

Introductory Remarks
Eleventh Session
UNPFII
Item 4 -- Human Rights
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As we approach the fifth anniversary of the UNGA's adoption of the UNDRIP, I was reminded of a few early debates wherein states manifested the "residue of colonialism" – these thoughts came to mind largely due to this Eleventh session theme of the doctrine of discovery and our discussions last week.

In the context of Indigenous human rights and in particular, the revision of ILO Convention No. 169 and the negotiation and finalization of UNDRIP, we became acutely aware of the lingering manifestations of such doctrines. For example, even the title of the original Working Group on Indigenous Populations and the subsequent state objections and positions that insisted that it was incorrect to refer to the WGIP as the Working Group on Indigenous Peoples. Like the Persons case in Canada, such positions were an attempt to deny us our status as peoples in order to deny our rights, and in particular our right of self-determination. Fortunately, Indigenous peoples prevailed on this matter, with the support of states grounded enough to engage with Indigenous peoples, in good faith, to address our claims to the right of self-determination in a fashion that is consistent with international law and the principle of equality.

Related to this debate on self-determination, another example of the residue of colonialism was the persistent view of several states that Indigenous human rights are not human rights but rather rights distinct from the overall body of international human rights law solely to advance their own interests while disregarding the reality of our distinct human rights and the corresponding collective cultural context that we exercise them within. Again, fortunate for Indigenous peoples, with the understanding of many states and now the growing jurisprudence reflected in the human rights treaty bodies, the reports of the Special Rapporteur, the numerous studies and work being done by UN agencies and organs as well as Indigenous/State efforts to implement the UNDRIP jointly, Indigenous peoples have been vindicated.

I was also reminded of the internal Indigenous peoples' preparatory meeting debate in 1985 between those who believed that the UNDRIP should only reflect our collective or group rights and make no mention of our distinct individual human rights as Indigenous persons. In hindsight, this may have been a wise approach when viewed against the backdrop of the erroneous characterization by some that Indigenous human rights only attach to individuals and not to Indigenous nations, communities and peoples. On the other hand, the balanced approach taken in the final text of the UNDRIP has been and continues to be highly relevant and extremely important, for example, in relation to protecting and promoting the rights of individual Indigenous women, children and youth in the context of violence perpetrated against them.

As late as yesterday we have seen incredible strides in acceptance of the views, aspirations and human rights of Indigenous peoples by concluding our session in a positive atmosphere of hope and a general consensus over our right to the full, effective and direct participation in the forthcoming World Conference on Indigenous Peoples. However, while we sit here in the halls of the UN headquarters, we must be mindful of the reality that a majority of the world's Indigenous peoples face day in, day out. This reality is one of stunning and unacceptable conditions that require urgent attention by governments across the globe but not at the international level, not in the halls of the UN headquarters but at the domestic level and out there, on the ground and within the regions and territories of Indigenous communities and peoples. This is where the Indigenous human beings are, collectively and individually. And, the reality is that this is where the human rights claims and violations are. They were taking place yesterday, today, and unless states act, at the local level, they will continue to take place tomorrow and the next day and the next day until World Conference and beyond. It is that simple: states need to take substantive and concrete action to thoroughly read the UNDRIP and to begin work with Indigenous peoples to change the reality and to move toward the full realization and real enjoyment of the Indigenous human rights embraced by the UNDRIP.

Indeed, five years is far too soon to assess the impact of the UNDRIP. However, everyone in the room and especially state government representatives, pause for a moment and think, really think, about the centuries of suffering that began with the so-called doctrine of discovery. Pause and think about its present-day manifestations. However, more importantly, right now and tomorrow, think about what your respective governments can do to alter the conditions of poverty and economic inequities. What can your governments proactively do to promote genuine democracy through participation, accountability, and transparency? What can your government do about achieving genuine self-determination? What can your governments do to ensure self-reliance and food security? There must be greater understanding and genuine sensitivity toward indigenous peoples in order for us to maintain our distinct ways of life and one of the best ways to express this sensitivity is to truly embrace each and every article of the UNDRIP and give full effect to its intent and meaning. Indigenous peoples will have to hold up their end of the dialogue but I trust that most, if not all, are ready and waiting to do so. Following the comments from the representatives of the Expert Mechanism on the Rights of Indigenous Peoples and the Chair of the UN Voluntary Fund for Indigenous Peoples, I invite everyone present to contribute to a constructive discussion about the full range of individual and collective Indigenous human rights.