- 10) The NAIPC recommends that a systemic analysis of the causation of colonization, domination and subordination be undertaken, that continued work be done on issues related to the use and impact of the racist Doctrine of Discovery that has allowed states to steal Indigenous lands and resources, and that a statement be drafted on the Doctrine of Discovery and that the Doctrine be repudiated in the HLP WCIP Outcomes Document.

- 11) The NAIPC recommends the organization of an official UN World Conference on Indigenous Peoples in accordance with the promises made by the UN during the Second Decade of Indigenous Peoples.
- 12) The NAIPC recommends that there be an international mechanism and oversight monitoring body for redress and restitution of treaty violations by states and/ or successor states.
- 13) The NAIPC recommends that the Outcome Document stress the importance of acknowledging the status of Indigenous peoples in the North particularly regarding United Nations funding mechanisms.
- 14) The NAIPC recommends that the Outcome Document acknowledge water as a critical element for cultural, physical, and spiritual survival.
- 15) The NAIPC recommends that the Outcome Document take a position against Aquacide: the killing of the waters by dams, diversions, privatization, deprivations, extractive industrial and mega-agricultural developments, hydraulic -fracturing, toxins, and pollution, and other ways that inhibit or preclude Water's ability to nurture and support Life. This includes working to immediately halt Aquicide by all forms of exploitation, commodification, and other assaults that impede or destroy the life giving quality of Water.
- 16) The NAIPC recommends the creation of a body with a mandate to promote and monitor the implementation of the rights of Indigenous Peoples, including the UN Declaration on the Rights of Indigenous Peoples. The General Assembly should, in conjunction with Indigenous Peoples, establish a mechanism by a process which includes the full and equal participation of Indigenous peoples.
- 17) The NAIPC recommends further work be done related to combating violence against Indigenous women and girls, including explicitly linking the issue of environmental violence, including the connection between sexual violence against women and girls and extractive industries.
- 18) The NAIPC recommends that the situation of non-recognized Nations be included in the discussion of violence against women and girls, and that the State's refusal to acknowledge these Nations is a form of violence against Indigenous women and girls.
- 19) The NAIPC recommends that there be a move toward a world expert meeting to focus on the theme of domination, decolonization, and self-determination.
- 20) The NAIPC recommends that the Outcome Document address the issue of poverty as it relates to the Millennium Development Goals.
- 21) The NAIPC recommends that the Outcome Document reinforce the right of free prior and informed consent on all matters that effect Indigenous Nations and Peoples.

- 22) The NAIPC maintains a position that assigning a lesser or subsidiary role for Indigenous Peoples as compared to states in any phase of this High Level Plenary Meeting would constitute a violation of the very rights which it purports to affirm. Real participation is not the same as mere presence in the room.
9. The NAIPC selected Kenneth Deer and Debra Harry to serve as the primary representatives to the Global Coordinating Group, and Ron Lameman and Shannon Rivers to serve as alternates. It was agreed that the primary representatives will serve as alternates to each other as first priority, and the alternates will attend meetings if neither of the primary representatives can attend. Additionally, it was agreed that the GCG funding support be shared equally to both primary representatives to attend all GCG funded meetings and processes.
10. Nominations were made for the following individuals to serve on the GCG consolidating group for the Alta outcome document on behalf of NAIPC: Roger Jones, Tim Coulter, Sharon Venne, Andrea Carmen, Steve Newcomb, Debra Harry, Marcus Lopez. Cecilia Belone requested a seat be held open for the National Indian Youth Council (NIYC). Elizabeth Kaplanek volunteered to serve on behalf of the youth. Howard Thompson recommended that the Caucus accept all the nominations. Cecilia Belone withdrew her reservation of a seat for the NIYC. Tim Coulter stated that he would serve in a supportive capacity to the drafting team. The NAIPC appointed Roger Jones, Sharon Venne, Elizabeth Kaplanek, Debra Harry, Marcus Lopez, Steve Newcomb, and Andrea Carmen to advance the NAIPC position in the GCG consolidating group process.
11. The NAIPC created subcommittees to develop the process for selecting NAIPC delegates to attend the Global Indigenous Preparatory Meeting in Alta, Norway in June 8-13, 2013. The subcommittee for the US-side developed a list of funded and unfunded/self-supporting Indigenous Peoples and organizations. The subcommittee for the Canada-side of the border developed an application and selection process. The final list of NAIPC delegates to attend the meeting in Alta is will be finalized depending upon availability of funding and other matters.

**Agenda Item 5. Comprehensive dialogue with United Nations agencies and funds:**

**Financial Institutions**

12. Involvement with the Safeguard Review Process: The NAIPC supports the strengthening of the World Bank's safeguard policies and urges the Bank to meet its human rights obligations and bring its policies in line with the UN Declaration on the Rights of Indigenous Peoples.

**Agenda Item 7 (b). Human rights: Special Dialogue with the UN Special Rapporteur:**

13. NAIPC Recommends that the UNPFII tell Canada to say "yes" and invite the UN Special Rapporteur for Indigenous Peoples to come to Canada.
14. 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 reminds 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.

15. The NAIPC reaffirms its commitment to the Border Crossing Issue expressed in its Report for the 11th Session of the UNPFII.

**Agenda Item 8. Future work of the Permanent Forum including matters of the Economic and Social Council and emerging issues, and Discussions on the Post 2015 Development Agenda**

16. State claims of power to grant permits for mineral exploitation—e.g., tar sands oil exploitation, uranium mining, coal bed methane exploitation, and hydrofracking—on traditional territories of Indigenous nations is premised on the claim that Christian discovery gave the “discoverers” the right to “assert sovereignty” relative to the traditional lands and territories of Indigenous nations. The NAIPC supports the Haudenosaunee and calls for a complete ban on the method of natural gas drilling known as “hydraulic fracturing,” or “hydrofracking,” within the traditional territory and treaty lands of the Haudenosaunee Confederacy, and everywhere hydrofracking will contaminate land, air, and water. We also call for a complete ban on tar sands oil exploitation, coal bed methane exploitation, and the construction of the Keystone XL pipeline. We call for the UNPFII to convene an Expert Group Meeting on the issue of how to move off the current fossil fuel habit and how to move as expeditiously as possible to a global energy program that is based entirely on truly renewable, non-polluting energy sources. We call upon the UNPFII to convene an Expert Group Meeting on the issue of hydraulic fracturing, otherwise known as “hydrofracking,” tar sands, coal bed methane and the Keystone XL pipeline to examine the ways that Indigenous peoples are being impacted or potentially impacted by these extraction methods, and report to UNDP, UNEP, and other appropriate UN agencies with a responsibility for environmental and human rights protections.

**Other Matters**

17. The NAIPC selected Art Manuel and Angela Mooney D’Arcy to serve as NAIPC co-coordinators in the upcoming year.