

The Draft United Nations Declaration on the Rights of Indigenous Peoples: a vital turning point in international human rights protection

- ➔ Global efforts to support the human rights of Indigenous peoples have reached a critical turning point as the draft *UN Declaration on the Rights of Indigenous Peoples* comes before the UN General Assembly for adoption later this year.
- ➔ The Declaration had been under negotiation within the United Nations for more than two decades.
- ➔ In June 2006, the historic first meeting of the United Nations Human Rights Council adopted the draft Declaration and recommended its adoption to the UN General Assembly.
- ➔ The Declaration must be adopted by UN General Assembly in order to become part of the body of international human rights standards.

The draft Declaration recognises the right of and will empower Indigenous peoples to maintain and strengthen their institutions, cultures and traditions and to pursue their development in accordance with their aspirations and needs. It will assist them in their efforts to overcome the discrimination and marginalisation that they face worldwide. The Declaration affirms the right of Indigenous peoples to have meaningful control over their own lives, to maintain their distinct cultural identities for future generations, and to have secure access to the lands and natural resources essential to their ways of life.

The draft Declaration was adopted by the Human Rights Council on 29 June 2006 by a vote of 30-2 (see box). Disappointingly, Canada, which had played an active role in bringing the draft text forward, called for a vote rather than allowing the draft Declaration to be adopted by consensus. The USA, New Zealand, and Australia, which are not members of the Human Rights Council, have also opposed adoption of the Declaration unless its provisions are dramatically weakened. It is feared that these states will continue to lobby against the draft Declaration as it comes before the UN General Assembly for adoption later this year.

The governments opposing the adoption of the draft Declaration argue that further negotiation is required in order to improve the Declaration. However, some of the amendments demanded by these states would fundamentally weaken the Declaration. Furthermore, some of the proposed changes would effectively affirm the present, unacceptable situation where the rights of Indigenous peoples are considered secondary to the rights of all other sectors of society and violated at will. Further negotiation would only imperil the adoption of the Declaration. It must be adopted now, or it will probably never be adopted.

States voting in favour of adoption of the draft Declaration at the Human Rights Council (30): Azerbaijan, Brazil, Cameroon, China, Cuba, Czech Republic, Ecuador, Finland, France, Germany, Guatemala, India, Indonesia, Japan, Malaysia, Mauritius, Mexico, Netherlands, Pakistan, Peru, Poland, Republic of Korea, Romania, Saudi Arabia, South Africa, Sri Lanka, Switzerland, United Kingdom of Great Britain and Northern Ireland, Uruguay and Zambia.

States voting against adoption of the draft Declaration (2): Canada, Russian Federation

States abstaining (12): Algeria, Argentina, Bahrain, Bangladesh, Ghana, Morocco, Nigeria, Philippines, Senegal, Tunisia, Ukraine.

States absent or not participating (4): Djibouti, Gabon, Jordan, Mali.

Take action for the human rights of Indigenous Peoples:

It is vital that the UN General Assembly adopt the Declaration on the Rights of Indigenous Peoples with the support of as many states as possible in order to demonstrate a strong global commitment to the human rights of Indigenous Peoples.

Write to your own government emphasizing that the time is long overdue for the adoption of United Nations standards recognizing the human rights of Indigenous peoples so as to assist them in overcoming the discrimination and marginalisation that they face worldwide:

- If your government voted for adoption of the Declaration at the Human Rights Council, thank the government for doing so and urge that it help persuade other states to support the adoption of this vitally important human rights instrument by the UN General Assembly in 2006;
- Otherwise, urge the government to make a clear commitment to supporting the immediate adoption of the Declaration by the UN General Assembly in 2006.