

## International protection for indigenous peoples' human rights long overdue

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The end of the International Decade of the World's Indigenous People is now less than five months away. The Working Group on the Draft United Nations Declaration on the rights of indigenous peoples meets in its 10<sup>th</sup> session in Geneva next week (13-24 September), but the prospect of achieving one of the decade's principle goals -- the adoption of an international declaration for the protection and promotion of indigenous peoples' human rights -- seems increasingly at risk.

Speaking to the United Nations Working Group on Indigenous Populations in July, the UN High Commissioner for Human Rights, Louise Arbour, expressed concern that meeting the goal of adopting a Declaration on the Rights of Indigenous Peoples before the end of 2004 is now "practically impossible". Yet the necessity for the protection and promotion of Indigenous peoples' rights could not be more urgent or clearer.

The UN estimates that there are 370 million indigenous people in Africa, Asia, Europe and the Americas. These figures are based largely on statistics provided by UN member states. Indigenous peoples' organizations have estimated that there might be as many as 600 million indigenous people in the world. The dramatic difference between these figures highlights the gulf between many indigenous peoples and the states in which they live.

All governments have a duty to ensure the welfare and safety of every member of society. Yet many states deny the very existence of indigenous peoples or implement policies that threaten indigenous peoples' distinct cultural identities or endanger their health and welfare.

Speaking to the UN Permanent Forum on Indigenous Issues in May, UN Secretary-General Kofi Annan summarized these threats.

"For far too long the hopes and aspirations of indigenous peoples have been ignored; their lands have been taken; their cultures denigrated or directly attacked; their languages and customs suppressed; their wisdom and traditional knowledge overlooked; and their sustainable ways of developing natural resources dismissed. Some have even faced the threat of extinction. The answer to these grave threats must be to confront them without delay."

When the International Decade began, the world community already had a blueprint for confronting these threats. Human rights experts, government representatives, non-governmental organizations, UN agencies and indigenous representatives had worked together to draft a set of minimum international standards to protect and promote indigenous peoples' human rights.

This draft UN Declaration on the Rights of Indigenous Peoples affirms the right of indigenous peoples to live in equality and dignity with the rest of humanity. It lays out many of the principles needed to protect fundamental human rights in an Indigenous context.

Les Malezer, who represents the Foundation for Aboriginal and Islander Research Action (Australia) at the UN, calls the draft Declaration "an essential tool for the resolution of conflicts over land, territories and waters, natural resources, development and cultural dignity. It is a central instrument in ending manifest racism. It is the instrument that will allow disputes to be resolved. The Declaration is the platform to raise living standards of indigenous peoples. It is the instrument to protect the dignity and respect of our peoples and make our own decisions."

The prospect of the Declaration being adopted by this point was not beyond political possibility. It took only eight years for the draft to be authored and adopted in two distinct levels of the UN human rights system -- the United Nations Working Group on Indigenous Peoples and its parent body the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities (now called the UN Sub-Commission on the Protection and Promotion of Human Rights).

However, after almost of decade of debate, states have agreed in principle to only two of the 45 articles in the Draft Declaration. As Hassan Marmouri, the newly-appointed Africa member of the UN Permanent Forum on Indigenous Issues, said, "The international decade is drawing to a close without us having made any major gains on the Declaration."

Erica Irene Daes, who chaired of the UN working group that drafted the Declaration, has also expressed frustration and "deep regret" that the Declaration has not been adopted. "Ten years have passed," she said. "This should be finished."

One of the reasons for the slow progress has been that some states, while publicly supporting the Declaration, have tried to introduce changes that would dramatically weaken its protections for indigenous peoples' human rights. For example, in September 2003, Canada and Australia, with the support of the United Kingdom and the United States, proposed rewriting the articles on lands and resources so that, in place of a minimum international standard protecting indigenous peoples' interests, states would simply be called upon to uphold current national laws and practices, however flawed or biased they might be.

"In the name of progress, we are asked to compromise or accept a lesser standard in a declaration that is specifically created to support our rights," said International Indian Treaty Council member Estebancio Castro of Kuna Nation of Panama. "It is obstructionist. States have made suggestions that will weaken international standards. The approach is to make up new or lesser [standards] or to hold other rights hostage."

It is imperative that all people concerned for human rights work as allies with indigenous peoples in a global movement to ensure that the Declaration on the Rights of Indigenous Peoples is not eroded or stalled. The end of the UN Decade should not be the end of the international community's commitment to indigenous rights. Nor should indigenous peoples be asked to wait another ten years for the recognition and protection of their rights.

We all must demand that our governments make an immediate commitment to working in good faith and on sound human rights principles to ensure the timely adoption of a strong and effective international standard for the promotion and protection of indigenous peoples' rights. Failure to do so would be a threat to the welfare and survival of indigenous peoples and a blight on the international community's record of recognition and protection of the rights of all.

**Further information:**

OHCHR: Indigenous Peoples <http://www.unhchr.ch/indigenous/main.html>