

International Indian Treaty Council



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“Sixty Year Later: Reaffirming “Inherent Dignity and Equal and Inalienable Rights, A Commentary by Andrea Carmen, International Indian Treaty Council Executive Director

“Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world”

These inspiring words are the opening paragraph of the United Nations “Universal Declaration of Human Rights” (UDHR), adopted by the United Nations (UN) General Assembly 60 years ago today, December 10th, 1948.

Indigenous Peoples were not involved in drafting or adopting the UDHR. But its recognition that Human Rights are inherent --- the birthright of all persons and Peoples, bestowed on us by our Creator -- have resonated strongly with us. “Inherent” and “inalienable” mean that Human Rights can never be given or taken away, by states (countries), the UN, or any other entity. They can only be recognized and upheld. Or, as is too often the case, they can be violated.

Given the UN’s historic commitment to these principles as expressed in its founding human rights document, we were surprised and on many occasions outraged, during the 25-years of work for the adoption of the UN Declaration on the Rights of Indigenous Peoples, to see that some states were not ready to recognize these principles when it came to Indigenous Peoples. The US, Canada, Australia and New Zealand (the only four countries which voted against the Declaration at the UN General Assembly last year) continually proposed language that defined the rights of Indigenous Peoples as “less” than those already recognized under International Law for “All Peoples”. This was particularly the case with the internationally- recognized right to Self-determination.

It became clear to us that Racism and Discrimination, as well as an ongoing tendency for states to disregard their existing human rights obligations, remained alive and well in the hallowed halls of the United Nations. The UDHR had clearly not done enough to ensure that the rights of Indigenous Peoples were fully recognized and protected.

On September 13, 2007, the equation was changed with the adoption of the UN Declaration on the Rights of Indigenous Peoples by the General Assembly. The Declaration affirmed and underscored, in both its preamble and operative articles, that Indigenous Peoples are equal in rights to all other persons and Peoples.

Indigenous Peoples were finally, irrevocably recognized as full members of the human family, and as Peoples with both individual and collective human rights fully affirmed. There can now be no backsliding, no exceptions or justifications for defining the rights of Indigenous Peoples as “lesser” or “second class” rights.

The Declaration on the Rights of Indigenous Peoples does not bestow any new human rights. Rather, while affirming that Indigenous Peoples’ have equal rights as compared to any other Peoples, it also reflects our unique perspectives as to how these rights must be respected, expressed and implemented to ensure our collective survival, dignity and well-being. Its adoption was an essential and long-overdue step towards fulfilling the commitment made by the UN General Assembly 60 years ago today.

Sixty years may seem like a long time to wait for our inclusion as full members of the human family. But Indigenous Peoples have waited, in this hemisphere at least, for more than 516 years to throw off the brutal legacy of colonization, land theft, violated treaties, and cultural destruction. And despite the commitments made by the world community on December 10, 1948, as well as on September 13, 2007, the situations facing our communities have not changed very much “on the ground”. In many places around the world, including in the United States, Indigenous Peoples continue to face human rights violations of all kinds.

But with the adoption of the Declaration, Indigenous Peoples have a solid floor to stand on. We have an internationally-recognized minimum standard affirming that our inherent rights are not less than those of other Peoples. But we do not want to wait, and in fact we cannot wait, another 60 years to see its implementation become a reality for Indigenous Peoples around the world.

Implementation is the key, and the challenge, as we move forward to ensure that the noble words on paper have in impact in the lives of Indigenous Peoples struggling to survive, thrive and protect their traditional homelands and ways of life. This will require, first and foremost, that we as Indigenous Peoples refuse to accept less than the “minimum standard” affirmed in the Declaration in any of our dealings with states or their representatives, as we continue to defend and assert our rights. This will also require that we as Indigenous Peoples work together and support one another to ensure that the Declaration is implemented in our communities, Tribes and Nations, as well as in all aspects of our work in the national and international arenas.

“Recognizing the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources”

-- Preamble, UN Declaration on the Rights of Indigenous Peoples

Andrea Carmen, Yaqui Nation, has been the Executive Director of the IITC since 1992. She is the Co-coordinator of the North America Indigenous Peoples Indigenous Caucus, and was a member of the Indigenous Peoples International Steering Committee for the work on the UN Declaration on the Rights of Indigenous Peoples. Andrea has been involved in work for Indigenous Peoples human rights at the UN since the mid-1980's.