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Contact: Valerie Taliman 505/270-3092
vtaliman@indianlaw.org

UN Adopts Declaration on the Rights of Indigenous Peoples

NEW YORK – The United Nations General Assembly today voted to adopt the Declaration on the Rights of Indigenous Peoples by a vote of 143 in favor, four against and 11 abstaining.

Of the 192 member countries, only the United States, Canada, New Zealand and Australia opposed the Declaration – countries with large indigenous populations that own vast natural resources.

“It was a moving moment when the UN General Assembly overwhelmingly adopted the Declaration. It is a definite change in the tide of history,” said Coulter. “Indigenous peoples are now accepted as a permanent part of the world community, and this will help stop discrimination and end the marginalization of indigenous peoples.”

Though non-binding, the declaration will help inform federal judges, Congress and government officials that the rights of tribes and indigenous peoples worldwide must be respected.

“For the first time, indigenous peoples’ rights to self-determination and control over their land, resources, cultures and languages are being formally recognized,” said Robert “Tim” Coulter, executive director of the Indian Law Resource Center. “It has considerable legal and moral force, and over time will lead to binding international law. It’s a good, clear and strong statement of our rights.”

Among other rights, the declaration mandates that indigenous peoples cannot be forcibly removed from their lands, and that they have the right to territories and resources that they have traditionally owned or acquired to use, develop and control these lands – and that they have the right to restitution and compensation for lands taken.

The Declaration lays out in detail indigenous peoples’ rights to self-government, culture, identity, language, employment, health, education and their right to control development in their territories.

“This is a huge advance in the law of self-determination, the most important in 50 in years. It is a tremendous advance in international human rights because collective rights of indigenous peoples are now recognized as human rights,” Coulter said.

Coulter called the vote against the Declaration by the U.S., Canada, Australia and New Zealand “shameful.” The fact that only four countries voted against it speaks strongly to the illegitimacy of the concerns they voiced that the Declaration gives indigenous people veto power over development in countries.

Armstrong Wiggins, a Miskito leader from Nicaragua and director of the Center’s Washington, D.C. office, said he was gratified that the work they began in 1977 paid off in time. “It’s not a perfect Declaration, but it is a good start. Our hope is that our children and our grandchildren will be able to make it better. But it is a very positive step forward and we encourage countries to begin implementing its provisions.”

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