

**Intervention at opening of 18<sup>th</sup> Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Program of Action 20th October 2020, Palais des Nations, Room XX**

IHRAAM is requesting that the original paragraph 60 h) that was submitted by IHRAAM with support of NGOs and backed by States be reflected in the report:

h) Commits to demonstrate the political will to address the scourges of racism and all forms of discrimination, in particular, the doctrines of superiority, apartheid and crimes against humanity for peoples under colonial domination and foreign occupation by calling upon United Nations bodies and agencies, the Human Rights Council and treaty body to fully implement its requirements, process and procedures in its implementation, including that of article 15 of ICERD

The International Human Rights Association of American Minorities (IHRAAM) referring to the equal right and self-determination of peoples in the text of paragraph 13 is directly connected to Articles 1 and 73 of the United Nations Charter (Declaration of Non-Self-Governing Territories). The historical development of these principles reserves the international the right of peoples to sovereign equality as observed by Professor Miguel Alfonso Martínez in his *Study on treaties, agreements and other constructive arrangements between States and indigenous populations: final report by Miguel Alfonso Martínez, Special Rapporteur* (E/CN.4/Sub.2/1999/20, Treaty Study). The text in the original paragraph 13 removes the reference to the right of self-determination places the right of Indigenous Peoples solely to the United Nations Declaration on the Rights of Indigenous Peoples. In the previous intervention IHRAAM asserted the universal application of the right for peoples, whether Indigenous or not have the international legal and political status under international law. States must respect the United Nations Charter based rights of Indigenous Peoples such as Alaska and Hawaii and other peoples that have international treaty status associated with their right as peoples. Whether or not “universal” is placed in the paragraph this international status cannot be erased. As such IHRAAM further states the right of peoples cannot be reduced to domestic law of States unilaterally and must be accepted as “universal” in context. The term “universal” is placed not only in this 18<sup>th</sup> session document but also in the DDPa and Durban Review Conference. Article 45 of the United Nations Declaration on the Rights of Indigenous Peoples states that “nothing in this Declaration may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future”.

I thank you Mr. Chair