



**Economic and Social  
Council**

Distr.  
GENERAL

E/CN.4/2005/NGO/123  
3 March 2005

ENGLISH, FRENCH AND SPANISH

---

COMMISSION ON HUMAN RIGHTS  
Sixty-first session  
Item 15 of the provisional agenda

**INDIGNEOUS ISSUES**

**Joint written statement\* submitted by Friends World Committee for Consultation (Quakers), a non-governmental organization in general consultative status, International Federation of Human Rights Leagues (FIDH), and Rights and Democracy, non-governmental organizations 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.

[9 February 2005]

---

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

## HUMAN RIGHTS OF INDIGENOUS PEOPLES ARE A GLOBAL PRIORITY

Friends World Committee for Consultation (Quakers), the International Federation for Human Rights, and Rights and Democracy welcome the advances made in relation to the Draft Declaration on the Rights of Indigenous Peoples during the tenth session of the United Nations Working Group (13–24 September and 29 November–3 December 2004).

In particular, we would like to call attention to:

- the constructive dialogue and growing consensus between States and Indigenous Peoples on the right of self-determination; and
- the important work accomplished both by the Indigenous Caucus and by representatives of States, in identifying a large number of preambular and operative articles as being ready for provisional adoption.

We, therefore, call on the UN Commission on Human Rights to extend the mandate of the Working Group in order to give States and Indigenous Peoples the opportunity to continue to work together to clarify and strengthen the draft Declaration. The basis for this future work should be the Sub-Commission text together with the constructive proposals that have come from the Working Group, as contained in the reports of the Chair.

Given that significant differences among States remain on articles vital to the recognition and protection of Indigenous peoples' rights, a realistic and productive process and timetable for this work needs to be established, taking into account the effective partnerships between Indigenous and States representatives while co-facilitating informal sessions on specific topics at the tenth session. We note in particular the positive participation of the State representatives from Mexico, Guatemala, Brazil, Canada, and Norway, and urge all States to work with Indigenous representatives in a spirit of collaboration and good faith.

More generally, we share the concerns raised by the 28 Independent Experts of the UN Commission on Human Rights, on the occasion of Human Rights Day, marked 10 December:

“Over the years, we have witnessed the immense obstacles certain persons and groups face in enjoying their human rights fully. Among the groups most at risk and in need of protection are indigenous peoples, who have suffered perennial prejudice and discrimination.... Human rights violations remain the main concern for millions of indigenous peoples and thousands of indigenous communities around the world. We urge everyone, civil society, the private sector, the international community, and every individual to step up efforts to promote and protect the human rights of indigenous peoples.” (United Nations Press Release, *Human Rights Protection A Must, UN Independent Experts Affirm on Human Rights Day*. 9 December 2004.)

This illustrates the importance of this standard setting process. Emphasizing the importance of the principles of non-discrimination and equality, we urge States to ensure that the rights of Indigenous peoples are recognized, promoted and protected in this Declaration.

The Purposes of the United Nations, as stated in Article 1, paragraph 3 of the Charter must be respected: “To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion....” Thus, States should not propose changes to the draft

Declaration based on domestic political agendas, which are in conflict with recognized international human rights standards.

The right of self-determination for all peoples is established in Article 1 of the Covenants on Civil and Political Rights, and Economic, Social and Cultural Rights. The United Nations Human Rights Committee has repeatedly recognized self-determination as equally applying to Indigenous peoples. This should, therefore, be recognized and accepted by all States.

We recall that Hector Gros Espiell, in his Study for the U.N. Sub-Commission on the Prevention of Discrimination and Protection of Minorities on The Right of Self-Determination: Implementation of United Nations Resolutions, stated "...human rights can only exist truly and fully when self-determination also exists. Such is the fundamental importance of self-determination as a human right and as a prerequisite for the enjoyment of all the other rights and freedoms." (U.N. Doc E/CN.4/Sub.2/405/Rev.1, 1980).

In particular, our organizations call attention to the proposal put forward by the overwhelming majority of the Indigenous Caucus and supported by several States regarding the right to self-determination, and clarified by the Explanatory Footnote submitted to assist States in efforts to reach consensus while retaining the original Article 3 as provided in the Sub-Commission text (Explanatory Footnote of the *Emerging Consensus Document on the Right of Self-Determination* December 1, 2004, WGDD X). The Explanatory Footnote emphasizes the need to avoid explicit reference to the principle of territorial integrity in view of the ongoing abuses of this principle in relation to Indigenous peoples in different regions of the world. Territorial integrity has no special status above a host of other international law principles such as democracy, rule of law, respect for human rights, non-discrimination, and justice. Further, the Footnote affirms that to the extent provided in international law, States will continue to have the freedom to invoke ANY principle of international law, including the principle of territorial integrity, in relation to the exercise of the right of self-determination.

Indigenous peoples are among the most marginalized in every region of the world. It is well documented that dispossession from their lands and resources is a major source of Indigenous peoples' impoverishment. One of the United Nations Millennium Development Goals, to which all States are committed, is the eradication of poverty. Indigenous peoples need control over their lands, territories, and resources and due recognition of their rights in this respect for this MDG to become a reality. Our organizations are pleased to note the progress made in the informal session on the theme of Treaties, while recognizing that sufficient time still needs to be spent on Treaties, as well as Lands, Territories and Resources.

In the final week of the tenth session preliminary discussions were held on cross-cutting issues, or general provisions. We note with concern that some States are seeking to amend the general provisions in the Sub-Commission text with changes that are excessive and could have far-reaching adverse impacts. Some of these proposed changes would severely limit the human rights of Indigenous peoples, particularly their collective rights. Collective rights are inextricably linked to Indigenous cultures, spiritualities, and worldviews. Collective rights of Indigenous peoples are interrelated with individual rights and are necessary to ensure the integrity and survival of distinct nations and communities.

Our organizations request the Commission on Human Rights to accord the intercessional Working Group on the draft Declaration additional time in order to successfully conclude the process as soon as possible as requested by the Third Committee of the General Assembly in its Resolution related to the Second International Decade of the World's Indigenous People. (A/C.3/59/L.30 Adopted as orally revised)

Recalling that the Third Committee of the 59th session of the General Assembly in its draft Resolution on the Second International Decade of the World's Indigenous Peoples as well as the Commission on Human Rights in its Resolution on human rights and indigenous issues (2004/62) reaffirmed the urgent need to recognize, promote and protect more effectively the human rights and fundamental freedoms of Indigenous peoples, we call upon the international community to recognize Indigenous peoples' rights as a central human rights concern and to make the timely adoption of the Declaration a matter of high priority.

It is essential that the Declaration be completed by representatives of States and Indigenous peoples. It would not be in the spirit of the Declaration and the negotiations on it to adopt a Declaration that does not have the strong support of Indigenous peoples. We urge that the mandate of the Working Group be extended so that the progress achieved this year can be built upon to reach a successful Declaration that can be supported by all.

-----