

# STATEMENT ON THE OCCASION OF THE ADOPTION OF THE UNITED NATIONS *DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES*

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Madame President of the General Assembly, HE Ambassador Haya Rashed Al Khalifa, Excellencies, Indigenous Chiefs, Elders, Sisters and Brothers, Ladies and Gentlemen,

I open my statement by acknowledging the First Peoples of this territory of which some of the Chiefs are here with us today. *Gawis ay agew ken datako am-in. Palalo ng gasing ko ay mang-ila ken dakayo.*

I am Victoria Tauli-Corpuz, a Kankana-ey Igorot from the Cordillera Region in the Philippines. I speak as the Chair of the Permanent Forum on Indigenous Issues. Three of my co-members Aqaluuk Lynge, Willy Littlechild and Merike Kokajev are also here with us. I also speak as an Indigenous person who has been actively engaged in the work around this Declaration.

It is a great honor and privilege to address you all in this historic day. Through the adoption of the *Declaration on the Rights of Indigenous Peoples*, the United Nations marks a historical milestone in its long history of developing and establishing international human rights standards.

It marks a major victory for Indigenous Peoples who actively took part in crafting this Declaration. This day will be forever be etched in our history and memories as a significant gain in our long struggle for our rights as distinct peoples and cultures.

The 13th of September 2007 will be remembered as a day when the United Nations and its Member States, together with Indigenous Peoples, reconciled with past painful histories and decided to march into the future on the path of human rights. I thank very warmly all the States who voted

for the adoption of the Declaration today. All of you will be remembered by us.

## **Madame President,**

Let me express my warmest gratitude to you for your leadership and for keeping your word that you will do all you can to make sure this Declaration will be adopted before the end of your Presidency. Among many of your achievements, the adoption of the Declaration is the one which we, Indigenous Peoples and we as members of the Forum, will remember as your most important legacy.

I hail representatives of Indigenous Peoples who patiently exerted extraordinary efforts for more than two decades to draft and negotiate the Declaration. Indigenous Peoples' attempts to get the ears of the international community started much earlier with the trip of Cayuga Chief Deskahoh to the League of Nations in 1923 and of Maori leader W T Ratana in 1925. We can now say that this historical trip, even if he was turned away, has not been in vain.

This Declaration has the distinction of being the only Declaration in the UN which was drafted with the rights-holders, themselves, the Indigenous Peoples. We see this as a strong Declaration which embodies the most important rights we and our ancestors have long fought for; our right of self-determination, our right to own and control our lands, territories and resources, our right to free, prior and informed consent, among others. Each and every article of this Declaration is a response to the cries and complaints brought by Indigenous Peoples before the UN Working Group on Indigenous Populations ('WGIP'). This is a Declaration which makes the opening phrase of the UN

Charter, 'We the Peoples...' meaningful for the more than 370 million Indigenous persons all over the world.

**Madame President,**

While we respect the interpretative statements presented by States, today, we believe that the significance and legal implications of this Declaration should not be minimized in any way because this will amount to discrimination against Indigenous Peoples. For us, the correct way to interpret the Declaration is to read it in its entirety or in a wholistic manner and to relate it with existing international law. Article 46 paragraph 1, for instance, cannot be interpreted in a way which discriminates Indigenous Peoples. The first preambular paragraph, a new addition, which says 'Guided by the purposes and principles of the Charter of the United Nations...' immediately establishes that Indigenous Peoples' rights in the Declaration are within the context of international law.

Preambular paragraph 16 confirms that the right of self-determination of 'all peoples' is the right referred to in the Charter of the UN, the *International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights* and *Vienna Declaration and Programme of Action*. The right of self-determination of Indigenous Peoples contained in Article 3 of the Declaration is the same right contained in international law. The reference to the *Vienna Declaration and Programme of Action* also affirms that the principle of territorial integrity found in Article 46 of the *UN Declaration on the Rights of Indigenous Peoples* only applies to the right of self-determination and not other rights. Furthermore, the *Vienna Declaration* and the *1970 Declaration on Principles of International Law concerning Friendly Relations and Cooperation Among States in Accordance with the Charter of the United Nations* say that for States to invoke territorial integrity, they must be 'conducting themselves in compliance with the principle of equal rights and self-determination of peoples'.

I salute the independent experts, especially Madame Erica-Irene Daes who, as the Chair of the UN Working Group, worked closely with Indigenous representatives to craft the original version of this Declaration. I hail the representatives of States and NGO who actively contributed to reach where we are today. This magnificent endeavour which brought you to sit together with us, Indigenous Peoples, to listen to our cries and struggles and to hammer out words which will respond to these is unprecedented.

