

International Human Rights Association of American Minorities (IHRAAM)

Human Rights Council
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Friday 16 September 2022
ID Expert Mechanism on Right to Development
Ambassador Ronald Barnes

Greetings distinguished Experts and Excellency's,

This intervention bears in mind Human Rights Council resolution 48/7, *the negative impact of the legacies of colonialism on the enjoyment of human rights*. HRC 48/7 is for addressing the rights of particular Indigenous Peoples in the context of the Declaration on the Granting of Independence of Colonial Countries and Peoples, General Assembly resolution 1514 of 1960. This calls for United Nations bodies, special procedures and mechanism to take action and address violations of the GA resolution 1514, beyond or not only for Western Sahara, but also for other Indigenous Peoples who have the right to address the right to development and the right of self-determination under international law. In this context, we call for the inclusion of the Treaty Study of Professor Miguel Alfonso Martinez¹. Alaska and Hawaii were enlisted in 1946 under GA resolution 66 (I), the recent news article states that: "Alaska Is An Apartheid State": Indigenous Alaskans' Long Fight For Sovereignty And Decolonization.

The gunboat diplomacy resulting in a very reduced UN Declaration on the Rights of Indigenous Peoples (by State threats of no UNDRIPS) and the very reduced mandate of the Expert Mechanism on the Rights of Indigenous Peoples. Many grassroots Indigenous Peoples do not accept to advocate for their rights under the UNDRIPS, but under HRC 48/7.

We call for a study on puppet governments, individuals and States as part of the legal analysis to promote integrity in decision-making; this standard must be in the international legally binding instrument. The grassroots from Alaska, Hawaii and North America and other regions are aware of the gunboat diplomacy that does not allow for substantive participation in standard setting in the Convention on the Right to Development. The Convention must address the historical violations of apartheid, crimes against humanity and other grave violations of international associated with the right to self-determination.

We demand equal participation in the promotion of our rights and not to the reduced or omitted in the interpretation of our rights by experts, rapporteurs or mechanisms that please the State, most often Western States, or the operatives in the OHCHR, who run the "good" and "best" practice paradigm in violation of our existing rights.

Recommendations to educate with an omission and therefore refusal to concretely recommend substantive implementations offered to victims. Good examples are to educate on genocide, apartheid and crimes against humanity (Truth and Reconciliation Rapporteur) or to "consultation" substituted for "free, prior and informed consent" as reduced by the CERD.

We reject this beforehand to the EMRTD and to the Working Group on RTD.

We call for the Chair of the Working Group on the Right to Development to invoke the Chair's prerogative for more direct participation of Indigenous Peoples. Territorial integrity of "Peoples" is in General Assembly resolution 1514 and must not be reduced to demeaning "reparations" for a fraction of the damage, but for restoration of territories and resources. Stop using military industrial complex intelligence and self-defence claims for proxy wars and aggressive conflicts.

I thank you Mr./Madame Chair

¹ E/CN.4/Sub.2/1999/20 of 22 June 1999, Final Report by Miguel Alfonso Martinez, Special Rapporteur, *Study on treaties, agreements and other constructive arrangements between States and indigenous populations*, Working Group on Indigenous Populations