

Report of the North America Region Preparatory Meeting for the United Nations Permanent Forum on Indigenous Issues Seventh Session (UNPFII7)

**February 22nd and 23rd, 2008
Coast Salish Territory, Vancouver, British Columbia
Hosted by: First Nations Summit**

**Co-Chaired by Grand Chief Edward John, Tl'azt'en Nation, and
Kenneth Deer, Mohawk Nation at Kahnawake**

Prepared and Submitted by Co-Rapporteurs Andrea Carmen (Yaqui Nation), International Indian Treaty Council and Celeste McKay (Métis Nation), Native Women's Association of Canada

I. BACKGROUND

1. This is a report of the North America Region Preparatory Meeting for the United Nations Permanent Forum on Indigenous Issues 7th Session (UNPFII7) held February 22 – 23, 2008, in Coast Salish Territory, Vancouver, British Columbia, Canada, hosted by the First Nations Summit. This meeting was a voluntary effort by Indigenous Peoples from the North America region who used their own limited resources to attend the meeting.
2. The meeting was opened with a prayer and song by Chris Mato Nunpa of the Dakota Nation at the request of Grand Chief Edward John, Tl'azt'en Nation, representing the First Nations Leadership Council and the Assembly of First Nations. The Indigenous Peoples of the territory on which the meeting took place were recognized and thanked by the participants.
3. Grand Chief Edward John and Andrea Carmen, co-coordinators of the North America Region Indigenous Caucus, welcomed the participants. They explained that the focus of the meeting was to develop consensus on a strong consolidated regional statement to be presented at the upcoming UNPFII7 that will reflect the concerns, perspectives and recommendations of Indigenous Peoples of the North America region addressing the agenda items of the UNPFII7, in particular its special theme "*Climate change, bio-cultural diversity and livelihoods: the stewardship role of indigenous peoples and new challenges*".
4. The Chairpersons and Rapporteurs were selected by meeting participants. The Chairpersons were Grand Chief Edward John, from Tl'azt'en Nation, and Kenneth Deer, from the Mohawk Nation at Kahnawake. Co-Rapporteurs were Celeste

McKay, Métis Nation, Native Women's Association of Canada and Andrea Carmen, Yaqui Nation, Executive Director of the International Indian Treaty Council.

5. The Preparatory Meeting was attended by 49 representatives from 38 Indigenous Nations and organizations from the UNPFII's North America Region (United States and Canada).¹
6. The UNPFII representative for North America, Ms Tonya Gonnella Frichner, Onondaga Nation, and other participants provided an overview and background of the UNPFII, including its historical development, its mandate, and effective strategies for Indigenous participation at the upcoming 7th session (April 21 – May 2, 2008, UN Headquarters, New York).
7. Ms Andrea Carmen and Grand Chief Edward John were re-confirmed by consensus of the Indigenous Peoples Caucus (IPC) of the North America (NA) region to continue in their roles as co-coordinators of the IPC of the NA region for another year and the Caucus expressed their deep appreciation and thanks for their work in this role over the past 2 years.

¹ A complete list of participants is attached as Annex "A".

II. CONCLUSIONS AND RECOMMENDATIONS

8. The participants agreed that all areas of discussion would take into consideration and reflect the rights, principles and minimum standards contained in the *UN Declaration on the Rights of Indigenous Peoples (UN Declaration)* and the importance of its implementation from the community through the international levels.
9. The participants strongly condemned the decisions of the US and Canada to vote against the adoption of the *UN Declaration* at the UN General Assembly and their subsequent false claims that the *UN Declaration* does not apply in Canada or the US. The participants called upon the UNPFII7 to recommend that these States, along with New Zealand, join the rest of the international community and support the *UN Declaration*. The participants further called upon the UNPFII7 to confirm that the *UN Declaration*, as an international human rights standard adopted by the UN General Assembly with overwhelming State support, is applicable in all UN member States.
10. Reports, updates, and developments were presented from recent UN Expert Seminars, conferences and human rights mechanisms, relevant to the work of the UNPFII. These include:
 - a) Report from the Symposium – “Implementing the *UN Declaration on the Rights of Indigenous Peoples*” (Vancouver, British Columbia, February 19 – 20, 2008);
 - b) The UN Committee on the Elimination of Racial Discrimination (CERD)’s review of the United States (Geneva, Switzerland, February 21 – 22, 2008);
 - c) The establishment of the UN Human Rights Council’s new Expert Mechanism on the Rights of Indigenous Peoples, its structure, mandates and next steps;
 - d) Report from the Indigenous Peoples’ Border Summit of the Americas II (San Xavier, Tohono O’odham Reservation, Arizona, November 7 – 10, 2007);
 - e) International Expert Group Meeting on Indigenous Languages (January 8 – 10, 2008), Doc. No. E/C.19/2008/3;
 - f) Appointment of the new UN Special Rapporteur on the Situation of the Human Rights and Fundamental Freedoms of Indigenous Peoples; and
 - g) Preliminary observations of the UN Special Rapporteur on the Right to Adequate Housing on his Mission to Canada (October 9 – 22, 2007).

III. DISCUSSION OF THE CENTRAL THEME FOR UNPFII7: “CLIMATE CHANGE, BIO-CULTURAL DIVERSITY AND LIVELIHOODS: THE STEWARDSHIP ROLE OF INDIGENOUS PEOPLES AND NEW CHALLENGES” (ITEM #3 ON THE UNPFII7 AGENDA).

