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May 22, 2006

The Draft *U.N. Declaration on the Rights of Indigenous Peoples* and Millennium Development Goals: Importance of a Human Rights-Based Approach

Joint Statement of the Grand Council of the Crees (Eeyou Istchee); Inuit Circumpolar Conference (ICC); Samson Cree Nation; Ermineskin Cree Nation; Montana Cree Nation; Louis Bull Cree Nation; International Organization of Indigenous Resource Development (IOIRD); Saami Council; Centro de Asistencia Legal Popular (CEALP) Programa de Pueblos Indígenas de Panamá; Servicios del Pueblo Mixe (Mexico); Wara Instituto Indígena Brasileiro; Na Koa Ikaika Kalāhui Hawai'i; Asamblea de Autoridades Mixes (Mexico); Comisión de Juristas Indígenas en la Republica Argentina (CJIRA); Native Women's Association of Canada (NWAC); ENLACE Continental de Mujeres Indígenas (Región Sudamérica); Assembly of First Nations (AFN); First Nations Summit; Comunidad Meguexosochi, Pueblo Toba del Teuco Bermejito en el Chaco (Argentina); Coordinadora de las Organizaciones Indígenas de la Cuenca Amazónica (COICA); Chickaloon Village (Nay'dini'aa Na'); Comunidad Indígena Kolla "El Toro" Departamento Valle de Lerma, Salta (Argentina); Associacao de Estudantes Universitarios da Regiao Sul do Brasil; Québec Native Women's Association/Femmes Autochtones du Québec; Comunidades Aborígenes del Distrito de Palca de Aparzo, "Pueblo Omahuaca", Humahuaca, Jujuy (Argentina); Coordenacao de Articulacao dos Povos e Organizacoes Indigenas da Regiao Sul e Sudeste do Brasil – COAPIRS; Kus Kura Sociedad Civil (Costa Rica); Comunidad Indígena del Pueblo Wichi Hoktek T'Oi - Lapacho Mocho, Salta (Argentina); Comunidad Indígenas Finca Santiago, Iruya, Salta (Argentina); Pauktuutit Inuit Women of Canada; Saami Parliamentarian Council; Ka Lāhui Hawai'i; Kamakakū o Kalani Center for Hawaiian Studies; Asociación Napguana (Panama); Comunidades Indígenas del Pueblos Kolla de Conlazuli, Volcán Higueras, Rio Cortaderas, e Islas Cañas (Argentina); Chirapag – Taller Permanente de Mujeres Indígenas del Perú (TPMIP); Indigenous World Association; Centro por la Justicia y Derechos Humanos de la Costa Atlantica de Nicaragua; Consejo Nacional de Mujeres Indígenas (CONAMI – Argentina); Comunidad Indígena Tehuelche Mapuche Emilio Prane, Legua 4, del Boquete de Nahuel Pan, Esquel, Chubut (Argentina); Red de Mujeres Indígenas Yukpa (Venezuela); Newen Mapu (Argentina); Aukiñko Zomo (Chile); Consejo Nacional

