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## Assembly of First Nations

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### **RACISM AGAINST INDIGENOUS PEOPLES BY U.N. WITHIN WCAR DRAFT DECLARATION**

- What would the world do if the United Nations stated that "all women" or "all blacks" have no fundamental human rights except to the extent to be determined by "negotiations" with state parties? This would not be tolerated. Yet this is exactly what is being done to Indigenous peoples in the WCAR Declaration.
- Paragraph 27 of the current draft of the Declaration (which was adopted at the Third Preparatory Committee meetings in August 2001) contains a paragraph which constitutes a racist attack by the U.N. on the rights of Indigenous peoples:

"27. The use of the term "indigenous peoples" in the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance Declaration and Programme of Action cannot be construed as having any implications as regards the rights that may attach to the term under international law. Any reference to rights associated with the term "indigenous peoples" is in the context of ongoing multilateral negotiations on texts that specifically deal with such rights, and is without prejudice to the outcome of those negotiations".

- Cloaked in technical jargon, Indigenous peoples are being told that the status and fundamental human rights that inhere in "All peoples"<sup>1</sup> do not inhere in us. We are being told that that our status and human rights as peoples are not recognized, respected or applicable. Indigenous peoples are not being recognized as equals among other peoples of the world. Rather, we are being discriminated against.
- In paragraph 27, Indigenous peoples are being told by the U.N. that, unlike any other individual, group, collectivity or people in the world, our status and fundamental human rights are not inherent, inalienable and universal – but are rather to be derived from "negotiations", subject to the prejudices and self-interest of U.N. state parties.
- In paragraph 27, the U.N. is contradicting the rulings of its own U.N. Human Rights Committee – the U.N. juridical body that rules on State Party compliance with the *International Covenant on Civil and Political Rights*. The Human Rights Committee has explicitly recognized Indigenous peoples as *peoples* in international law.
- If paragraph 27 remains in the Declaration, or if the Declaration contains any language which derogates from the rights of Indigenous peoples as *peoples* in international law, the U.N. will be guilty of practising and perpetuating discrimination within its own processes.

Further information (at WCAR): 082-424-5304 or 082-971-0181 or 082-858-9765

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<sup>1</sup> See Art. 1 of the *International Covenant on Civil and Political Rights* (1976) and the *International Covenant on Economic, Social and Cultural Rights* (1976), in which it is stated: "All peoples have the right of self-determination."