11. Climate change, caused by growing concentrations of greenhouse gases in the atmosphere, has causing an alarming range of impacts on flora, fauna, the ecology and integrity of the world’s environment. Indigenous Peoples, as an integral part of the environment, are facing severe, even catastrophic impacts that threaten their survival, today as well as in the future.
12. The climate change and global warming that is currently taking place around the world, including in North America, impacts all aspects of Indigenous Peoples’ lives including their traditional cultures, food systems, ways of life, economies, collective security and their ability to protect their lands, waters, biological diversity, ecosystems and health.
13. Indigenous Nations and Peoples around North America are experiencing the impacts of climate change in their communities and traditional lands. These include the disappearance of traditional subsistence foods, including wild game, fish, berries, wild plants and traditional food crops and plant medicines. Water levels are rising in coastal areas. Inland water tables, lakes, streams, rivers and springs are diminishing. Arctic sea ice is rapidly disappearing. New diseases affect the food chain and human health.
14. A specific example of the impact caused by climate change and global warming is the alarming decrease in the wild salmon runs, upon which many Indigenous Peoples of North America's coastal areas depend for their traditional means of subsistence. For example, the Upper Fraser Fisheries Conservation Alliance in British Columbia recently released a study of sockeye salmon runs in the upper Fraser River. The report showed 700,000 fish returned in the early Stuart run in 1993, but those numbers fell to 100,000 by 2005. Scientists involved in the study report that climate change is a significant contributing factor, with the temperature of the Fraser River increasing by about half a degree over the past 50 years. As well, millions of acres of forest lands in British Columbia have been destroyed by mountain pine beetle with direct, immediate and serious impacts on the safety and well-being of Indigenous Peoples, communities and entire ecosystems, including salmon spawning and rearing streams and migration routes.
15. Indigenous Peoples in Manitoba, Canada also reported that winter roads are accessible for much shorter periods of the year. These roads are used to bring food, fuel, building materials, and other essential goods in a cost-effective method to the local communities. This diminishing access raises costs of essential survival goods for these remote communities. Other Indigenous Peoples report that forests in their areas are dying due to recent infestations of insects. Wild animals held sacred by

many Indigenous Peoples, such as polar bears, are disappearing. Other communities report that their lakes and springs are drying up.

16. Clearly, climate change is violating Indigenous Peoples' rights to self-determination, peace and security, right to development, right to food, Treaty rights, cultural integrity, right to health and a range of other fundamental human rights, including many that are affirmed in the *UN Declaration*. Attempts by State Governments and corporations to respond to these critical issues have been woefully inadequate, often creating more problems than they solve. International cooperation and solidarity, taking into account the rights, perspectives and traditional understandings of Indigenous Peoples, as well as their full participation in ongoing international dialogues and policy developments, are essential to addressing the diverse challenges of climate change.

17. Based on these understandings and observations:

- a) Participants at the meeting strongly affirmed that effective solutions to climate change must take a rights-based approach, which recognizes and includes Indigenous Peoples' traditional knowledge systems. These systems have provided us with prophecies that specifically warn about the impacts of climate changes and environmental destruction. These systems also contain the key to our survival and resiliency in response to these threats as well as the key to the sustainability of the natural world.
- b) Participants agreed that Indigenous Peoples and local communities have practical responses and solutions to climate change and global warming based on their traditional knowledge and practices. These are effective mitigation, adaptation and resiliency tools that must be supported.
- c) Participants affirmed the fundamental importance of Treaty rights to this discussion, underscoring the sacredness of our Treaties and the relationships they represent, based on our traditions, histories, laws, ceremonial ways and relationships with our lands. They are reflections of our Creation stories, inherent sovereignty, subsistence, songs and the blood and sacrifice of our ancestors.
- d) Participants affirmed our sacred responsibility to institute a new form of energy economy, built on respect for the natural world, energy conservation, the implementation of energy efficiency and weatherization initiatives, and programs for the efficient use of clean, renewable energy in a way that supports our tribal self-sufficiency, sovereignty and traditional life ways.
- e) Participants recognized that credible scientists and climate studies are urging a reduction in Carbon Dioxide (CO₂) emissions by 80% over the coming decade in order to prevent the "tipping point" - a 2 degree Celsius increase in average global temperature, which could throw the planet into a new climate regime, with catastrophic consequences for humans and global ecosystems.

- f) Participants noted that NASA reported in December 2007 that the sea ice of Greenland and the Arctic could melt completely by 2012, causing flooding of coastal lands of North American and Pacific Islands.
- g) Participants affirmed the dire need for Canada and the United States, as industrialized countries and major contributors to greenhouse gases, to adopt the most stringent, vigorous and aggressive CO₂ reduction plan by 2020 and 2050 in accordance with target dates established by the international community. This will require much greater action by all levels of government in Canada and the United States.
- h) Participants recognized that Indigenous Peoples' vital expertise and perspectives have not been effectively included, and have often deliberately been marginalized, in previous and ongoing national, regional and global discussions on climate change.
- i) Recognizing the clear links between climate change and biological diversity, participants expressed concerns over recent developments in bodies related to the Convention on Biological Diversity (CBD), where "rules of procedure" are now being enforced. These rules limit submission of substantive proposals to the State parties, which led the International Indigenous Forum on Biodiversity (IIFB) to walk out of the CBD Protected Areas negotiations in Rome in February 2008. Participants underscored the need for rules supporting the full, independent and effective participation and input of Indigenous Peoples, especially in the ongoing negotiations for an international Access and Benefit-Sharing (ABS) regime.
- j) Participants also expressed concerns about the opposition by Canada, New Zealand and Australia in recent CBD sessions to any reference to relevant provisions of the *UN Declaration*, including the recognition of Indigenous Peoples' right to free, prior and informed consent (FPIC). This opposition is contrary to the fact that FPIC has already been recognized under the CBD and a range of other international standards.
- k) Participants strongly affirmed that non-sustainable development activities, including mineral and fossil fuel extraction, deforestation, damming, uranium mining and milling, as well as the production of wastes and the proliferation of toxins, creates and exacerbates the growing impacts of climate change.
- l) Participants recognized that many Indigenous Peoples from this region and around the world have called for a moratorium on new exploration for the extraction of oil, natural gas and coal within and near Indigenous lands, especially in environmentally, socially, culturally, historically and spiritually significant areas. Participants also affirmed article 32 of the *UN Declaration*, which upholds the right of FPIC for Indigenous Peoples in relation to all development activities affecting their lands, territories and resources, and article 3, which upholds the right of self-determination for Indigenous Peoples.
- m) Participants expressed concern that Carbon trading mechanisms, including cap and trade, commodifies the earth's atmosphere, turning the earth's carbon-

cycling capacity into property to be bought or sold in a global market, undermining the Earth's ability and capacity to support a climate conducive to life.

