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HUMAN RIGHTS COUNCIL  
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**IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251  
OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”**

**Written statement\* submitted by Cultural Survival, 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.

[12 June 2006]

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

## **The Human Rights Council and protection of Indigenous Peoples' rights**

As a non-governmental organization dedicated to promoting the rights of indigenous peoples worldwide, Cultural Survival welcomes the establishment of the new United Nations Human Rights Council and the opportunity it affords to expand international promotion and protection of human rights across the globe.

The Human Rights Council necessarily must focus first on establishing its agenda, modes of operation, and mechanisms for addressing human rights violations. In doing so, we urge the Council to ensure that Indigenous Peoples' rights receive priority attention.

Throughout history, Indigenous Peoples have been among the most beleaguered and subjugated. They have survived genocide, disease, forced assimilation, exploitation by powerful economic interests, poorly considered development policies, and the negative consequences of globalization. In many parts of the world their marginalization is worsened by ethnically-dominant neighbors who deny their existence or are uncomfortable in their presence.

Since 1982, the United Nations human rights machinery has played a significant role in focusing world attention on the human rights violations Indigenous Peoples face, including abuses of their rights to their lands and resources, violations of their rights to cultural expression, and denials of their rights to be full and effective participants in the political processes that impact their lives. The United Nations also has played a leading role in strengthening protections for Indigenous Peoples' rights, and increasing the extent to which Indigenous Peoples and their cultures are respected and protected from neglect, discrimination, and abuse. It is essential that this work continue and increase under the new Human Rights Council.

In that regard, we offer the following recommendations to the Human Rights Council:

1) Adopt the current draft of the UN Declaration on the Rights of Indigenous Peoples: Since 1982, United Nations organs and governments have worked with Indigenous Peoples to draft a Declaration that clearly sets forth their rights. The current draft of the Declaration, now before the Human Rights Council, is the product of that effort. It is balanced and comprehensive. Further negotiation is unlikely to improve it. Many of its provisions restate existing international law, which some countries have incorporated into their domestic law. The United Nations made adoption of the Declaration a cornerstone of the First International Decade of the World's Indigenous People, which ended 18 months ago. Indigenous Peoples deserve a clear statement from the Human Rights Council and the UN General Assembly of their rights which derive from their political, economic, and social structures; from their cultures, spiritual traditions, histories, and philosophies; and in connection with their lands, territories, and resources.

2) Include Indigenous Rights as part of Universal Periodic Review: In setting up the new system of universal periodic review of governments' human rights records, the Human Rights Council should ensure that Indigenous Peoples' rights are among the regular topics addressed. In addition, the Human Rights Council should invite Indigenous Peoples from the states under review to contribute their perspectives to the review process.

3) Ensure that Indigenous Peoples Are Effectively Represented before the Human Rights Council: Currently, Indigenous Peoples are able to participate in United Nations human rights meetings that address indigenous rights without meeting all of ECOSOC's consultative status criteria. It is important that Indigenous Peoples not lose opportunities to give voice to their concerns within the United Nations. As new mechanisms for consultative status with the Human Rights Council are established, special consideration should be given to providing opportunities for Indigenous Peoples whose organizations are local, focused on topics other than or in addition to human rights issues, or have organizational structures that do not fit standard non-governmental organization models to participate.

4) Establish an Advisory Body on Indigenous Peoples' Rights: The Human Rights Council should establish its own high level advisory body to advise it on human rights issues of concern to Indigenous Peoples. Examples of such advice might include mechanisms for reviewing the rights set forth in the Declaration on the Rights of Indigenous Peoples; thematic reports like those now being conducted by the Sub-Commission's Working Group on Indigenous Populations; new normative instruments for the protection of Indigenous Peoples' rights; etc. It should have the same power to receive information from Indigenous Peoples as the Sub-Commission's Working Group now has. In addition, it should have regular communication with the UN Permanent Forum on Indigenous Issues. This body should be composed of both Council members and Indigenous members.

5) Continue the Office of the Special Rapporteur on the Human Rights and Fundamental Freedoms of Indigenous People: This office is one of the most effective tools for promoting and protecting Indigenous Peoples' rights worldwide. Its mandate should be continued, and reinforced with greater support and funding, so that the Special Rapporteur can continue his vital case and country mission work, which has produced laudable results for Indigenous Peoples.

The challenge facing the new Human Rights Council is to build an international institution that has the capacity to motivate states to comply with current and future human rights norms, including those set forth in the Declaration on the Rights of Indigenous Peoples. We urge the Council to set the tone for itself as a principled, credible, objective, and responsible human rights leader by ensuring that Indigenous Peoples' rights are a central concern in its program of work.

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