Intervention IHRAAM Morning Afternoon Tuesday 17 May

**International Human Rights Association of American Minorities (IHRAAM)**

IHRAAM welcomes the re-election of Ambassador Zamir Akram

IHRAAM thanks the Expert Drafting Group for its analysis of the text proposals for the draft convention on the RTD. This process has revealed the lack of implementation mechanisms and procedures that would otherwise provide relief for violations in human rights. The comments for peoples under colonialism and foreign occupation are part of international law.

Given this premise, we need to elaborate on how to including international humanitarian law in connection with human rights. Resolution 5/1 does include addressing international humanitarian law at the Human Rights Council and with its special procedures and mechanisms.

One can indicate that, based on the comment by the Expert Drafting Group, there needs to be a bridge between humanitarian law and human rights. For example and in particular, the right to property is lacking in human rights instruments and is more explicit in some provisions of the Geneva Conventions. The issue of addressing violations of treaties and agreements and determining their legitimacy, in the context of property and settlements in connection with the violations of the right of self-determination and foreign occupation needs to be examined and elaborated to address the gaps.

As we just received the new commentary IHRAAM will continue to examine and make proposals to address the gaps in the lack of ability to address humanitarian law in the context of human rights deficiencies.

I thank you Mr. Chair.

**Draft for Statement on Preambular Paragraphs**

**IHRAAM**

If the Declaration on the Rights of Indigenous Peoples, then you absolutely need to include the Declaration of Non-Self-Governing Territories – Article 73 of the Charter or to include the Declaration on the Granting of Independence of Colonial Countries and Peoples GA resolution 1514.

Thus IHRAAM proposes that Preambular paragraph 2 must include reference to Article 73 of the Charter, the Declaration of Non-Self-Governing Territories or to include a listing of the Declaration on the Granting of Independence of Colonial Countries and Peoples listed in PP 4 or in PP 13 that lists Declarations. The universality mentioned in PP 17 needs to be followed by concrete reference to the serious nature of OP 5 of the 1986 Declaration on the RTD, including in a preambular or an operative paragraph apartheid, crimes against humanity or genocide. I agree thus with Argentina that there is no reference to Decolonization.

In my more than 25 years of experience in standard and under specific recommendation by Experts, unless you list the necessary articles or declarations, the Conference of Parties can interpret the lack of importance to Article 73 or to the Declaration on the Granting of Independence of Colonial Countries and Peoples in addressing the violations of the right to development.

Of course, the recent resolution HRC 48/7 includes the context of the Declaration on the Granting of Independence of Colonial Countries and Peoples only and the renewal of the International Decade to address Decolonization at the General Assembly level. This gives concrete evidence that Indigenous Peoples are not only recognized or would like to realize self-determination under the domestic law of the State, but must also include those nations and peoples and unrecognized peoples since some are recognized in international treaties or under the United Nations Trusteeship system. To effectively address OP 5 of the 1986 on the RTD, foreign occupation and colonialism in connection with apartheid and other grave crimes that are recognized as crimes against humanity need to be reflected in in preambular or the operative paragraphs of this draft Convention.

I thank you Chair.