- n) Participants expressed profound concerns about the causal factors and impacts of climate change on water security for Indigenous Peoples. They took note that in North America fossil fuel extractive industries, such as the tar sands extraction and similar activities, are contaminating and depleting water levels. This threatens the health and water rights of communities and the ecosystems on which they depend.
- o) Participants agreed that current energy policies being carried out in the United States and Canada are disastrous for Indigenous Peoples' lands, territories and natural resources. They noted that federal agencies in the United States are developing plans to create "energy corridors", 10 to 30 miles wide and running through 12 western States. Participants agreed that these energy corridors must not be approved without the FPIC of Indigenous Peoples whose lands will be affected.
- p) Participants also expressed concern that many strategies being promoted for the mitigation of climate change in North America and around the world, including large scale agro-fuel (bio-fuel) production, carbon trading, cap and trade, carbon "sinks" and "market based approaches" have contributed to further environmental degradation and the violation of Indigenous Peoples' rights. It was recognized that cap and trading systems could force Indigenous Peoples to absorb the direct costs – the environmental and public health costs associated with toxic "hot spots" as greenhouse and other toxic emissions rise in their communities as well as the financial costs of higher utility bills – while seeing none of the benefits nor a change in the energy mix.
- q) Noting the concerns of Indigenous Peoples in both the North and the South about the privatization of forests, participants affirmed their opposition to the World Bank's "Reducing Emissions from Deforestation/Reducing Emissions from Deforestation and Degradation" (RED/REDD) initiatives which violate Indigenous Peoples' rights to self-determination over their lands, territories and resources.
- r) Participants recognized that development activities affecting Indigenous Peoples' rights related to lands, territories and resources, which have been carried out without their FPIC, are typically not sustainable. They lead to the destruction of Indigenous Peoples' lands, territories and natural resources, and cause the ongoing violations of their fundamental human rights.
- s) Finally, the participants affirmed that all development projects within Indigenous Peoples' ancestral territories must respect their fundamental rights to lands, waters, resources, territories, peace and security, self-determination and FPIC processes which includes the input of traditional spiritual, cultural and subsistence practitioners and traditional leaders.

18. Participants recognized and commended the following “best practices” and resiliency solutions and strategies initiated by Indigenous Peoples of North America in response to the climate crisis:

- a) Efforts by Yaqui Peoples of Southern Arizona and Northern Mexico to restore their food-related biological diversity and traditional knowledge and natural ecosystem, including seeds and planting methods, mesquite forests and water ways, for adaptation to, and mitigation of, changing climate conditions.
- b) The advances made by the Squamish Nation of British Columbia to assert jurisdiction and take control over their traditional lands, in particular through implementing management plans regarding their forests, waters and traditional game. These advances include permanently safeguarding 50,000 hectares of pristine forestlands called “wild spirit places” and asserting co-management agreements with all 16 provincial parks, significantly reducing de-forestation and environmental degradation in their territories.
- c) Efforts by the Haida Nation in British Columbia to protect the traditional biological diversity of the wild salmon in their area and to oppose the introduction of farmed salmon which undermines the integrity of the wild salmon stock.
- d) The work of the Haudenosaunee through the long-term effort of the Haudenosaunee Environmental Task Force to study and halt environmental contamination, to call for reparation by those responsible for contamination and, most importantly, restore the health and resiliency of their sacred site, Onondaga Lake through banning the importation of toxins and the declaration of their territories as nuclear free zones.
- e) The work of Indigenous Nations in British Columbia to plant fruit trees as well as to restore natural forests in previously deforested areas.
- f) The Tribal Campus Climate Challenge project which works with students of 22 Tribal colleges to organize and promote renewable energy and emission reductions strategies on campuses in both the US and Canada.
- g) The Navajo Nation has placed a moratorium on all uranium development on Navajo lands due to life loss caused by cancer related to mining uranium, which has been in effect for the past several years.
- h) The initiatives of many Indigenous Peoples and tribal Nations to develop and to utilize wind, solar and other renewable technologies for the generation of energy needs.

19. In consideration of the above, the participants called upon the UNPFII7 to include the following recommendations in its final report:

- a) The UNPFII7 recommend to the Economic and Social Council and the Human Rights Council that the Expert Mechanism on the Rights of Indigenous Peoples conduct a thematic study on climate change. The study should adopt a rights-based approach consistent with the *UN Declaration* and identify the impacts on

the rights of Indigenous Peoples and the corresponding obligations of States. This study should include input and participation of Indigenous Peoples and be coordinated with the UNPFII and the Special Rapporteur on the situation of human rights and fundamental freedoms of Indigenous peoples.

- b) The UNPFII7 recommend that the UN Framework Convention on Climate Change (UNFCCC) establish formal structures for full, direct and active participation of Indigenous Peoples within the official discussions and decision-making processes of the UNFCCC meetings.
- c) That the UNPFII7 recommend that the CBD Conference of the Parties (COP) clarify its rules of procedure to enable the full, effective and equal participation of Indigenous representatives in all CBD bodies, modeled on the participatory rules in the Article 8(j) Working Group which allows Indigenous Peoples to independently table Indigenous submissions.
- d) That the UNPFII7 strongly recommend that the CBD COP endorse and uphold the *UN Declaration* in its decisions and procedures. The UNPFII7 should recommended that the CBD COP ensure that the rights of Indigenous Peoples set out in the *UN Declaration* regarding self-determination, lands and resources, Treaties, FPIC and protection and control of Indigenous Peoples' genetic resources are recognized in the CBD's ongoing negotiations, especially on ABS.

20. The participants further called upon the UNPFII7 to take the following actions:

- a) To request a meeting with the UNFCCC Secretariat and the Chair of the Permanent Forum to:
 - i. Provide the necessary support to Indigenous Peoples from all regions (including North America) to ensure full and effective participation in all levels of discussion, decision-making and implementation, and to ensure that the necessary funding is provided to enable this participation.
 - ii. Include 'Indigenous Peoples and Climate Change' as a permanent item on the agenda of the UNFCCC COP/Meeting of the Parties (MOP), and of the Subsidiary Bodies' meetings with specific reference to disparities and vulnerability, mitigation, adaptation, poverty, social and cultural impacts in relation to Indigenous Peoples as well as procedures and mechanisms for evaluating and assessing the Kyoto Protocol and its Clean Development Mechanism (CDM) and Joint Implementation (JI) initiatives.
 - iii. Promote the establishment of in-session workshops, including Indigenous expert meetings within the program of work of the Subsidiary Body for Scientific and Technical Advice (SBSTA) to facilitate discussions on the effects of climate change on Indigenous Peoples, including specific impacts on fragile and vulnerable ecosystems, the interconnection between climate change and poverty, short and long term effects of the CDM, knowledge and traditional practices (such as weather forecasting capacity)

and participation in the evaluations of the impacts, adaptation mechanisms, mutual learning about climate change and sustainable development.