de Mujeres Indígenas (CONAMI – Brasil); Consejo de Todas las Tierras; Organización Nacional Indígena de Colombia (ONIC); Red de Mujeres Indígenas Wayuu de Maracaibo (Venezuela); Fédération des Organisations Autochtones de Guyane (FOAG); Comunidad Indígena del Selk’nan-Ona- Tolhuin, Rio Grande, Tierra del Fuego (Argentina); Kalinago Carib First Nation of Waitikubuli (Dominica West Indies); Aboriginal and Torres Strait Islander Social Justice Commissioner, Human Rights and Equal Opportunity Commission (Australia); Aboriginal Legal Rights Movement (ALRM-Australia); Australian Indigenous Doctors Association (AIDA); Foundation for Aboriginal and Islander Research Action (FAIRA - Australia); National Aboriginal Community Controlled Health Organisations (NACCHO - Australia); National Aboriginal and Torres Strait Islander Legal Services Secretariat (NAILSS - Australia); National Network of Indigenous Women’s Legal Services (NNIWLS - Australia); New South Wales Aboriginal Land Council (NSWALC - Australia); RUSSIAN INDIGENOUS PEOPLES CAUCUS, including Association of Indigenous Peoples of the North, Siberia and Far East of the Russian Federation (RAIPON), Association of Evenk People “Arun”, Association of Indigenous Peoples of Primorski Krai, Council of revival of Kamchatka’s Itelmen People “Thsanom”, Association of Indigenous Peoples of Sahalin, Association of Indigenous Peoples of Habarovsk, Kamchatka Aleut Association “Ansarko”, Association of Indigenous Peoples of Chukotka, Association “Spasenie Yugri”, Amursk’s Association of Indigenous Peoples, Association of Shor People, Association of Teleut People “Ene-Bayat”, Sankt-Petersburg’s Department of Raipon, Association of Indigenous Peoples of Tuva, Civil society for the survival and social-economic development of the Mansi People, Association of Indigenous Peoples of Buryatia, Association of Indigenous Peoples of Taimyr, Association of Indigenous Peoples of Magadan, Association of Indigenous Peoples of Kamchatka, Association of Indigenous Peoples of Altai, Association of Indigenous Peoples of Tyumen “Kedr”, Association of Indigenous Peoples of Komi “Izvatas”, Association of Indigenous Peoples of Karelia; ASIAN INDIGENOUS PEOPLES CAUCUS, including Tebtebba Foundation, Taungya (Bangladesh), Shimin Gaikou Centre (Japan), Chin Human Rights Organization (Burma), Asia Indigenous Women’s Network, CORE Centre for Organisation Research & Education (India), Hmong Indigenous and Tribal Peoples of Asia, Cordillera Peoples Alliance (Philippines), Nepal Tamang Ghedung, Peace Campaign Group (India), International Centre for Indigenous Nationalities’ Development (Nepal), Aliansi Masyarakat Adat Nusantara (AMAN - Indonesia), World Hmong Peoples’ Congress, Adivasi Forum of Bangladesh, South Asia Indigenous Women’s Forum, Nepal Federation of Indigenous Nationalities, PACOS TRUST (Malaysia), Yakthung Phedangma Sangchumbho (Nepal), Association of Indigenous Peoples in the Ryukyus (AIPR – Japan); Karenni Student Union (Burma); Bangsa Adat Alifuru (Maluku); Montagnard Foundation; AFRICAN INDIGENOUS PEOPLES CAUCUS, including Indigenous Peoples of Africa Co-ordinating Committee (IPACC), Mainyoto Pastoralist Integrated Development Organisation (MPIDO - Kenya), South African First Indigenous and Human Rights Organization (SAFIHRO); Maa Civil Society (Kenya), Tamunt n Iffus (CASM - Morocco), Ogiek Cultural Initiative Programmes (Kenya), Griqua National Conference (South

Africa), Richtersveld Traditional Nama Council (South Africa), Nomades D'Afrique (Niger), Organisation africaine des femmes autochtones (OAFAT)/TIN HINAN (Burkina Faso), Unissons-nous pour la Promotion des Batwa (UNIPROBA - Burundi), Waterboer House (South Africa), Proccedad-Sadad (Niger), Riemvasmaak Namas (South Africa), Tasglat (Réseau des organisations pastorales Saharo-Sahélienne-Afrique de l'ouest et du Nord), Tidawt (Mauritanie), TOCaDI (Trust for Okavango Cultural and Development Initiatives - Botswana), Association Tunfa (Niger), Tamaynut (Morocco), Ogiek Peoples' Development Program (Kenya), Mbororo Social and Cultural Development Association (MBOSCUDA - Cameroon), Communauté des Autochtones Rwandais (CAURWA Rwanda), African Indigenous Women's Organisation (AIWO), Centre d'accompagnement des Autochtones Pygmées et Minoritaires Vulnérables (CAMV/RD - Congo), Indigenous Information Network (IIN Kenya), Ogiek Welfare Council (Kenya), Working Group of Indigenous Minorities of Southern Africa (WIMSA - Namibia), South African San Council, Maasai Women for Education and Economic Development (MAWEED - Kenya), Pastoralists and Hunters and Gatherers Network (Kenya); African Agency for an Enhanced Socio-Ethics and Traditional Order (Nigeria), Christian Organisation Supporting Community Development (OCADEC - Angola); fPcN interCultural; Tribal Link Foundation; World Council of Churches; International Service for Human Rights; International Work Group For Indigenous Affairs (IWGIA); Rights and Democracy; Netherlands Centre for Indigenous Peoples (NCIV); Canadian Friends Service Committee; KAIROS: Canadian Ecumenical Justice Initiatives; Hawai'i Institute for Human Rights; Negev Coexistence Forum for Civil Equality (Israel); Earth Peoples; Society for Threatened Peoples International.

