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Prospective American Declaration on the Rights of Indigenous Peoples risks undermining a decade of progress

Amnesty International is deeply concerned that the text of a prospective American Declaration on the Rights of Indigenous Peoples has been compromised during discussions by members of the Organization of American States and, if not corrected, will result in a Declaration that denies the rights enshrined in the landmark 2007 United Nations Declaration on the Rights of Indigenous Peoples.

On 15 May, Indigenous representatives withdrew from the negotiating sessions after several states insisted on the inclusion of provisions in the text that, in practice, would endorse national laws that disregard human rights protections for Indigenous peoples.

The states participating in this process had already agreed to accept the UN Declaration, which marked a milestone in the history of the rights of Indigenous peoples, as the global minimum standard, and to build on, not erode, that standard. In negotiations to draft the UN Declaration both Indigenous peoples and states specifically rejected proposals to subordinate this standard to national legislation, precisely to ensure that there was advancement in this area.

It is extremely worrying that during drafting of the American Declaration on the Rights of Indigenous Peoples, text has been introduced that would push back on the progress made in the past decade. This approach is even more alarming considering how much still remains to be done to end the discrimination that Indigenous peoples have suffered for centuries in the continent.

An American Declaration on the Rights of Indigenous Peoples would provide a crucial opportunity for Indigenous peoples to strengthen their long struggle against discrimination and to protect their rights, including their right to land and territory, to free, prior and informed consent with regard to decisions affecting them, and to be involved in the decisions and benefits relating to natural resource exploitation on their ancestral territories.

Human rights violations suffered by Indigenous peoples, such as the poverty and exclusion which mark their lives, are the result of decisions, actions and omissions of specific individuals at different times that can and must be reversed; all that is needed is political will.

Member states should seize this opportunity and begin to reverse centuries of marginalization and discrimination by developing an American Declaration on the Rights of Indigenous Peoples that is at the forefront of the protection of the human rights of Indigenous peoples of the Americas.