

INC4 - Intervention on Article 20bis

Delivered by the International Indian Treaty Council, the Inuit Circumpolar Council and the California Indian Environmental Alliance

Thank you Mr. President.

We support that this treaty address human health issues related to mercury exposure in a comprehensive way.

The stated goal of this Article is to protect those who are most vulnerable to the health impacts of mercury. Indigenous Peoples are undoubtedly amongst those most vulnerable. After eight years of debate and a UN Study by Special Rapporteur Madame Erica Daes the International community has accepted the unique identification of "Indigenous Peoples" as members of humankind. This recent inclusion and recognition has not led any others to demand specific reference as they are already included under International laws and mechanisms. We are recognized by the United Nations as Peoples. Article 20bis should therefore reference not only vulnerable populations, but also specifically reference Indigenous Peoples.

Indigenous Peoples live in over 70 countries worldwide. As Indigenous Peoples, our diverse cultures and identities, which include the use of our traditional subsistence foods, form an integral part of our lives. Our ways of life, customs and traditions, institutions, customary laws, forms of land use and forms of social organization are usually distinct from those of the dominant population. The Convention must recognize these differences, and aim to ensure that we are protected and taken into account when any measures are being undertaken that may affect us. This is of particular importance regarding health.

This is a similar approach to that of the International Labor Organization, which is specifically mentioned under Article 20bis. Further, the World Health Organization, also mentioned in this Article has a mandate to devote special attention to Indigenous Peoples' health. This has been fully articulated in the United Nations *Declaration on the Rights of Indigenous Peoples*, adopted in 2007 by the UN General Assembly and now supported by all countries. The UN *Declaration* contains articles related to environment, development, subsistence and health of Indigenous Peoples.

Mr. President, we are not advocating for new or special rights for Indigenous Peoples under this instrument. Nor are we advocating for new legal obligations on the part of state parties. We are advocating for a window of opportunity for Indigenous Peoples to fully participate where we are particularly impacted.

To use the same language as United Nations instruments and the work of other international organizations, a very simple addition could be made:

In Article 20bis (a) and (c), where there is reference to “vulnerable populations”, include the following text: “and indigenous peoples”.

Thank you Mr. President.