

INDIAN COUNCIL OF SOUTH AMERICA INDIGENOUS PEOPLES AND NATIONS COALITION*

Tuesday, June 17, 2008
Item 9 Durban Declaration and Program of Action Follow-Up
Ambassador Ronald Barnes

Camai – Greetings

I thank the distinguished Ambassador of South Africa for delivering the progress report.

I would agree that more concentration at strengthening the participation of civil society and all stakeholders is necessary to address the institutional weaknesses in preparation and planning. It is vitally important that documentation that is being discussed by States are distributed to all stakeholders so their input lends to open and transparent participation. A particular Member of the Secretariat did not allow for this.

We appreciate that the Working Group Chair is working on a compilation to address the various forms of discrimination. The issue colonialism and the various forms of discrimination associated with the practice have been historically institutionalized and overlooked to deny the right of peoples to self-determination. There are cases and situations that deny the right of self-determination utilizing doctrines of superiority and institutionalized racism that violate the Charter of the United Nations and existing international law. This rank form of racism against whole peoples need to be identified and addressed in order to direct the needed attention to eradicate this continuing scourge.

If the conference omits this important dimension because self-determination is deemed an untouchable issue, then you will deny the examination of one of the roots of discrimination that lead perpetuates unresolved conflicts.

I am placing as with this intervention of whole of the intervention I made during the Working Group of the Conference in order for it to be distributed official in this process.

Finally, we encourage all parties to work towards an inclusive and well planned Conference that allows for the input of all participants without any form of hindrance to any particular stakeholders.

Thank you Mr. Chair.

Tuesday 28 May 2008-05-28
Ambassador Ronald Barnes
Working Group on the Durban Follow-up of the WCAR 26-30 May 08

* The Indigenous Peoples and Nations Coalition is accredited to the WCAR and the Durban Follow-Up Conference.

Good afternoon to all distinguished participants. Since this is the first time I am taking the floor I wish to congratulate the Ambassador of Armenia on his election as Chair of the Working Group. I am representing the Indigenous Peoples and Nations Coalition from Alaska.

In the World Conference Against Racism (WCAR) Declaration, the conference recognizes the heroic struggle of the people of South Africa, *inter alia*, for their struggle against the institutionalized system of apartheid. I find it ironic that this year in 2008, U. S. Secretary of State Condoleezza Rice expressed her embarrassment and apologized because Nelson Mandela of South Africa and members of the African National Congress (ANC) still have to obtain clearance to enter into the United States because the ANC is still on the United States list of terrorists.

This is a testament to the struggles that peoples still encounter today in the pursuit of the right to self-determination and in their attempt to eradicate racism and xenophobia. This draws the yet unsettled question of who is a terrorist and who is a freedom fighter in the struggle for the right to self-determination. I am glad to see that on page 27 you have made a reference in the "non-paper" as a compilation of the Durban Declaration and Program of Action. (DDPA) that the global war on terror has affected asylum-seekers and refugees. They are being labeled as terrorists on account of their political, ethnic or religious affiliation or ties. This subject is also raised by the CERD Committee as you reported on page 19 regarding "Racial Discrimination and Measures to Combat Terrorism".

Although States have sent in their responses to the questionnaire regarding their national obligations pertaining to the DDPA, I point out that the Program of Action also calls for States to fulfill their obligations at the regional and international level, including their treaty body obligations. The WCAR called upon States to address the root causes and sources of racism so the issue can be dealt with appropriately. This Conference needs to include in their agenda the right to self-determination as it applies in the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of Racial Discrimination (ICERD), in particular Article 15 of ICERD. These treaty bodies do address racism and they are a source that the DDPA calls upon States to include as part of the agenda to address racism and xenophobia in paragraph 177 of the Program of Action. Both the Human Rights Committee and the CERD Committee questioned the United States on Alaska in their obligations as a matter of a right to self-determination as pertaining to Article 1 of the ICCPR and to Article 15 of the ICERD: Therefore this makes the question relevant to this Conference.

In this regard I will point out that Egypt was instrumental in consistently asserting in the deliberations creating the factors and principles for colonial countries and peoples that resulted in the Decolonization resolutions adopted by the General Assembly that it is the Indigenous Peoples of the non-self-governing territories who possess these rights and not the colonizing citizens of the colonial power.

Alaska was listed in General Assembly resolution 66 (I) in 1946 on the list of non-self-governing territories, therefore Alaska will not accept any limitations of its right to self-determination. The United Nations adopted the Declaration on the Rights of Indigenous Peoples and is now deliberating the American Declaration on the Right of Indigenous Peoples as you pointed out on page 3. Alaska does not accept that these instruments can reduce our right to self-determination or pose any limitation on the exercise of the right. This must be the case of other relevant cases and situations where the States has accepted already existing international obligations for particular peoples who can harness the right. The expression of the right to self-determination must be applied universally allowing peoples who have this right to pursue it without any limitation of their status. Therefore the application CERD General Recommendation 23 or any other Treaty Body or other relevant recommendation must be applied taking into account the particular case and situation of Indigenous Peoples or any other peoples where existing international law obligations were accepted.

The Indigenous Peoples and Nations Coalition therefore concludes and asserts that the DDPA must include the issue of self-determination as it is relevant to the issues raised by the Treaty Bodies and the Charter of the United Nations and international law and obligations accepted by States.

Thank you Mr. Chair.

Article 15

1. Pending the achievement of the objectives of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960, the provisions of this Convention shall in no way limit the right of petition granted to these peoples by other international instruments or by the United Nations and its specialized agencies.
2. (a) The Committee established under article 8, paragraph 1, of this Convention shall receive copies of the petitions from, and submit expressions of opinion and recommendations on these petitions to, the bodies of the United Nations which deal with matters directly related to the principles and objectives of this Convention in their consideration of petitions from the inhabitants of Trust and Non-Self-Governing Territories and all other territories to which General Assembly resolution 1514 (XV) applies, relating to matters covered by this Convention which are before these bodies;

(b) The Committee shall receive from the competent bodies of the United Nations copies of the reports concerning the legislative, judicial, administrative or other measures directly related to the principles and objectives of this Convention applied by the administering Powers within the Territories mentioned in subparagraph (a) of this paragraph, and shall express opinions and make recommendations to these bodies.
3. The Committee shall include in its report to the General Assembly a summary of the petitions and reports it has received from United Nations bodies, and the expressions of opinion and recommendations of the Committee relating to the said petitions and reports.
4. The Committee shall request from the Secretary-General of the United Nations all information relevant to the objectives of this Convention and available to him regarding the Territories mentioned in paragraph 2 (a) of this article.