- iv. Ensure access for Indigenous Peoples from all regions to the UN Adaptation Fund to promote community-based initiatives and full participation in related UN processes.
 - v. Include Indigenous Peoples of both “developing” and “developed” countries in UNFCCC capacity-building initiatives to strengthen their participation in climate change negotiations.
 - vi. Implement Climate Impact Assessments which take into account Indigenous traditional knowledge, culture, social values, spirituality and ecosystems; as well as the full and equal participation of Indigenous Peoples in all aspects and stages of the assessment process.
- 21. Participants invited other Indigenous Peoples and local communities to submit “best practices” and resiliency solutions and strategies to the UNPFII, and recommend that the UNPFII maintain an ongoing list of such practices as a resource for Indigenous Peoples around the world.**
- 22. Participants endorsed the full implementation of all provisions of the *UN Declaration*, including provisions relating to the right to FPIC, as an additional solution-based approach to addressing the current climate crisis.**
- 23. Participants recognized the following Declarations and statements developed with the participation of Indigenous Peoples from North America as making important contributions related to this theme:**
- a) The Albuquerque Declaration from the "Circles of Wisdom" Native Peoples/ Native Homelands Climate Change Workshop-Summit, November 1, 1998, Albuquerque, New Mexico that was presented to the 4th Conferences of the Parties (COP4) of the UNFCCC, Buenos Aires, Argentina, November, 1998.
 - b) The Tiohtiá:ke Declaration, adopted by the International Indigenous Peoples Forum on Climate Change, an Indigenous Statement to the Parties of the 11th Conference of the Parties/1st Meeting of the Parties (COP 11/MOP 1) of the UNFCCC held within the Tiohtiá:ke, Kanien’kehá:ka (Mohawk) Traditional Territory, Montreal, Canada, November 28 – December 09, 2005.
 - c) The Cultural Indicators for Food Security, Food Sovereignty and Sustainable Development from the 2nd Global Consultation on the Right to Food Security and Food Sovereignty for Indigenous Peoples (Bilwi, Nicaragua, September 2006) which includes an indicator for addressing adaptation and resiliency to environmental impacts, including climate change.
 - d) A joint submission by the Assembly of First Nations and the International Organization of Indigenous Resource Development to the United Nations 60th

Annual DPI/NGO Conference, special theme Indigenous Peoples, Culture and Traditional Knowledge, September 6, 2007.

- e) 60th Annual UNDP/NGO Conference Declaration, September 6, 2007, “Climate Change Threats – an NGO Framework for Action”.
- f) Report from the 13th Conference of the Parties of the United Nations Framework Convention on Climate Change (COP 13) in Bali, Indonesia, December 3 – 14, 2008, Indigenous Peoples’ perspectives, participation and statements.
- g) Summary of Recommendations from the Aboriginal Women’s Forum with the UN Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, Miloon Kothari, co-hosted by the Native Women’s Association of Canada, the National Aboriginal Health Organization and Amnesty International on October 21, 2007, Ottawa, ON, Canada.

IV. CONTINUED DISCUSSION OF THE AGENDA ITEMS OF UNPFII7

1) **Agenda Item 4: Implementation of the recommendations on the six mandated areas of the Permanent Forum and on the Millennium Development Goals:**

24. Participants noted that although Canada, in particular, has committed to realizing the Millennium Development Goals (MDGs) in other countries, it is not working towards the implementation of the MDGs within Canada. For example, with respect to MDG 1 and MDG 4, Indigenous Peoples in Canada experience hunger, malnutrition and poverty, especially child poverty, and Indigenous communities suffer from disproportionately high infant mortality rates and a range of other health concerns related to poverty. There is a need for more pre- and post-natal support for Indigenous women to improve maternal health (MDG 5). Newborn babies are removed from Indigenous women without their FPIC by child welfare authorities directly from hospitals. Furthermore, the incidence of HIV/AIDS is rising among our Indigenous women in Canada.

(a) Economic and social development

25. As noted throughout this report, the participants expressed profound concerns about the growing impacts of climate change and global warming on the social and economic development of Indigenous Peoples, the rest of humanity and the natural world.

26. The participants emphasized that the *UN Declaration* is the minimum standard upholding a range of social and economic rights. They reiterated that the rights affirmed in the *UN Declaration* must now be applied as the operative framework and criteria for the interpretation and implementation of the MDG's in this regard. Participants stressed, in particular, 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 as well as State obligations related to FPIC. Participants requested that the UNPFII7 call upon all States, including the United States and Canada, to uphold the right to FPIC, and to remind States, UN bodies, development and finance agencies, corporations and other entities that FPIC must be applied as the operative framework for all negotiations, contracts and settlement processes affecting the social and economic rights of Indigenous Peoples.

27. The participants further emphasized that the rights recognized in Treaties, Agreements and Constructive Arrangements with Indigenous Peoples and affirmed in Article 37 of the Declaration also have a direct impact on a range of economic and social as well as cultural rights for Indigenous Peoples. These rights must also be upheld by States. Participants noted that three of the four States which voted against

the *UN Declaration* at the UN General Assembly have many Nation to Nation Treaties with Indigenous Peoples which continue to be violated to this day, with devastating impacts on the social, economic, cultural, spiritual, political and environmental rights of Indigenous Peoples in these countries.

