



INDIGENOUS PEOPLES, INDIGENOUS VOICES

## FREQUENTLY ASKED QUESTIONS

### DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

*"The product of many years of complex and at times contentious negotiations, the Declaration is an instrument of historic significance for the advancement of the rights and dignity of the world's indigenous peoples. Its expected adoption by the United Nations General Assembly before the end of the year will be a major achievement, with potential to further mobilize indigenous people and their partners."*

UN Secretary-General Kofi Annan on International Day of the World's Indigenous People, August 2006

#### WHAT IS THE DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES?

The Declaration is a comprehensive statement addressing the rights of indigenous peoples. It was drafted and formally debated for over twenty years prior to being adopted on 29 June 2006 during the inaugural session of the Human Rights Council. The document emphasizes the rights of indigenous peoples to maintain and strengthen their own institutions, cultures and traditions and to pursue their 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 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 the Human Rights Council on 29 June 2006 by a vote of 30 in favour, 2 against and 12 abstentions. It is expected that the Declaration will be submitted for adoption by the UN General Assembly at its 61<sup>st</sup> Session.

#### WHY HAS THE DECLARATION TAKEN OVER TWO DECADES TO MOVE FORWARD?

The process has moved slowly but a fruitful dialogue has been established among states and indigenous peoples over the years. Issues of human rights, lands and resources have been the subject of intense debates.





- In 1982 the United Nations Economic and Social Council (ECOSOC) established the Working Group on Indigenous Populations (WGIP) to develop human rights standards that would protect indigenous peoples. The Working Group was established as a result of a study by Special Rapporteur José R. Martínez Cobo on the problem of discrimination faced by indigenous peoples.
- In 1985, the Working Group began preparing the draft Declaration on the Rights of Indigenous Peoples.
- 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 United Nations Permanent Forum on Indigenous Issues (UNPFII) called for the adoption of the Declaration as soon as possible
- Finally, the Human Rights Council that succeeded the Commission on Human Rights, adopted the Declaration in June 2006.

### **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.
- 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. Countries will need to pursue participatory approaches in their interactions with indigenous peoples that will require meaningful 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. This is the case for the Declaration on the Rights of Indigenous Peoples as well. The Declaration is expected to have a major effect on the rights of indigenous peoples worldwide. If adopted, it will establish an important standard for the treatment of indigenous peoples and will undoubtedly be a significant tool towards eliminating human rights violations against the over 370 million indigenous people worldwide and assist them in combating discrimination and marginalization.

**For more information** on the Declaration, please visit:

<http://www.un.org/esa/socdev/unpfii/en/declaration.html>  
<http://www.ohchr.org/english/issues/indigenous/index.htm>  
<http://www.ohchr.org/english/bodies/hrcouncil/>

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