

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

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### **World: Draft American Declaration on the Rights of Indigenous Peoples an historic opportunity to advance human rights**

The upcoming meeting of the Organization of American States (OAS) Working Group on the draft American Declaration on the Rights of Indigenous Peoples is an important opportunity to consolidate and build on recent developments to protect the human rights of some of the hemisphere's most marginalized peoples.

At its meeting in Washington D.C, April 14-18, the OAS Working Group will, among other activities, compare the current draft text of the American Declaration with the recently adopted UN Declaration on the Rights of Indigenous Peoples.

The UN Declaration sets out "the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world." It affirms that the right of self-determination, long established in the international human rights Covenants, applies equally to Indigenous Peoples. The UN Declaration also elaborates on the urgent need to respect and promote the inherent rights of Indigenous Peoples to their lands, territories and resources. The use and control of these lands and resources are of vital importance to Indigenous Peoples' health, livelihoods, cultural integrity and security.

The UN Declaration was adopted on 13 September 2007] by a vote of 144 UN member states with only four states opposing - Australia, Canada, New Zealand and the United States. Two of those opposing states, Canada and the United States of America, have subsequently argued that they should not be expected to uphold human rights standards that they voted against.

Amnesty International firmly believes that the provisions in the UN Declaration elaborate universal human rights standards applicable without exception to the situation of Indigenous Peoples in all countries of the world. Amnesty International welcomes the efforts by the OAS Working Group to ensure the new instrument will be compatible with and complementary to the UN Declaration. This ensures consistency with the principles enshrined in Charter of the Organization of American States -- Article 3(I), Charter of the Organization of American States -- and the provisions of the Inter-American Democratic Charter -- Adopted by the General Assembly at its special session, held in Lima, Peru, on September 11, 2001, article 9 -- in which the promotion and protection of human rights of indigenous peoples are emphasized.

Member states of the OAS have a clear legal obligation to ensure that no provision in the proposed American Declaration falls below the minimum standards established in the UN Declaration. Amnesty International urges states and Indigenous Peoples to work together to build on the historic achievement of the UN Declaration and ensure the continued progressive development of international human rights standards. In so doing, greater justice may be achieved for millions of Indigenous persons whose rights have too long been neglected.

Amnesty International has documented grave and persistent violations of the human rights of Indigenous Peoples throughout the Americas. These violations are often linked to deeply entrenched patterns of racism and discrimination, oppression and marginalization, loss of control over lives and futures, and dispossession of vital lands and resources. All too often the consequence has been extreme impoverishment, widespread ill-health and social strife.

Finally, Amnesty International calls on the Working Group to pay careful attention to the human rights protections for Indigenous Peoples already affirmed in the recommendations of UN treaty monitoring bodies, such as General Recommendation 23 of the UN Committee for the Elimination of Racial Discrimination, and in the jurisprudence of the Inter-American Court and the Inter-American Commission on Human Rights.

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