(b) Environment

28. Participants strongly opposed the continuing practice by the United States of producing and exporting pesticides and other toxic chemicals that have been banned for use in the United States because they are known to cause cancer, birth defects or other serious impacts on human health and the environment. The participants fully recognized that this practice violates the human rights of the Indigenous Peoples whose lands are directly impacted by application of these chemicals as well as Indigenous Peoples in Northern communities whose subsistence foods are contaminated as these dangerous persistent pollutants proliferate in the environment and travel through the food chain. These actions violate the right to FPIC as well as a range of other provisions of the *UN Declaration*, including articles 20 and 22.
29. Participants strongly supported the resolution adopted by consensus at the National Congress of American Indians annual conference (Denver, November 2007) calling for the United States to halt this practice and to fully disclose the amounts, locations and kinds of chemicals being produced and exported by the United States, and also calling for Congressional hearings to address this practice and its implications for Indigenous Peoples and tribes in North America and elsewhere.
30. Participants also requested that the UNPFII7, in its final recommendations, call upon the parties of International Environmental Conventions, in particular the Rotterdam Convention, to review and as needed revise, their provisions to conform to current human rights law and the provisions of the *UN Declaration*, in particular, the right to FPIC contained in article 29.
31. Participants noted that the pesticide, Lindane, has been banned in 52 countries including most recently Mexico, and the United States Environmental Protection Agency has prohibited the use of Lindane on animals and in agriculture, calling it "one of the most toxic, persistent, bioaccumulative pesticides ever registered". However the United States Food and Drug Administration continues to allow Lindane to be used in shampoos and lotions used on children.
32. Participants also expressed concern that Lindane, which has long-term health and developmental effects, is highly persistent in the environment and the human body, and travels globally via air and water. Indigenous Peoples in the Arctic are faced with excessive exposure to Lindane through their traditional diet.
33. Participants urge the UNPFII7 to advise the United States to join the rest of the world and ban this dangerous pesticide which threatens the health and safety of Indigenous

Peoples, in particular children, and to put the health of our children over and above the interests of corporations that profit from Lindane sales in the United States.

c) Health

34. The participants called for the UNPFII7 to recommend that States support education and awareness efforts by Indigenous Peoples aimed at improving the health of our communities. It was noted that many of our communities are plagued with disproportionately high rates of diabetes, arthritis and cardiovascular diseases and yet do not receive adequate access to health services and supplies that are necessary to prevent and remedy these critical health concerns.
35. Participants took note of a recent health study, publicized throughout Canada and commissioned by Nunee Authority of Fort Chipewyan, which demonstrated that the governments of Alberta and Canada have been ignoring evidence of toxic contamination on downstream Indigenous communities. The research showed a recent upturn in rates of disease and cancer among communities downstream from the tar sands projects, the main contributors to toxins in the water supplies. People most at risk of health effects are those who eat food from the land and water. The communities of Mikisew Cree First Nations and Athabasca Chipewyan First Nations as well as the Métis Settlement in Fort Chipewyan still maintain a subsistence diet of fish and wild game that represents 80% of their food consumption. This report was compiled by Dr. Kevin Timoney who provided the results on November 7, 2008 to the community of Fort Chipewyan.
36. Affected Indigenous communities have expressed concerns over the contamination and loss of their waters, violation of their treaty rights, as well as the threat to their future survival, brought on by these tar sands developments.
37. The participants therefore expressed support for the recent resolution passed by the Chiefs of Alberta on February 22, 2008 in Calgary, Alberta, Canada calling for a moratorium on new approvals for tar sands expansion. Participants further called for Canada to provide remediation for the damage to the environment and human health affecting Indigenous Peoples and to halt all subsidies and support of the tar sands.
38. Participants expressed their urgent concerns regarding the double impacts of climate change and proliferation of toxins in the global environment, which most severely affect Indigenous Peoples who depend on subsistence foods for their survival. One area of severe affect is reproductive capacity and reproductive health in Indigenous communities, coupled with the devastating health effects of toxics on our infants, children and future generations. Toxins regularly released into the water, lands and air threaten the vitality of the food supply for Indigenous communities (including mothers' breast milk) and most severely affect the development of children still in their mother's wombs. A range of cancers, birth defects and developmental disabilities, cancers, nervous system disorders and impacts on long-term fertility and

reproductive capacity of women are among the most severe and increasingly reported effects.

39. Toxins that are of particular concern to Indigenous Peoples in North America include pesticides and other persistent organic pollutants, industrial chemical products, mercury emissions from mining and coal-fired power plants and **polychlorinated biphenyls** (PCB's). These enter the food chain and are passed on to the developing fetus through the cord blood of the mother. Participants expressed strong support for the current organizing and educational efforts by Indigenous organizations to help communities become better informed about these threats.
40. Participants requested that the UNPFII7 recommend to all relevant UN human rights, environment and development bodies, agencies and processes that they address the relationships between Environmental Toxins and Reproductive Health, Rights and Justice for Indigenous Peoples, with particular focus on the health of Indigenous women and children, as a matter of urgent priority.
41. The participants condemned the Canadian government's damaging practice of mining and exporting asbestos, a mineral conclusively found to be a threat to the health and livelihood of Indigenous Peoples in Canada and around the world.

(d) Education

42. Participants stressed the importance of "Truth in Education" and urged States and public education systems to work with Indigenous Peoples to ensure that the history and contributions of Indigenous Peoples and the past actions carried out by settlers and their governments are presented accurately and respectfully.
43. Participants expressed strong support for the important efforts of Indigenous Peoples in North America to present the true history of their Peoples as well as the impacts of colonization in their areas. For example, on November 7 - 13, 1862, 1,700 Dakota People (primarily women, children, and Elders) were forcibly marched 150 miles from southwestern Minnesota, United States to the concentration camp at Fort Snelling, Minnesota. Many of the Dakota, including the grandmothers, were murdered on the march. For example, a grandmother of one the participants at the meeting was bayoneted in the stomach by a soldier on horseback. At the concentration camp at Fort Snelling, hundreds more were killed during the cold Minnesota winter of 1862-63.
44. Participants expressed support for the fourth reenactment of the walk by Dakota women and supporters, which will take place on November 7 - 13, 2008. This walk is in response to official commemorations of the 2008 Sesquicentennial of Minnesota (150th Anniversary of its founding as a state). Participants reported that these commemorations are failing to include many important aspects of the history of the area, including the truth about this "death march" and other forced removals of

Indigenous Peoples in the area, which the impacted Indigenous Peoples view as an act of genocide and in violation of the Treaty of 1805.

45. The participants also recommended that the UNPFII continue to collaborate in the planning and implementation of an Open Learning Community – “Virtual Permanent Forum” which was launched at the World Summit on the Information Society in Tunis, 2005, with the academic support of the Native Studies Department of the University of Saskatchewan. The objective of this project is to enhance academic participation within the activities of the Permanent Forum.