The long time devoted to the drafting of the Declaration by the United Nations stemmed from the conviction that Indigenous Peoples have rights as distinct peoples and that a constructive dialogue among all would eventually lead to a better understanding of diverse worldviews and cultures, a realignment of positions and, finally, to the building of partnerships between states and Indigenous Peoples for a more just and sustainable world.

**The Declaration and the Permanent Forum**

For the UN Permanent Forum on Indigenous Issues, the Declaration will become the major foundation and framework in implementing its mandate to advise members of the Economic and Social Council and the UN agencies, programmes and funds on Indigenous Peoples' human rights and development. It is a key instrument and tool for raising awareness on and monitoring progress of Indigenous Peoples' situations and the protection, respect and fulfillment of Indigenous Peoples' rights. It will further en flesh and facilitate the operationalization of the human rights-based approach to development as it applies to Indigenous Peoples. It will be the guide for States, the UN System, Indigenous Peoples and civil society in making the theme of the Second Decade of the World's Indigenous Peoples, 'Partnership for Action and Dignity', a reality.

The United Nations Permanent Forum on Indigenous Issues is explicitly asked in Article 42 of the Declaration to promote respect for and full application of the provisions of the Declaration and follow-up the effectiveness of this Declaration. On behalf of the Permanent Forum on Indigenous Issues, I commit the Forum's devotion to this duty.

This is a Declaration which sets the minimum international standards for the protection and promotion of the rights of Indigenous Peoples. Therefore, existing and future laws, policies, and programs on Indigenous Peoples will have to be redesigned and shaped to be consistent with this standard.

**Madame President,**

Before I end my statement let me briefly thank the others whom I have not mentioned yet. I thank H E Ambassador Luis de Alba who chaired the Human Rights Council which adopted the Declaration in 2006. I thank Luis Enrique Chavez, the Chair of the Working Group on the Draft Declaration who did his best to balance the interests of Indigenous Peoples and

States in Working Group and in the text he submitted to the Human Rights Council. Let me also thank H E Ambassador Hilario Davide whom you appointed as a facilitator. He has contributed to this end result. And I thank the delegates of Mexico, Peru and Guatemala and the African Group of States who managed to come together and make the final version of this Declaration.

I also thank all my co-members of the Permanent Forum who gave their full support for the adoption of the Declaration and reiterated in our recommendation No 68 in our 5th Session in 2006 and No 73 in the 6th Session that this Declaration will be an 'instrument of great value to advance the rights and aspirations of indigenous peoples'. We all feel proud that this Declaration has been adopted within the period that we sit as members of the Permanent Forum. I thank the Secretariat who were always there to support us.

The UN Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous Peoples, Rodolfo Stavenhagen, has to be thanked also for his contributions to raising the issues of Indigenous Peoples before the United Nations.

I thank the NGOs especially IWGIA, NCIV, DOCIP, Quakers, Amnesty International, IFG, Rights and Democracy and many others, who helped us in various ways.

I also express my gratitude to Les Malezer, the chair of the Global Indigenous Peoples' Caucus who successfully brought the Indigenous Peoples' regional caucuses to agree on the most important decisions which had to be made.

Finally, let me reiterate my thanks again to all Indigenous leaders, activists and experts and the NGO experts who all contributed to this historic achievement. Some of them are with us today also. Some Indigenous elders and NGO experts have already passed away and I would like to specifically mention Tony Blackfeather, Ed Burnstick, among other elders, and Andrew Gray, Howard Berman and Bob Epstein, the NGO experts who accompanied us in this work. Let us pay tribute to them and thank them in our hearts.

While I express my thanks to all the actors involved in the various stages of the process, I also call on everybody to take on the responsibility to ensure the effective implementation of this Declaration.

The challenge to ensure the respect, protection and fulfillment of Indigenous Peoples' Rights has just begun. We foresee that there will be great difficulties in implementing this Declaration because of lack of political will on the part of the governments, lack of resources and because of the vested interests of rich and powerful. However, we will be counting on the continuing good faith shown by States today who voted for the adoption of the Declaration. We will be counting on the United Nations System to help implement the Declaration.

Effective implementation of the Declaration will be the test of commitment of States and the whole international community to protect, respect and fulfill Indigenous Peoples' collective and individual human rights.

I call on governments, the UN system, Indigenous Peoples and civil society at large to rise to the historic task before us and make the UN *Declaration on the Rights of Indigenous Peoples* a living document for the common future of humanity.

Thank you Madame President.



COMMENTARY

