
THE UN DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES, A QUICK REFERENCE



The UN Declaration on the Rights of Indigenous Peoples, G.A. Res. 61/295, was adopted on September 13, 2007 by the United Nations General Assembly, after more than thirty years of work and negotiations. One hundred and forty-three UN Member States voted to adopt the Declaration and four voted against. All four countries that voted “no” have since changed their positions and now support the Declaration.ⁱ

The Declaration, made up of 26 preambular paragraphs and 46 operative articles, is a monumental statement of individual and collective rights created with the participation of the rights holders themselves – indigenous peoples. Though the Declaration is not legally binding on countries in and of itself, it sets the rules for the treatment of, and obligations of states toward, indigenous peoples and individuals. It can be used as a moral and political tool to guide countries’ laws, policies, and practices toward indigenous peoples and to interpret international human rights laws. In many provisions, the Declaration states customary international law – that is, the practices of countries they believe to be legally required. These elements of the Declaration are binding as customary international law.

The following is a summary of some of the most important rights in the Declaration. It is not an exhaustive list of all the rights of indigenous peoples and individuals contained in the Declaration. The full text of the Declaration is available at: http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf.

Article 1. Scope. Indigenous peoples have the right to collective and individual enjoyment of all human rights recognized in international law.

Article 2. Non-discrimination. Indigenous peoples are free and equal to all others, and have the right to be free from discrimination.

Articles 3-5. Self-determination. Indigenous peoples have the right to self-determination, including their economic, social, and cultural development, and the right to self-government, including the right to maintain and strengthen their own governing institutions.

Article 6. Nationality. Indigenous individuals have the right to a nationality.

Articles 7-10. Life and security. Indigenous peoples have the right to life, freedom, peace, and security, and to exist as distinct peoples, to belong to an indigenous community or nation, and to be free from forced removal, forced assimilation, or destruction of their cultures. States must act to prevent taking of their lands, forced relocation, and propaganda to incite discrimination.

Articles 11-13. Culture and language. Indigenous peoples have the right to practice and preserve their cultural and spiritual traditions and customs, including their histories, languages, oral traditions, philosophies, writing systems and literatures. States must take effective measures to ensure protection of such rights, to ensure indigenous peoples can understand and be understood in certain proceedings, and to enable access to and/or repatriation of ceremonial objects and remains in the possession of States.

Articles 14-17. Education, public information, and employment. Indigenous peoples have the right to education, media, and labor protections without discrimination, and to establish and control their own educational and media systems. States must combat discrimination and take measures to ensure accurate media representation of indigenous cultures, and to protect indigenous children from labor exploitation.

Articles 18-19. Consultation and participatory decision-making. Indigenous peoples have the right to participate in decision-making in matters that will affect their rights. States must consult with indigenous peoples in order to obtain their free, prior, and informed consent before adopting measures that may affect them.

Articles 20-24. Economic and social rights, and vulnerable populations. Indigenous peoples have the right to maintain their health practices and to attain the highest standard of health, and to improve their political, social and economic systems, especially those concerning subsistence and development priorities and strategies. States shall take effective and special measures to ensure improvement of their conditions, with particular attention to the rights and special needs of indigenous elders, women, children, and persons with disabilities. States must take measures to ensure women and children are free from violence and discrimination.

Articles 25-28. Lands, territories, and resources. Indigenous peoples have the right to own and control the lands they possess, as well as the right to compensation for the taking of their lands. States shall provide legal recognition of their lands through fair and open processes.

Articles 29-31. Environmental health. Indigenous peoples have the right to protect their traditional knowledge, conserve and protect their environment, and restore their health, including by restricting hazardous waste or military activities on their lands.

Article 32. Development. Indigenous peoples have the right to develop their territories. States must consult with them in order to obtain their free, prior, and informed consent before approval of projects that may affect them, and provide redress and mitigate adverse impacts.

Articles 33-35. Self-governance. Indigenous peoples have the right to determine their own membership, to promote their institutional and juridical systems, and to determine the responsibilities of individuals to their communities.

Articles 36-37. Treaties and international relations. Indigenous peoples have the right to the recognition and enforcement of international treaties, and to maintain and develop political, economic, and cultural relationships across borders.

Articles 38-42. Implementation. The UN system and States should provide the necessary financial and technical assistance, and States must take appropriate measures, including legislative measures, to ensure implementation of this Declaration. Indigenous peoples have the right to dispute resolution mechanisms to address infringements of their rights.

Articles 43-46. Interpretation. Rights and freedoms recognized in this Declaration constitute the minimum human rights standards for indigenous peoples, are equally guaranteed to men and women, do not diminish any existing or future rights of indigenous peoples, do not provide a right of secession from States, and shall be interpreted in accordance with the principles of justice, democracy, respect, equality, non-discrimination, good governance, and good faith.

ⁱ On April 3, 2009, Australia changed its position and moved to endorse the UN Declaration. Australia was followed by: New Zealand on April 20, 2010; Canada on November 12, 2010; and the United States on December 16, 2010. States abstaining from the vote in 2007 – Samoa, Colombia, and the Ukraine – have also indicated their support.

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