

# Model Intergovernmental Framework Agreement

## *Supplemental to the Joint Statement of Constitutional and Customary Indigenous Governments*

Rudolph C. Rýser

**T**he Government of the {State} and the Government of the {Nation} herein referred to as the Parties or the “{State Party},” “{Nation Party},” or the name of each government party to this Agreement

### AGREE AND ACKNOWLEDGE AS FOLLOWS:

I. It is in the mutually beneficial interest of the Parties to engage in structured government-to-government talks and negotiations concerning modalities and policy outcomes and future relations relevant to the United Nations High Level Plenary Session called the World Conference on Indigenous Peoples 2014 and other matters.

a. The Parties agree that the World Conference on Indigenous Peoples and the United Nations Declaration on the Rights of Indigenous Peoples constitute constructive international measures that have the potential of enhancing future positive relations between the Parties and facilitating free and open dialogue on international and domestic measures for improving the beneficial development of indigenous nations and the states where they are located.

b. Each of the Parties shall enjoy equally the right to free, prior, and informed consent related to decisions bearing on the interests of each Party, in all matters related to the conduct of talks and negotiations.

c. The Parties shall fully commit to constructive and cooperative engagement between indigenous governments and the US government.

d. The Parties shall engage in dialogue to exchange each indigenous government’s positions and US government positions concerning the World Conference on Indigenous Peoples and implementation of the UN Declaration on the Rights of Indigenous Peoples.

e. The Parties shall identify and agree to the potential activities that the US government may take and indigenous governments may take as constructive engagement at the World Conference on Indigenous Peoples.

f. The Parties shall engage in dialogue and consider measures to ensure effective indigenous government and US government participation in the World Conference on Indigenous Peoples.

### II. POWERS OF GOVERNMENT

a. The Parties shall exercise powers of government provided by each respective constitution or customary body of law.

### III. INHERENT AND DERIVED POWERS

a. The {Nation} government shall respect the inherent and derived powers of the {State} government.

b. The {State} government shall respect

the inherent powers of the {Nation} government.

- c. The Parties recognize and affirm that each possesses the powers to: conduct domestic policing, citizenship, economic development, and trade, foreign economic policy, and negotiate treaties, agreements, and other constructive arrangements between governments.
- d. This list is without prejudice to additional powers that may be recognized by the Parties.

#### IV. PARTIES TO ENGAGE IN DIRECT DIALOGUE

- a. The Parties shall conduct face-to-face meetings for two months, at a time and place mutually agreed to.
- b. The Parties shall meet at a neutral location in Alexandria, Virginia for the first meeting, and in a neutral location in Denver, Colorado for the second meeting.
- c. The Parties shall each send delegations to the agreed intergovernmental meetings with a head of the delegation and such numbers of advisors as may be needed, not to exceed five individuals per delegation.
- d. Each meeting will be documented by digital recording and transcribed for distribution to each delegation.
- e. Conduct intergovernmental sessions according to the following:

##### A. Dialogue on Indigenous Government Topics

#### 1. Measures to Address Violence Against Women and Children

- a. States uphold and implement the rights of indigenous women as sacred life givers and nurturers as well as strengthen – with the full and effective participation of indigenous women – the protection of indigenous women and girls through the formulation and implementation of national, regional, and international plans of action developed in conjunction with indigenous peoples' effective laws, policies, and strategies per UNDRIP Article 21 §2, Article 22 §1, §2, and other relevant provisions.
- b. A decision to convene a high-level conference to examine challenges to the safety and well being of indigenous women and children.
- c. A decision to require that the UN body for monitoring and implementing the Declaration (recommended above) give particular attention, on at least an annual basis, to the rights and special needs of indigenous women, youth, children, and elders in the implementation of the Declaration; and
- d. A decision to appoint a Special Rapporteur to focus exclusively on human rights issues of indigenous women and children, including but not limited to violence against them and on changing state laws that discriminate against them.

#### 2. United Nations Declaration on Indigenous Peoples Recognition of Nations as Parties to the United Nations System

The UN to recognize Indigenous Peoples and Nations based on their original free existence, inherent sovereignty, and the

right of self determination in international law. Member UN States initiate steps to formalize indigenous nations' Permanent Observer status within the UN system, enabling direct participation through indigenous governments and parliaments. Indigenous governments include inter alia self-determined traditional councils and authorities, and that the UN take action to recognize indigenous peoples, especially indigenous constitutional and customary governments, a dignified and appropriate status for participating regularly in UN activities per UNDRIP Article 18 and other relevant provisions.

### 3. Implement Article 4 of the United Nations Declaration on the Rights of Indigenous Peoples

- Formalize “government-to- government” negotiations (between states’ governments and constitutional or customary indigenous governments) as a principal method for conflict resolution, and the application of the principle of “free, prior, and informed consent;” and that “consultations” serve only as a preparatory step leading to formal negotiations between indigenous constitutional or customary governments and the state government.

#### B. {State} Government Topics

- {TBD by the {State}}

#### C. {Nation 's} Specific Topical Issues

- Statements by {Nation} delegations choosing to present
- {Nation} specific topics relevant to the UN Declaration on the Rights of Indig-

enous Peoples and measures for implementation

#### D. {State} Government Topics

- {TBD by the US}

### Outline of proposed agenda for continuing discussion and agreement:

#### Day 1:

##### *Session 1*

- Invocation
- {State} Chair
- Preliminary Remarks
- Agreement to Agenda
- Presentation and Responses to Dialogue Items A & B: both {State} and {Nation} Government's Items

##### *Session 2*

- Presentation and Responses to Dialogue Items A & B: both {State} and {Nation} Government's Items

#### Day 2:

##### *Session 3*

- {Nation} Chair: Preliminary Remarks Agreement on Agenda
- Presentation and Responses to Dialogue Item C & D: both {State} and {Nation} Government Items

##### *Session 4*

- Presentation and Responses to Dialogue Item C & D: both {State} and {Nation} Government Items
- FINAL: Joint Statement from the Parties

for release to the public.

## V. BASIC RIGHTS

- a. Each Party enjoys inherent rights that cannot be disturbed by the present agreement.
- b. All parties possess the right to enjoy free, prior, and informed consent in the conduct of intergovernmental relations.

## VI. TRANSITION AND IMPLEMENTATION

- a. The Parties agree that this agreement is intended to facilitate dialogue and negotiations between the parties, the results of which shall constitute separate agreements ruled by the present framework agreement.
- b. The Parties agree to adopt and incorporate an Appendix on Transitional Arrangements and Implementation Procedures, which forms part of the Framework Agreement.

## VII. MISCELLANEOUS

- a. This Agreement shall not be implemented unilaterally.
- b. The Parties commit to work further on the details of the Framework agreement in the context of this document and complete a comprehensive Agreement on intergovernmental modalities between the Parties and other constitutional and customary governments, modalities for the World Conference on Indigenous Peoples, post World Conference modalities, and implementation measures concerning the United Nations Declaration on the

## Rights of Indigenous Peoples.

VIII. The Parties shall demonstrate full commitment and willingness to comply with this intergovernmental framework agreement, by approving this agreement consistent with their constitutional or customary practice, within fourteen days from the date of initialing by the interlocutors.

IX. The Parties shall inform the other parties of their decisions to approve this agreement by telefax communications, supplemented with official agreement documents exchanged between all parties.

X. PROCEDURES FOR RATIFICATION  
Each party shall affirm and ratify according to each government's customary method.