(e) Culture

46. Recognizing the positive relationship between the practice of traditional games and sports and the cultural, physical and mental health of Indigenous Peoples, including reducing disease as well as suicide rates and addictions among our youth, participants continue to support the North America Indigenous Games and encourage greater participation in traditional games and sports in Indigenous communities.
47. Participants expressed support for the Iroquois Nationals Lacrosse Team, the national team of the Haudenosaunee at the World Under 19 Lacrosse Games being held in the Coast Salish territories of Coquitlam, British Columbia, July 3-14, 2008.

(f) Human rights

48. Participants noted that one of the principal stated reasons for Canada’s vote against the *UN Declaration* was their opposition to the provisions on Indigenous Peoples’ rights to lands, territories and resources (article 26) and to FPIC (particularly articles 19 and 32). Participants expressed concern that Canada and British Columbia continue to deny the existence of Indigenous Peoples and their rights and titles to their traditional lands, territories and resources.
49. Participants called upon the international community to take urgent action to stop the criminalization and imprisonment of Indigenous persons and activists, including Indigenous Elders, who stand up for Indigenous land rights and assert their FPIC.
50. The participants expressed particular concerns about the imprisonment of, and fines against, members of the Algonquin First Nations in Canada for their efforts to block uranium exploration on their traditional territories in violation of their right to FPIC. The participants call on the government of Canada to cease this practice immediately.
51. Participants affirmed their support for the unprecedented level of Indigenous participation in the 2010 Olympic Winter Games in British Columbia, Canada. Participants also noted that these Games can provide an important opportunity for Indigenous Peoples and the world community to promote human rights and address the human rights record and actions of Canada on the local, provincial, national and international levels.

52. Participants recognized the efforts of many Indigenous organizations, peoples, tribes and nations who coordinated and contributed to the “shadow reports” and other information submitted to the United Nations Committee on the Elimination of Racial Discrimination (UN CERD) for its review of racial discrimination in the United States of America during its 72nd session, February 19 - 20, 2008.
53. Participants shared the concerns raised in the Indigenous Peoples’ shadow reports to the US submitted to the UN CERD, which included a range of critical issues affecting Indigenous Peoples in and outside the US such as protection of sacred sites, environmental racism, racism in education, legal and criminal justice systems and treaty and land rights violations, among others.
54. Participants urged the UNPFII7 to examine the recommendations by the CERD to the US as a result of this review and to invite the US to attend and present the actions and remedies which will be undertaken in response.
55. Participants endorsed and supported the report and in particular the conclusions and recommendations from the Indigenous Peoples’ Border Summit of the Americas II, San Xavier, Tohono O’odham Reservation, Arizona, November 7 – 10, 2007. This summit was attended by Indigenous Peoples from the US, Canada, Mexico and Guatemala whose rights and ways of life are being undermined by international borders which run through their territories. The event was endorsed by the UNPFII6 and the final report is available as UN Doc. E/C.19/2008/CRP.1 dated 5 February 2008.
56. Participants called upon the United Nations Special Rapporteur on the situation of the human rights and the fundamental rights of Indigenous Peoples to conduct a study on the human rights impact of international borders on Indigenous Peoples, in particular those Indigenous Peoples whose lands and traditional territories are divided by international borders. Participants urged and requested the UNPFII to include this recommendation in their final report of this session.
57. Participants expressed outrage at the high levels of violence against Indigenous women in Canada and the US, which includes serial killings and disappearances. The participants urge the UNPFII to recommend that concerted efforts be made to eradicate the systemic causes, consequences and effects of violence against Indigenous women. In particular, the participants supported the “Walk 4 Justice”, which is being held to honour and raise awareness of the over 500 murdered and/or missing Aboriginal women in Canada. The walkers seek justice, equality, closure and accountability for those who are no longer with us, and seek to raise funds to support those who are left behind – their children. The Walk will begin in Vancouver, British Columbia on June 25, 2008 and will continue across Canada until the walkers reach Ottawa in September 2008 for the opening of the fall session of Parliament. The participants strongly endorsed this initiative and urged the UNPFII, States and other Indigenous Peoples to support this important event as well. For more information, contact walk4justice@yahoo.ca.

58. Participants urged the government of Canada, the United States and other States to provide Indigenous Peoples with “access to and prompt decisions through just and fair procedures for resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights” in accordance with article 40 of the *UN Declaration*.

2) **Agenda Item 5: Human rights: dialogue with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and other Special Rapporteurs.**

59. The participants recognized with great appreciation the work of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Rodolfo Stavenhagen, over the past six years of his term. The participants recognized the unfailing commitment he demonstrated to advancing the human rights of Indigenous Peoples around the world. Participants from the North America Region looked forward to working with his successor, as well as other Special Rapporteurs, to address critical issues facing Indigenous Peoples.

60. The participants also noted with appreciation the work of the Special Rapporteur on the right to Adequate Housing as a Component of the Right to an Adequate Standard of Living, Miloon Kothari, during his recent mission to Canada. The participants recognized the importance of addressing violations of the right to housing and of the Treaty right to shelter for Indigenous Peoples and specifically for Indigenous women, in relation to safe housing and affordable housing for single parents. The participants called upon the PFII7 to recommend to States, Indigenous Peoples and relevant UN agencies that the recommendations from the Aboriginal Women’s Forum (held October 21, 2007) be followed in implementing the right to housing as it applies to Indigenous women, their families and communities.

3) **Agenda Item 6: Half-day discussion on the Pacific.**

61. The participants noted with concern the extreme effects of climate change and global warming on Indigenous Peoples in the Pacific. They noted the effects of rising ocean levels, which are creating “sinking States” such as Tuvalu, are also impacting Indigenous Peoples in the United States and Canada, particularly in the northern-most regions. This creates situations of forced relocation for Island and Sea Coast Peoples. The participants urged the UNPFII7 to address these concerns with utmost urgency, and to recommend that the new Expert Mechanism on the Rights of Indigenous Peoples give high priority to the study of this issue in conjunction with Indigenous Peoples. This includes carrying out the recommendations made by the 24th Session of the Working Group on Indigenous Populations, which include encouraging States to complete the questionnaire on “The Legal Implications of Disappearance of States and Other Territories for Environmental Reasons, Including the Implications for the Human Rights of Their Residents, with Particular Reference to the Rights of Indigenous Peoples” and providing an assessment of the results and recommended next steps to the Human Rights Council, the UNPFII and other relevant UN bodies.

