



INDIGENOUS PEOPLE INDIGENOUS VOICES

FACT SHEET

ADVANCES IN THE RECOGNITION OF INDIGENOUS RIGHTS SINCE THE ADOPTION OF THE UN DECLARATION

In September 2007, after more than two decades of negotiations, the UN General Assembly adopted the United Nations Declaration on the Rights of Indigenous Peoples. The Declaration was an historic step forward for the recognition of indigenous peoples' rights as human rights and emphasizes the rights of indigenous peoples to live in dignity and to maintain and strengthen their own institutions, cultures and traditions. It consists of 46 articles that address both individual and collective human rights, including cultural rights, and rights to education, health, employment, and language, among others.

"Now that it's adopted, the biggest challenge is how to get the Declaration implemented by states, UN bodies and by indigenous peoples themselves and by society at large," said Victoria Tauli-Corpuz, Chairperson of the UN Permanent Forum on Indigenous Issues.

SINCE THE DECLARATION'S ADOPTION, CONSIDERABLE ADVANCES HAVE BEEN MADE AROUND THE WORLD TO ADVANCE THE REALIZATION OF INDIGENOUS PEOPLES' RIGHTS:

While major challenges remain in establishing state and corporate social responsibility and accountability, there are examples of practices in which the interests of states and the private sector have been aligned with the welfare of indigenous communities.

- In April 2009, the Government of **Australia** officially endorsed the Declaration, constituting a shift in policy after having voted previously against its adoption in the UN General Assembly. Government officials described the endorsement as "a step towards resetting relations between indigenous and non-indigenous Australians."
- The government of **Namibia** has initiated several education, employment and other programmes aimed at assisting Namibia's most marginalized peoples, the San. Since 2005, such initiatives have included coffin manufacturing, beekeeping, aquaculture, and projects targeted specifically at supporting San women.
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- As part of the **American Recovery and Reinvestment Act** (ARRA or "Stimulus Bill") of **February 2009**, \$510 million was allocated to be spent on the rehabilitation of Native American housing.
- In **Bolivia**, a referendum to amend the Constitution in January 2009 resulted in approximately 60 per cent of the population voting in favour of changes to give Bolivia's indigenous majority more power. The new Constitution provides for dedicated seats in Congress and in the Constitutional Court for smaller indigenous groups and, among other things, grants autonomy to indigenous peoples that will allow them to practice community justice according to their own customs.
- Also in June 2008, the Government of **Japan** formally recognized the Ainu people as indigenous people of Northern Japan. The resolution adopted by the Japanese Parliament states that the Ainu have a distinct language, religion and culture, recognizing that Japan is not an ethnically homogenous nation.
- In June 2008, Prime Minister Harper of **Canada** offered an apology to the approximately 80,000 former students of Indian residential schools still living, and to their family members and their communities, for the forcible removal of children from their homes.
- In April 2008, the House of Commons in **Canada** issued an endorsement of the Declaration, calling on the Parliament and Government to "fully implement the standards contained therein."
- In February 2008, the Government of **Australia** formally apologized to members of the "Stolen Generations" and their families for the policy of forcible removal of indigenous children, which had devastating consequences for generations of indigenous Australians.
- In November 2007, the Inter-American Court of Human Rights invoked the Declaration in a ruling in favour of the Saramaka people in **Suriname** to settle a logging case. The Court referred to Article 32, which affirms indigenous peoples' "right to determine and develop priorities and strategies for the development or use of their lands."
- In October 2007, the Chief Justice in Belize referred to the Declaration when deciding that lands that were taken away from the Maya people by the government should be returned. The Chief Justice noted that **Belize** had voted for the Declaration, and the Court quoted Article 26, which states that indigenous peoples have the right to the lands, territories and resources that they have traditionally owned, occupied or otherwise used or acquired and that "States shall give legal recognition and protection to these lands, territories and resources" with "due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned."

Since its adoption, the Declaration has been translated into some 15 indigenous and other languages in addition to the six official languages of the United Nations.

See www.un.org/indigenous for more details.

