



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2004/NGO/76
26 February 2004

ENGLISH ONLY

COMMISSION ON HUMAN RIGHTS
Sixtieth session
Item 15 of the provisional agenda

INDIGENOUS ISSUES

**Written statement* submitted by the Society for Threatened Peoples,
a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 January 2004]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Strengthening the rights of the Indigenous Peoples

Empowering indigenous peoples and strengthening their rights has been one of the main objectives of the International Decade of the World's Indigenous People (1995-2004), proclaimed by the U.N. General Assembly in December 1993. In the decades final year indigenous peoples continue to be excluded from power, deprived of their identities and displaced from their lands. They are more likely than others to suffer extreme poverty, and all too often they experience the human misery caused by conflict. The Society for Threatened Peoples is calling on the U.N. Commission on Human Rights to support the recommendation of the Permanent Forum on Indigenous Issues for a second international decade in order to strengthen the efforts for the promotion and protection of the rights of indigenous peoples.

Legal standards for the protection of indigenous rights are essential. In 1995 the Commission on Human Rights established an Open-Ended Inter-Sessional Working Group to elaborate a Draft Declaration on the Rights of Indigenous Peoples (WGDD) for consideration and adoption by the U.N. General Assembly within the International Decade of the World's Indigenous Peoples. The General Assembly has affirmed that the adoption of a declaration is a major objective of the Decade. Unfortunately only two of the 45 articles have been adopted up to now. The elaboration of the Declaration will be affected by the decision of the U.N. Commission on Human Rights 2000/109 to enhance the effectiveness of the mechanisms of the Commission. The decision 2000/109 on time-limits for standard-setting says i.a. that in most cases the established time-frame should not exceed five years. If, by the end of this time-frame, the WGDD has not been able to achieve the desired result, the Commission is entitled to consider whether to exceed the mandate and if so under what conditions. The Society for Threatened Peoples calls on the Commission to lift the time-frame for WGDD in order to ensure that the elaboration of the Draft Declaration on the Rights of Indigenous Peoples can proceed.

According to the U.N. Development Program, 80 percent of the world's remaining biodiversity is located on the land of indigenous peoples. The indigenous peoples are thought to offer gene pools that can facilitate genetic studies. In many cases DNA has been obtained and patented without prior approval of the indigenous peoples or a full understanding of all impacts. Many indigenous people hold that all life is sacred. To remove part of it, even a blood sample, can restrict one's ability to pass into the next stage of life. Private companies are entering indigenous territories and taking DNA samples without respecting anti-bio-prospecting laws. Indigenous people rarely benefit from genetic studies. Many indigenous people are convinced that scientific research represents the greatest threat to their future. Therefore the Society for Threatened Peoples calls on the U.N. Commission for Human Rights to focus in bio-prospecting among indigenous peoples and to urge a meaningful and binding consultation of indigenous peoples and their informed consent as a pre-condition for bio-prospecting.

ILO Convention 169 on Indigenous and Tribal Peoples is the only international instrument addressing indigenous peoples which has a binding effect, but only upon the governments of the countries which have ratified it. No doubt one of the most important chapters of the Convention is the one dealing with land rights, since land and its natural resources are the principal source of livelihood, social and cultural cohesion, and spiritual welfare of indigenous peoples. The Convention requires that governments shall respect the vital importance of indigenous peoples' relationship with the land or territories they occupy for the survival of the cultures and spiritual

values of these peoples. The Convention presumes that indigenous peoples have the right to decide about the priorities of development and to exercise control over and participate in the process of development. Unfortunately many states in the European Union and the United States of America still are reluctant to ratify ILO Convention 169.

Society for Threatened Peoples is deeply concerned about the denial of property rights of indigenous peoples in the United States of America. Since years we are following with great concern the treatment of Western Shoshone land and treaty rights, specifically with regard to actions taken by the U.S. Department of Interior in the management of these lands and in enforcement actions against Western Shoshone people living on the lands. The Organization of American States Inter American Commission on Human Rights, recently determined in the "Dann-case" that the U.S., by claiming title to Western Shoshone lands through Docket 326K, is in violation of fundamental human rights, including the rights to property, due process and equal protection of the law. The sisters, Marie and Carrie Dann, members of the Western Shoshone indigenous people, contend that the U.S. has interfered with their use and occupation of their ancestral lands by purporting to have appropriated the lands as federal property through an unfair procedure before the Indian Claims Commission, by physically removing and threatening to remove their livestock from the lands, and by permitting or acquiescing in gold prospecting activities within Western Shoshone traditional territory.

Society for Threatened Peoples calls on the UN Commission on Human Rights

- to support the recommendation of the Permanent Forum on Indigenous Issues for a second international decade in order to strengthen the efforts to promote and protect the rights of indigenous peoples,
- to lift the time-frame for WGDD in order to ensure that the elaboration of the Draft Declaration on the Rights of Indigenous Peoples can proceed,
- to focus in bio-prospecting among indigenous peoples and urge a meaningful and binding consultation of indigenous peoples and their informed consent as a pre-condition for bio-prospecting,
- to urge all member states of the U.N. to ratify ILO Convention 169.