4) Agenda Item 7: Half-day discussion on indigenous languages

62. Participants expressed profound concerns about the continuing threats to the survival of Indigenous languages in North America and around the world. These languages are essential components for the transmission of Indigenous culture, traditional knowledge, spirituality, natural world relationships and understandings and the basis of our identities as Peoples.
63. Participants recognized that a major factor in the dire situation of many languages and the threats to their survival in the US and Canada is the legacy of deliberate and planned government policies in both countries, including the forced removal of generations of children from their homes, families and communities, attempts at forced assimilation carried out by government agencies, churches, schools and other entities.
64. Participants strongly endorsed and commended the conclusions and recommendations from the UNPFII's Report of the International Expert Group Meeting on Indigenous Languages, January 8 – 10, 2008, Doc. No. E/C.19/2008/3. The participants called upon the UNPFII to ensure this issue remains on the agenda of future UNPFII sessions, specifically regarding how these recommendations can be implemented in North America and other regions.
65. Participants noted that the protection of Indigenous languages is strongly affirmed in article 14 and other articles of the *UN Declaration*. Participants called upon the UNPFII7 to urge States, including the United States and Canada, to implement these provisions in conjunction with Indigenous Peoples and to invite them to present their progress and best practices in this regard to the UNPFII at its future sessions, in accordance with the *UN Declaration*.
66. Finally, participants noted with sadness and respect the recent passing of Elder and Chief Marie Smith Jones of the Eyak Nation in Alaska, who was the last fluent language speaker of her People. Chief Marie Smith Jones participated in past sessions of the UNPFII to address the crisis of disappearing Indigenous languages. Participants expressed sincere condolences to her family and Nation and consider that her passing is a strong signal to all Indigenous Peoples about the urgent need to make the protection and revitalization of our languages a central priority in our work.

5) Agenda Item 8: Ongoing priorities and themes and follow-up:

(a) Indigenous children and youth

67. Participants expressed their strong concerns regarding the future impacts of climate change on the lives of children, youth and future generations as a central focus of the discussion on this issue, as well as all other themes addressed by the UNPFII.

68. Participants stressed the urgent need to address the ongoing dire situation of children in State custody in the Canadian foster care system, which constitutes a program for the ongoing removal of Indigenous Children from their communities in Canada and results in widespread abuse, social problems among youth, further loss of culture and language, and many unexplained deaths. Participants were informed that the Canadian government estimates that currently one in eighteen Indigenous children are in State foster care custody – a rate that is even higher than the period of the residential schools.
69. Participants expressed their support for the upcoming National Forum on Permanency Planning for Aboriginal Children in Care, which is being planned for August 2008 in Garden River, Ontario. The participants also commended the Shingwauk Education Trust, which is planning this important national forum aimed at informing a national strategy and supporting Aboriginal service agencies as they work to protect kinship institutions and implement the best plan possible for the thousands of Aboriginal children in care.
70. Participants expressed their support for the right of Indigenous youth to sexual education as a critical component of the right to sexual health, and the work being carried out in this area, including by Indigenous youth. Participants working in this field reported that Indigenous youth face disproportionately high rates of teen pregnancy, sexually transmitted infections and domestic violence, and stressed that sexual health education must take into account the unique needs of young Indigenous women drawing on the strength of tradition and culture to sustain the values that promote sexual health and reproductive rights from Indigenous perspectives.

(c) Urban indigenous peoples and migration.

71. The Participants recognized that the current procedures, policies and laws for enforcement of border control by the United States, Canada and Mexico violate the rights of Indigenous Peoples, including cultural rights, language rights, land and treaty rights, sovereignty, and, in some situations, the right to life of Indigenous Peoples and Nations divided by international borders as well as those who have been forced to cross international borders to escape economic, political or military oppression.
72. Participants expressed concern that Indigenous Peoples of Mexico, Central and South America who have migrated to urban areas in the United States in search of jobs, are severely affected by racist and discriminatory immigration policies, furthered through the various anti-immigrant and anti-terrorist laws which have been put in place under the guise of “Homeland Security”. They have been forced to leave their ancestral lands through campaigns of militarism and economic displacement supported by Free Trade agreements such as NAFTA. Participants expressed concern about the United States’ construction of a 700-mile wall along the border with Mexico, which will cross the traditional territories of many Indigenous nations. Participants were

informed that the contractors who have won the bidding competition include Boeing and the Israeli firm Elbit Systems, the same company that built the wall within occupied Palestine. Entire families are being imprisoned in detention centers, such as Hutto in Texas, simply for being in the country without authorization. There, children along with their parents are denied basic hygiene, recreation and education, and are mixed with the adult population, in flagrant violation of the *United Nations Convention of the Rights of the Child*.

73. The participants also noted their concern regarding the high rate of rape, murder, disappearance and trafficking of migrant Indigenous girls and women, who fall victim to many human predators along the way.
 74. Participants called upon the UNPFII7 to request urgent reports and updates from the US and other States regarding the status and implementation of remedies of these grave human rights injustices.
 75. In this regard, the participants reiterated the importance of article 36 of the *UN Declaration* in upholding the rights of Indigenous peoples divided by international borders. Participants also took note of article 14 of the *UN Declaration* which calls on States and Indigenous Peoples to take effective measures to ensure access to culturally appropriate education in Indigenous languages, including for Indigenous children living outside of their communities.
 76. The participants called upon UNPFII7 to request States to respect the rights contained within articles 14 and 37 as an important step in resolving violations of Indigenous Peoples' human rights related to urban migration.
 77. Finally, the participants called upon all of those who come into Indigenous Peoples' territories, whether from other countries or due to urban migration within countries, to recognize and respect the rights and sovereignty of Indigenous Peoples of the particular territories which they cross and/or where they settle. This respect is an essential basis for peaceful co-existence and solidarity in order to develop effective solutions to the range of human rights issues impacting Indigenous Peoples related to both the causes and effects of urban migration.
- 6) Agenda Item 9: Future work of the Permanent Forum, including emerging issues (and next year's theme).**
78. Participants recommended that the special theme of the UNPFII 8 in 2009 should be "Implementation of the *United Declaration on the Rights of Indigenous Peoples*: local, regional, national and international strategies and actions". Participants made this proposal for consideration by the members of the UNPFII at its 7th session and to other Indigenous regions for their consideration, and requested that Indigenous Peoples, tribes and First Nations as well as States and UN agencies be asked to report on steps taken in this regard at the next session.

