The UN Declaration on the Rights of Indigenous Peoples

... a victory for indigenous peoples
Beginnings of IP engagement with the UN

  Both were turned away.
In 1923, Haudenosaunee Chief Deskaheh (Cayuga Nation of Canada) travelled to Geneva to speak to the League of Nations and defend the right of his people to live under their own laws, on their own land and under their own faith.
Martinez-Cobo Study and UN-Working Group on Indigenous Populations

- Jose Martinez Cobo’s study on situation of discrimination against indigenous peoples (1971 to 1982), Final report released -1986


- 1985 – UNWGIP started to draft the Declaration
Other related processes

- 1989 – ILO adopted Convention No. 169 which revised Convention 107

- The International Year of the World’s Indigenous People (1993)

- June 1993 – UN World Conference on Human Rights (Vienna) recommended the establishment of UN Permanent Forum on Indigenous Peoples

Working Group on the Draft Declaration

- 1995 – UN-CHR Working Group on the Draft Declaration was established

- 1997 – only two articles were provisionally adopted. Art. 5 and Art. 43 – individual rights articles

- 2002 – Norway presented some changes to accommodate territorial integrity
Process of adoption

- 2005 – Oaxaca meeting on Draft sponsored by Mexico
- 2005-2006 – 11th and final session of the WGDD
- June 29, 2006 – adopted by the 1st Session of the newly established Human Rights Council
- 30 – yes: 2 no (Canada, Russia) 12 - Abstained
- 2006 – Patzcuaro Meeting on implementation of Declaration sponsored by the Mexico
Process of adoption of the UN Declaration on the Rights of IPs

- 28 Nov. 2006 – Namibia resolution: adoption deferred by Third Committee of UN General Assembly
- 13 Sept. 2007 – adopted at 61st Session of General Assembly:
  - 144-voted yes; 4 –no (Australia, Canada, New Zealand, US) 11-abstained; 30 - absent
UN Declaration on the Rights of Indigenous Peoples

The nine sections of the Declaration address:

- Preamble (24 paragraphs)
- Part 1: General Principles: (Arts. 1-6) collective rights, non-discrimination, right to self-determination, participation, nationality
- Part 11: Life, Integrity, Security: (Arts. 7-11): right to life, against forced assimilation, no relocation without free, prior and informed consent
UN Declaration on the Rights of Indigenous Peoples

- Part 111: the spiritual, linguistic and cultural identity and rights of indigenous peoples (Arts. 11-16)
- Part 1V: Educational, information and labour rights (Arts. 15-17)
- Part V: Political participation, right to development, to political, economic and cultural systems and customary laws, rights of women, children and disabled, right to health (Arts. 18-24)
UN Declaration on the Rights of Indigenous Peoples

- Part V1: Rights to Lands, Territories and Resources (Arts.25-30)
- Part V11: Intellectual Property Rights, Right to free, prior and informed consent before approval of projects, mobility, Treaty rights (Arts.31-37)
- Part V111: Implementation (Arts.38-43)
- Part 1X: Limitations
UN Declaration on the Rights of IPs

- education, information, women, children and labour rights
- participatory rights, development and other economic and social rights
- land and resource rights
- the exercise of self-determination, indigenous institutions
- the effective implementation of the Declaration and general concluding provisions (two parts)
“Effective implementation of the Declaration will be the test of commitment of States and the whole international community to protect, respect and fulfill indigenous peoples collective and individual human rights.

I call on governments, the UN system, Indigenous Peoples and civil society at large to rise to the historic task before us and make the UN Declaration on the Rights of Indigenous Peoples a living document for the common future of humanity.”

Victoria Tauli-Corpuz
Chairperson
UN Permanent Forum on Indigenous Issues
13 September 2007
We emphasise once again that the Declaration on the Rights of Indigenous Peoples contains no new provisions of human rights. It affirms many rights already contained in international human rights treaties, but rights which have been denied to the Indigenous Peoples.

As Indigenous Peoples we now see a guarantee that our rights to self determination, to our lands and territories, to our cultural identities, to our own representation and to our values and beliefs will be respected at the international level.

Les Malezeer  
Chairperson  
Global Indigenous Peoples Caucus  
13 September 2007
“We should not however, cast indigenous peoples as victims, but rather as critical assets to the diversity of our global humanity.

Today, by adopting the Declaration on the Rights of Indigenous Peoples we are making further progress to improve the situation of indigenous peoples around the world.”
"This marks a historic moment when U.N. member states and indigenous peoples have reconciled with their painful histories and are resolved to move forward together on the path of human rights, justice and development for all."

Secretary-General Ban Ki-moon
UN Secretary-General
13 September 2007