Introduction

1. In regard to Agenda Item 4(b), we welcome this opportunity to address the human rights of Indigenous peoples, particularly in regard to the draft *U.N. Declaration on the Rights of Indigenous Peoples*.
2. We strongly urge all States to support the latest revised text that has been proposed by the Chair, Sr. Luis-Enrique Chávez, of the intersessional Working Group (WGDD). The WGDD was established by the Commission on Human Rights (CHR) in 1995.
3. This Chair's text (U.N. Doc. E/CN.4/2006/79, Annex I) was recently sent to the Commission on Human Rights, which has forwarded it to the newly-established Human Rights Council. If approved by the Council, the *Declaration* will be sent to the U.N. General Assembly for final adoption.
4. The Chair's text is a product of 11 years of intensive discussions on the draft *U.N. Declaration* in the WGDD with State and Indigenous representatives. This was preceded by 9 years of debate in the U.N. Working Group on Indigenous Populations (WGIP), which formulated the initial text of the *Declaration*.
5. The initial text by the WGIP was unanimously approved by independent experts in what is now called the Sub-Commission on the Promotion and Protection of Human Rights.
6. The U.N., its specialized agencies and special rapporteurs have repeatedly underlined the widespread and persistent human rights violations that continue to be suffered by Indigenous peoples in every region of the world. Too often, these violations are allowed to take place with impunity.
7. Rampant denial of our collective and individual human rights is a root cause of debilitating poverty and injustice. Past and ongoing dispossession of our lands and resources continue to have grave impacts on Indigenous peoples. These include far-reaching effects on our development and peace and security, as well as the integrity of our traditional territories. As a result, our survival and well-being as distinct peoples are being seriously threatened.
8. Impoverishment of Indigenous peoples and communities has had and continues to have a devastating impact, particularly on Indigenous women and children. Among

other aspects, widespread poverty disproportionately undermines their education, health, security and well-being, while increasing the risk of violence.

9. In light of these ongoing urgent realities, the General Assembly proclaimed that the adoption of a Declaration on the rights of Indigenous peoples was a “major objective” of the first *International Decade of the World’s Indigenous People*. Presently, the *Programme of Action for the Second International Decade of the World’s Indigenous People* emphasizes that the Declaration’s “adoption early in the Decade should be a priority”.
10. In the *2005 World Summit Outcome*, Heads of State and Government committed themselves to collaborate with Indigenous peoples and “to present for adoption a final draft United Nations declaration on the rights of indigenous peoples as soon as possible.” The General Assembly has urged “all Governments and indigenous organizations concerned to *take every action necessary* to facilitate the adoption of the draft United Nations declaration”.
11. In the past two months, the Chair’s proposed text has received widespread support in different parts of the world from Indigenous peoples, as well as from many States. While the Chair’s text could be improved in certain key areas, we believe that additional meetings would not assure us of a stronger *Declaration*. Rather, further delays could easily result in major reversals of our collective progress to date. The *Declaration* could be seriously undermined or else sacrificed in the process.
12. If adopted, the current text of the *Declaration* could well be a major step towards eliminating the widespread human rights violations suffered by over 370 million Indigenous people worldwide.
13. It essential to highlight that a key aspect of the *Declaration* is to promote harmonious relations and mutual respect between Indigenous peoples and States.
14. This aspirational instrument would serve to reinforce such universal principles as justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith. If fairly implemented, the *Declaration* would also serve to strengthen the international human rights system as a whole.
15. Therefore, we respectfully submit the following Recommendations:

Recommendations

16. Consistent with the theme of the *Second International Decade* “Partnership for action and dignity”, we call upon the Permanent Forum to strongly recommend to the Economic and Social Council (ECOSOC) and the Human Rights Council:

i) to support as a priority the draft *U.N. Declaration on the Rights of Indigenous Peoples* (Chair’s Proposal, U.N. Document E/CN.4/2006/79, Annex I) and its adoption by the General Assembly before the end of 2006; and

ii) in the global Indigenous context, to foster use of the *U.N. Declaration* as an integral part of a comprehensive and principled human rights framework for achieving the commitments in the *U.N. Millennium Declaration* and the Millennium Development Goals.