79. Participants strongly recommended and affirmed that delegations representing Indigenous Nations and governments be provided with credentials in their capacity as Nations and governments rather than as non-governmental organizations, for the purpose of their participation in the UNPFII.
80. Participants expressed strong concern over the new regulations for “side events” at the UNPFII, including a requirement that States or UN agencies must sponsor all film and video showings by Indigenous Peoples at side events, and urged the UNPFII members to develop their own criteria and regulations in this regard, with the input of all participants at the UNPFII.

**V. OTHER ISSUES OF CONCERN TO THE NORTH AMERICA REGION:
THE OAS PROPOSED “AMERICAN DECLARATION ON THE RIGHTS OF
INDIGENOUS PEOPLES”**

81. Participants reaffirmed that the OAS draft American Declaration on the Rights of Indigenous Peoples must not fall below the rights affirmed and recognized in the *UN Declaration* and that any lower standards are not acceptable since the *UN Declaration* is an internationally affirmed and adopted minimum standard. This will continue to be the position of the participating members of the Indigenous Caucus of the North American region in the upcoming negotiation session in Washington, D.C. from April 14 -18, 2008 and in any subsequent sessions.
82. Participants affirmed by consensus the nomination of Ms Beverley Jacobs, Mohawk Nation, President of the Native Women’s Association of Canada, to the OAS Specific Fund to Support the Elaboration of the American Declaration on the Rights of Indigenous Peoples, and expressed their full confidence in her ability to serve in this capacity.

VI. MEETING CLOSING AND ACKNOWLEDGEMENTS

83. Participants warmly thanked the hosts, in particular, Grand Chief Edward John and the staff and members of the First Nations Summit, for their warm hospitality and their work, along with regional co-coordinator Andrea Carmen in organizing the meeting. Participants expressed their sincere thanks to Lea Nicholas MacKenzie and Jackie Hartley, in particular, for assistance throughout the meeting.

Closing Prayer offered by Deborah Baker of the Squamish Nation Council.

Annex “A” - Participant List
North America Region Indigenous Peoples Caucus
Preparatory Meeting for the
Seventh Session of the United Nations Permanent Forum on Indigenous Issues
Chateau Granville, Vancouver
22-23 February 2008

	Name	Representation
1.	Andrea Carmen	International Indian Treaty Council
2.	Clay Thomas-Muller	Indigenous Environmental Network
3.	Kenneth Deer	Mohawk Nation at Kahnawake
4.	Jennifer Preston	Canadian Friends Service Committee
5.	Lea MacKenzie (Maliseet)	International Indigenous Womens' Forum
6.	Paul Joffe	Grand Council of the Crees (Eeyou Istchee)
7.	Celeste McKay (Métis)	Native Women's Association of Canada
8.	Beverley Jacobs (Mohawk)	Native Women's Association of Canada
9.	Petuuche Gilbert	Indigenous World Association
10.	Daniel Mark Stewart	Grand Council of the Crees
11.	Jamie Moses	Grand Council of the Crees
12.	Vern Bolton	Kitamaat Kitlope Heuchaiig Speaker
13.	Senk'lip (Alex Louie)	Okanagan-Sinixt
14.	Melissa Hotain	Assembly of Manitoba Chiefs
15.	Ervin Keeswood	Navajo Nation
16.	Kawan Sangaa (Woodrow F Morrison)	Northern Haida Clans (Alaska)
17.	Gina Cosentino	Assembly of First Nations (National Chief's Office)
18.	Dan Wilson	Assembly of First Nations (Secretariat)
19.	Jean M Brown	Splatsin First Nation
20.	Arthur Manuel	Indigenous Network on Economics and Trade, Splatsin First Nation
21.	Ben Powless	Indigenous Environmental Network
22.	Edward John (Akile Ch'oh)	First Nations Leadership Council and the Assembly of First Nations
23.	Tonya Gonnella Frichner	North America Representative to the United Nations Permanent Forum on Indigenous Issues
24.	James Davis Jr	Office of the Speaker, the Navajo Nation
25.	Cheexial Taaiixou (Roy Jones Jnr) (Haida)	Hereditary Chief, Haida / Communications, Fur Institute of Canada.
26.	Jackie Hartley	First Nations Summit (staff)

27.	Paul Chartrand	Metis National Council
28.	June McCue	Hereditary capacity (Grizzly bear) – Ned’u’ten UBC Law School
29.	Chris Mato Nunpa	Treaty of 1805 (First treaty between Dakota Nation and USA)
30.	Penny Irons	Aboriginal Mother Centre Society
31.	Grace Tait	Aboriginal Mother Centre Society
32.	Allan Andrews	Independent observer (Ktunaxa Nation)
33.	Ralph Dick	We Wai Kai Nation
34.	Duane Reece	Student - observer
35.	Dr Rose-Alma McDonald	Observer, Consultant to the Assembly of First Nations
36.	Laurence Morgan	Navajo Nation
37.	Bibiana Ancheta	Tulalip community member
38.	Keely George	Skatin
39.	Rex Lee Jim	Navajo Nation
40.	Dave Waterman	Six Nation Iroquois
41.	Kakila	Hereditary chief – St’at’imc Tribe
42.	Ron Lameman	Confederacy of Treaty Six First Nations and International Indian Treaty Council
43.	Wilton Littlechild	Maskwacis Cree/AFN Treaty 6, 7 and 8 (Alberta)
44.	Chief Ian Campbell	Squamish Nation
45.	Krissy Jacobs	Squamish Nation
46.	Tewanee Joseph	Squamish Nation
47.	Deborah Baker	Squamish Nation
48.	Amanda Nahanee	Squamish Nation
49.	Jessica Yee	Native Youth Sexual Health Network