

Submission in follow-up to HRC resolution 15/25 “The Right to development”

Indian Council of America Indigenous Peoples and Nations Coalition International Council For Human Rights

Declaration on the Right to Development

Input on Operationalizing the RTD for Indigenous and other peoples

April 24, 2011

Ambassador Ronald Barnes

The Indian Council of South America, Indigenous Peoples and Nations Coalition, International Council for Human Rights delivered an intervention on the 30 April 2010 signed by 10 other Non-Governmental Organizations¹ highlighting the right to self-determination as the basis for realizing all other rights in the *Declaration on the Right to Development*. The last report did not reflect the importance placed on the right to self-determination but recorded our intervention in paragraph 14² though we will re-submit the paragraph to reiterate the dissatisfaction in the reporting process:

The political dimension of the right to self-determination is erroneously recorded and reduced in the scope and application of the final reports, specifically in the current criteria and sub-criteria in terms of the right to development. We believe that more needs to be included so the issues pertinent to all stakeholders can be included, especially for peoples vested with the right to self-determination, including for those under colonial domination and foreign occupation.

Our organizations submit the following points from the *Declaration on the Right to Development* to reaffirm the necessary principles embodied in the Declaration in order to ensure that the rights of Indigenous Peoples and all other peoples are not omitted when setting standards in operationalizing the right to development:

¹ Koani Foundation non ECOSOC

International Organization for Indigenous Resource Development (IOIRD) ECOSOC

Women’s International League for Peace and Freedom (WILPF) ECOSOC

International Human Rights Association of American Minorities (IHRAAM) ECOSOC

International Association for Schools of Social Work (IASSW) ECOSOC

Indigenous Peoples Council on Biocolonialism (IPCB) non ECOSOC

Interfaith International (II)

Incomindios

OCOPROCE International

International Foundation for the Advancement of Indigenous Peoples (IFAIP)

² The Indian Council of South America, Indigenous Peoples and Nations Coalition, International Council for Human Rights drew the attention of the Working Group to the situation of indigenous peoples and expressed hope that the interest of indigenous peoples would be considered in the work of the task force. Furthermore, it was suggested that the task force draw on the specialized expertise from relevant non-governmental and international organizations and agencies such as the Transparency International and the Organization for Economic Development and Cooperation in the revision of the criteria and development of the sub-criteria.

The right to development and its application to all other rights, including the right to self-determination must be met by recognizing that all peoples, including Indigenous Peoples must be able to harness and to be provided relief for the violations of the rights elaborated in the *Declaration on the Right to Development* and by creating the proper mechanisms to implement the rights without politicization and selectivity. The Working Group must first recognize and identify the rights then provide for the mechanisms beyond the current means and methods available all peoples today. There is no effective implementation process to address violations of the right to self-determination in association with all other rights. Particular sectors of the right to development need special attention including the political will for the operationalization of the instrument. It is necessary to stop denying the application of the right to development to Indigenous Peoples and all other peoples.

Indigenous Peoples and all other peoples have been systematically denied the right to harness the rights in the Declaration on the Rights to Development, in particular as peoples who are colonized and are under foreign occupation in operative paragraph 5. Article 1 of the Right to Development elaborates the inalienable human right for every person and all peoples, including the right to self-determination and its dimensions of economic, social, cultural and political development as the basis for all human rights and fundamental freedoms. Article 1.2 gives specific attention to the full realization of the right of peoples to self-determination and to permanent sovereignty over natural resources. Article 4.1 stipulates that States have the duty to take steps both individually and collectively to promote international development policies to promote the full realization of right to development. The full application of Article 5 is vitally important as Indigenous Peoples and all peoples who suffer from “massive and flagrant violations of human rights as peoples...from apartheid, all forms of racism and racial discrimination, colonialism, foreign domination and occupation, aggression, foreign interference and threats against national sovereignty, national unity and territorial integrity, threats of war and refusal to recognize the fundamental right of peoples to self-determination”.

States must be willing to eliminate the obstacles for implementing the right to development by operationalizing all Articles including Article 6.3; they are also called upon to co-operate with all facets of rights, including the interdependence and indivisibility of the civil, political, social, economic and cultural rights.

Please record the importance of the right to self-determination presented by our organizations as a necessary component that must apply to all standard setting processes in operationalizing the right to development.

Finally, we call on the next meeting to allow us to present our views.

I thank you kindly,

Ambassador Ronald Barnes, Chair
Indigenous Peoples and Nations Coalition