

A Step Forward for Indigenous Peoples at the United Nations

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New York City, September 13, 2007: Thirty years – nearly to the day - after Indigenous Peoples were first invited to Geneva, Switzerland to declare their issues to the global arena, the **United Nations General Assembly adopted the Declaration on the Rights of Indigenous Peoples (DRIP)**, setting a minimum international standard for the protection and promotion of the rights of the nearly 400 million Indigenous Peoples of the world.

“This was an historic day, and a step forward to help assure Indigenous Peoples’ treaty rights, human rights, and self-determination,” stated Tonya Gonnella Frichner, North American Regional Representative to the UN Permanent Forum on Indigenous Issues (2008-2010). A citizen of the Onondaga Nation, Ms. Frichner is President of the American Indian Law Alliance, which has participated in a lead role in the development and articulation of the Declaration since early in the process and also the Vice Chair of the Seventh Generation Fund for Indian Development, an international Indigenous Peoples’ organization involved with human rights advocacy.

With a majority vote by governments of 144 – Yes, 4 – No (U.S., Canada, New Zealand, Australia) and 11 – Abstentions, this Declaration is uniquely situated as being the sole UN Declaration which was drafted in concert with the rights-holders, Indigenous Peoples. The forty-six articles represent many decades of work by Indigenous leaders, human rights advocates, governments and UN agencies. It was interesting to note, however that Mexico, which had taken a strong role in the negotiation process, was not listed as a sponsor as expected. Now adopted, the next step for governments of the world is to set forth their intended implementation strategies by reviewing and assessing their respective countries’ policies, legislation, programs and other applications in light of this new standard in all their dealings with Indigenous Peoples.

A milestone in the legacy of the UN system, the Declaration directly addresses Indigenous Peoples’ human rights - including both individual and collective rights, cultural rights as well as rights to language, health, and education, among many others - and further articulates a mandate for free, prior and informed consent by Indigenous Peoples to development on Indigenous territories.

The 144 yes votes by members of the UN General Assembly (GA) supporting the adoption echo around the world to the great joy of Indigenous Peoples and human rights champions. Unfortunately, those present at the GA noted that of the 144 governments that voted for the

Declaration, some 20 said in explanation of their votes that, for them, “*individual human rights superceded collective rights, or that the Declaration must not challenge the territorial integrity or political rights of the state.*” Others, like the Swedish Ambassador, appeared to limit Saami territorial and resource rights in Sweden in regard to herding rights.

The statement by Norway’s Ambassador, however, was most welcomed in that he noted an understanding that the Declaration illustrated, but did not limit, ways in which Indigenous Peoples may exercise their self-determination. He also asserted that the 1970 Declaration on Friendly Relations offered the correct interpretive context for the DRIP. Finally, although he regrettably noted that Norway would, “*continue with military exercises*” on Indigenous territories, he at least recognized that they had to meet the test of a ‘significant threat’ to “*the public interest.*”

Indigenous leaders are very concerned about such positions. For instance, "the public interest" test could possibly be interpreted as a government's interest in mineral or water rights, or halting a blockade or march. In light of this, Tupac Enrique (Xicano-Nahuatl) director of Tonatierra, an Indigenous community development and human rights organization said, “*We got out of the domestic cage, but now government-states are attempting to cage us within the parameters of territorial integrity and political unity, internationally, through the wording of the Declaration . . . This is unacceptable!*”

Strong opposition to the Declaration’s adoption came from the negative voting countries, such as Canada, which wrote, “*In Article 26, the document states: ‘Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.’ This could be used by Aboriginal groups to challenge and re-open historic and present day treaties and to support claims that have already been dealt with.*” Such remarks clearly mandate a close eye by human rights advocates, Indigenous nations, and governments as the implementation process unfolds around the world, impacting the lives, cultures, territories and futures of Indigenous Peoples.

As Indigenous leaders around the globe embrace the great potential inherent in this new human rights instrument, they also recognize there is much work still ahead of us all to assure protection of Indigenous Peoples’ rights for generations to come. “*This is a significant and momentous day in our history. A time when Indigenous communities and nations should take a lead role in breathing life into this new human rights document,*” noted Christopher Peters (Pohlik-lah), President of the Seventh Generation Fund for Indian Development.

Thank you for your review of this release. We will share a more detailed analysis in the forthcoming days.