

THE UNITED NATIONS PERMANENT FORUM ON INDIGENOUS ISSUES

TOGETHER WE ACHIEVE

Backgrounder

Tenth Anniversary of the United Nations Declaration on the Rights of Indigenous Peoples

On 13 September 2007, the General Assembly adopted the United Nations Declaration on the Rights of Indigenous Peoples. It was a major milestone with respect to the cooperation and solidarity between indigenous peoples and Member States.

The Declaration is the most comprehensive international instrument on the rights of indigenous peoples. It embodies global consensus on the rights of indigenous peoples and establishes a universal framework of minimum standards for their survival, dignity and well-being. It elaborates on existing human rights standards and fundamental freedoms, as they apply to the specific situation of indigenous peoples.

The 10th Anniversary of the Declaration

Although there has been major progress in implementing the Declaration over the last decade, there continues to be a gap between the formal recognition of indigenous peoples and implementation of policies on the ground. As a result, indigenous peoples continue to face exclusion, marginalization and major challenges in enjoying their basic rights.

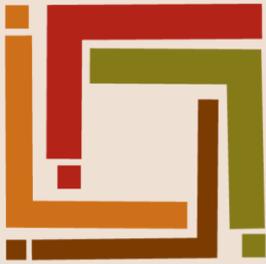
Article 42 of the Declaration explicitly refers to the role of the Permanent Forum on Indigenous Issues in promoting respect for and full appreciation of the provisions of the Declaration. To draw attention to the progress made and remaining challenges in implementing the Declaration, the sixteenth session of the Permanent Forum will have a special thematic focus on the tenth anniversary of the Declaration.

The tenth anniversary will also be the focus of a high-level event to be convened by the President of the 71st session of the United Nations General Assembly on 25 April 2017 in New York to take stock of the achievements, assess challenges and consider further follow-up to the Declaration.

The Declaration and national constitutions

Constitutional reforms can be an essential step towards ensuring the recognition, inclusion and promotion of the rights of indigenous peoples. Since the adoption of the Declaration, several countries, particularly in the Latin American region, have taken steps to recognize the identity and rights of indigenous peoples, including Costa Rica, Ecuador, Mexico, Nicaragua and the Plurinational State of Bolivia among others. Several countries, including Kenya, recognize certain groups that identify as indigenous peoples. While some countries like Chile have publicly expressed their intent to consider constitutional changes that recognize indigenous peoples, others like Australia and New Zealand are already considering such constitutional changes.





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Legislation and jurisprudence

The Declaration has been used to foster development of specific national laws and amendment of existing legislation. In Japan, the Plurinational State of Bolivia, and the Republic of the Congo, laws have been adopted that recognize the rights of indigenous peoples. The Philippines Indigenous Peoples Rights Act of 1997 is one of the first examples of indigenous-specific legislation. There is a growing body of jurisprudence, which attests to the success of indigenous advocates in establishing the rights of indigenous peoples. Landmark cases include *Cal v. Belize* of the Supreme Court of Belize, the recommendation of the African Commission on Human and Peoples' Rights with respect to the Endorois people, the decision No. 35/PUU-X/2012 of the Constitutional Court of Indonesia, and cases of the Inter-American Court of Human Rights like the *Saramaka People v. Suriname* and *Kichwa Indigenous People of Sarayaku v. Ecuador*.

The United Nations work

The adoption of the Declaration motivated several United Nations entities and intergovernmental organizations to revisit their work with indigenous peoples, and develop new strategies and policies. Many are implementing specific projects and initiatives aimed at strengthening the rights of indigenous peoples aligned with their own priorities for development.

In contrast to the Millennium Development Goals where indigenous peoples were largely invisible, the Sustainable Development Goals include explicit consideration of key priorities of indigenous peoples, with six references to indigenous peoples in the 2030 Agenda. The General Assembly's Third Committee in its 2016 resolution (A/RES/71/718) encouraged Member States to give due consideration to all the rights of indigenous peoples when implementing the 2030 Agenda.

The way forward

The implementation of the United Nations Declaration on the Rights of Indigenous Peoples has achieved some major successes over the last decade, especially at the global level.

In 2014, at the first World Conference on Indigenous Peoples, Member States reaffirmed their support to the United Nations Declaration on the Rights of Indigenous Peoples and committed to taking legislative, policy and administrative measures at the national level to achieve the ends of the Declaration.

Following the World Conference, there has been progress at the international level, including the development of a United Nations system-wide action plan on the rights of indigenous peoples to guide the UN system work in this area. However, there is a need to address remaining gaps between the formal recognition of indigenous peoples and the implementation of policies on the ground. At the national level, there is a need to demonstrate political will, technical capacity and financial commitment to implement the Declaration as the minimum standard for the survival, dignity and well-being of the indigenous peoples of the world.

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