Rationales for above recommendations

17. **In regard to Recommendation i) above**, it fully reflects the positions of an overwhelming majority of Indigenous peoples and organizations in different parts of the world. As already illustrated, it is also fully consistent with the concerns, objectives and priorities expressed by the U.N. General Assembly and its Member States.
18. To date, we have heard dissent from only a few States – generally those countries who possess dismal human rights records relating to Indigenous peoples. For example, in regard to the United States, New Zealand and Australia, all of these States are either now or have been the subject of “early warning and urgent action” procedures by the Committee on the Elimination of Racial Discrimination.
19. Regrettably, key positions that are advanced by these States regarding the collective human rights of Indigenous peoples are most often discriminatory. They are not consistent with the Purposes and Principles of the *U.N. Charter* or with international law and its progressive development. Nor are these positions compatible with their existing international obligations.
20. We strongly urge the United Nations not to accommodate such discriminatory voices by delaying the adoption of the *Declaration*. In the *Programme of Action for the Second International Decade of the World's Indigenous People*, the General Assembly has stipulated that the “draft [*Declaration*] shall not fall below existing international standards”.

21. In the March 2006 General Assembly resolution that creates the Human Rights Council, it is specified that the Council is “responsible for promoting universal respect for the protection of all human rights ... for all, without distinction of any kind”. The discriminatory and lesser standards being proposed by a few states would thus be inconsistent with the mandate of the Council.
22. **In regard to Recommendation ii) above**, it is important to recall that the *U.N. Millennium Declaration* and the Millennium Development Goals (MDGs) were devised without consultation or collaboration with Indigenous peoples. These instruments make no explicit mention of Indigenous peoples. If considered alone, the *Millennium Declaration* and MDGs are not an adequate context for addressing our needs, challenges and priorities globally.
23. Subsequent to the creation of the MDGs, the *Johannesburg Declaration on Sustainable Development* reaffirmed the “vital role of the indigenous peoples in sustainable development”. Also, the *2005 World Summit Outcome* reiterated the “commitment to the global partnership for development set out in the Millennium Declaration, the Monterrey Consensus and the Johannesburg Plan of Implementation”.
24. This whole situation reinforces the need to redefine the Millennium Development Goals in relation to Indigenous peoples. We commend the Permanent Forum for selecting this important issue as the Special Theme for this year’s session.
25. It is crucial to note that, time wise, we are nearing the half-way mark in terms of attaining the MDGs by the year 2015. Therefore, if the specific concerns of the world’s Indigenous peoples are to be effectively addressed, accelerated measures are urgently needed – especially in relation to our human rights.
26. In the *2005 World Summit Outcome*, the General Assembly and its Member States reaffirmed that “the promotion and protection of the full enjoyment of all human rights ... for all are essential to advance development and peace and security”. They explicitly recognized that “development, peace and security and human rights are interlinked and mutually reinforcing”.
27. Clearly, it is essential to adopt a human rights-based approach to development issues. As emphasized by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Rodolfo Stavenhagen:

The goal of human rights-based sustainable development, a concept endorsed by the General Assembly, is particularly significant for indigenous peoples. ... [S]ocial and cultural objectives must be included ... *If the Millennium Development Goals are to be achieved, particular attention must be paid to the rights of indigenous peoples.*

28. In particular, it is critical to fully accommodate and respect Indigenous peoples' worldviews and priorities, as well as our right to self-determination; treaty rights; free, prior and informed consent; rights to lands, territories and resources; and other human rights in addressing development-related issues. In the global Indigenous context, in order to achieve the commitments in the *U.N. Millennium Declaration* and the MDGs, the *U.N. Declaration* must be an integral part of a comprehensive and principled human rights framework.

29. As stated by U.N. Secretary-General Kofi Annan in his 2005 Report entitled *In larger freedom: towards development, security and human rights for all*:

... we will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights. Unless all these causes are advanced, none will succeed.

30. **Based on all of the above and consistent with the objectives and theme of the *Second International Decade*, it is critical to support, as a priority, the adoption of the draft *U.N. Declaration on the Rights of Indigenous Peoples*. We must integrate the *Declaration* in a just and fair manner, in all matters relevant to Indigenous peoples in the *Millennium Declaration* and the Millennium Development Goals.**