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### UNITED NATIONS HUMAN RIGHTS COUNCIL

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Agenda Item: Follow-up of the HRC decisions

Oral Intervention

Delivered by Rachel Brett, Quaker United Nations Office, Geneva

This is a joint statement by the following Human Rights organizations with ECOSOC Status: Amnesty International, Fédération internationale des ligues des droits de l'homme, Friends World Committee for Consultation (Quakers), International Service for Human Rights, International Work Group on Indigenous Affairs (IWGIA), Netherlands Centre for Indigenous Peoples (NCIV), Rights & Democracy.

The *UN Declaration on the Rights of Indigenous Peoples* adopted by the Human Rights Council in June 2006 is an affirmation of the human rights of the world's most vulnerable and frequently victimized peoples. As Human Rights Organizations working for the protection and advancement of human rights, we commend the Human Rights Council for the adoption of this text and stress the necessity of the General Assembly adopting the *Declaration* before the end of the 61<sup>st</sup> session.

General Assembly Resolution 61/178 provides an opportunity for states and Indigenous representatives to build greater understanding and ensure broad support for the *Declaration*. We urge the international community to work closely with Indigenous peoples to ensure that adoption of the *Declaration* is not further delayed.

We are concerned that a few states are attempting to exploit this moment to initiate a new process of negotiating the *Declaration*. Those states calling for a renegotiation of the text have a lengthy list of provisions that they want to change. This includes articles that were provisionally adopted in the Working Group process and human rights protections affirmed by UN treaty bodies. Further negotiation will not achieve a stronger text or broader support. On the contrary, the re-opening of the text would erode support and be a chaotic process which would endanger the *Declaration*.

We are also concerned that these states have promoted a reopening of the text through extreme and unsubstantiated claims about the impact of the *Declaration*. Statements that the *Declaration* would jeopardize the rights and interests of other sectors of society wilfully ignore the fact that the *Declaration* can only be interpreted in relation to the full range of existing human rights protections and state obligations. This is explicitly acknowledged in the *Declaration* itself. It is critical that states avoid perpetuating the unwarranted fears and prejudices that stand as barriers not only to the final adoption of the *Declaration* but also to the realization of Indigenous peoples' human rights in general.

There is no doubt that implementation of the *Declaration* will be challenging for some states. The international community would not have invested decades in the development of this instrument if the goal was to endorse the status quo. We remind states that the goal of the international human rights system is to protect human rights in every instance, not just when it's convenient for states.

We believe that there is much to be appreciated and nothing to be feared in the *UN Declaration*. Indigenous peoples and states have developed language that would help to promote the re-conceptualization of Indigenous and state relations in a fashion that promotes the democratic principles that guide the United Nations.

After spending decades discussing what are Indigenous rights—now it is time for states, Indigenous peoples, and civil society to work together to create a reality where the human rights of Indigenous peoples are recognized, affirmed and implemented.