



INDIGENOUS PEOPLES INDIGENOUS VOICES

Frequently Asked Questions

## Declaration on the Rights of Indigenous Peoples

### ❖ What is the Declaration on the Rights of Indigenous Peoples?

The Declaration is a comprehensive statement addressing the human rights of indigenous peoples. It was drafted and formally debated for over twenty years prior to being adopted by the General Assembly on 13 September 2007. The document emphasizes the rights of indigenous peoples to live in dignity, to maintain and strengthen their own institutions, cultures and traditions and to pursue their self-determined development, in keeping with their own needs and aspirations. Other U.N. bodies address indigenous rights through Conventions such as the International Labour Organization's Convention No.169 and the Convention on Biological Diversity (Article 8j).

### ❖ What rights are ensured by the Declaration?

The Declaration addresses both individual and collective rights, cultural rights and identity, rights to education, health, employment, language, and others. The text says indigenous peoples have the right to fully enjoy as a collective or as individuals, all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and the rest of international human rights law. Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity. Indigenous peoples have the right to self-determination. By that right they can freely determine their political status and pursue their economic, social and cultural development. They have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their rights to participate fully, if they choose to, in the political, economic, social and cultural life of the state.

### ❖ How was the Declaration adopted?

The Declaration was adopted by a majority of the General Assembly in New York on 13 September 2007, with 144 countries voting in support, 4 voting against and 11 abstaining.


### ❖ Why did the Declaration take over two decades to move forward?

The process moved slowly while States and indigenous peoples engaged in a fruitful UN-facilitated dialogue over the years. Issues such as group rights and individual rights, lands and resources were subject to intense debate.

- In 1982 the United Nations Economic and Social Council established the Working Group on Indigenous Populations, to develop, among other things, human rights standards that would protect indigenous peoples.
- In 1985, the Working Group began preparing the draft Declaration on the Rights of Indigenous Peoples.



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- In 1993, the Working Group agreed on a final text for the draft Declaration and submitted it to the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, which approved it in 1994. The draft was subsequently sent to the then U.N. Commission on Human Rights, which established the Working Group on the draft Declaration on the Rights of Indigenous Peoples.
  - The 2005 World Summit and the 2006 Fifth Session of the UN Permanent Forum on Indigenous Issues (UNPFII) called for the adoption of the Declaration as soon as possible.
  - Finally, the Human Rights Council adopted the Declaration in June 2006, followed by the General Assembly in September 2007.

#### ❖ **Some highlights of the Declaration**

- Seventeen of the forty-five articles of the Declaration deal with indigenous culture and how to protect and promote it, by respecting the direct input of indigenous peoples in decision-making, and allowing for resources, such as those for education in indigenous languages and other areas.
- Fifteen of the forty-six articles of the Declaration are about indigenous peoples' participation in all decisions that will affect their lives, including meaningful participation in a democratic polity.
- The Declaration confirms the right of indigenous peoples to self-determination and recognizes subsistence rights and rights to lands, territories and resources.
- The Declaration recognizes that indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.
- Essentially, the Declaration outlaws discrimination against indigenous peoples, promotes their full and effective participation in all matters that concern them, as well as their right to remain distinct and to pursue their own visions of economic and social development.

#### ❖ **What is the significance of the Declaration?**

Many of the rights in the Declaration require new approaches to global issues, such as development, decentralization and multicultural democracy. In order to achieve full respect for diversity, countries will need to adopt participatory approaches to indigenous issues, which will require effective consultations and the building of partnerships with indigenous peoples.

#### ❖ **Is the Declaration legally binding?**

UN Declarations are generally not legally binding; however, they represent the dynamic development of international legal norms and reflect the commitment of states to move in certain directions, abiding by certain principles. The Declaration, however, is widely viewed as not creating new rights. Rather, it provides a detailing or interpretation of the human rights enshrined in other international human rights instruments of universal resonance –as these apply to indigenous peoples and indigenous individuals. It is in that sense that the Declaration has a binding effect for the promotion, respect and fulfillment of the rights of indigenous peoples worldwide. The Declaration is a significant tool towards eliminating human rights violations against the over 370 million indigenous people worldwide and assisting them and States in combating discrimination and marginalization.

**For more information** on the Declaration, please visit: <http://www.un.org/esa/socdev/unpfii/en/declaration.html>

