**Resources on the UN Declaration on the**

**Rights of Indigenous Peoples**

Read the UN Declaration here:

<http://social.un.org/index/IndigenousPeoples/DeclarationontheRightsofIndigenousPeoples.aspx>

Website of the United Nations Permanent Forum on Indigenous Issues: <http://social.un.org/index/IndigenousPeoples.aspx>

Website of the UN Special Rapporteur on the Rights of Indigenous Peoples:

<http://www.ohchr.org/EN/Issues/IPeoples/SRIndigenousPeoples/Pages/SRIPeoplesIndex.aspx>

The 2012 report of the UN Special Rapporteur on the Rights of Indigenous Peoples on United States’ Compliance with the UN Declaration on the Rights of Indigenous Peoples is found here: <http://unsr.jamesanaya.org/country-reports/the-situation-of-indigenous-peoples-in-the-united-states-of-america> It includes specific recommendations for implementing the UN Declaration in the United States.

**Blog postings on the UN Declaration**

**By Walter Echo-Hawk**

See:<http://www.walterechohawk.com/>

**How the UNDRIP can provide a stronger foundation for Indian rights in the United States**

March 6, 2011

By Walter Echo-Hawk

INDIAN RIGHTS IN THE U.S. ARISE from a foundation fashioned in the 19th Century. Much of that foundation remains sound today and should be retained, especially the "inherent tribal sovereignty" doctrine of *Worcester v. Georgia*(1833) and its "protectorate framework" for protecting Indian nations that exist in the Republic as "domestic dependent nations."  However, other foundational principles are embarrassingly outmoded and make Indian rights vulnerable. Those include the doctrines of discovery, conquest, and of unlimited Congressional power in Indian Affairs, as well as engrained legal fictions that deem Indians racially and culturally inferior. Rights that spring from that dark well are forever vulnerable, and invariably discriminatory.

A stronger, more just foundation for Indian rights is needed--one grounded in a modern world that rejected colonialism long ago. We must find justifications for Supreme Court decisions other than conquest, colonization, or racial superiority. The pivotal question becomes: What should the new foundation for Native rights be?

That new foundation is provided by precepts of the UNDRIP, listed in the preambular paragraphs at the beginning of this international instrument. The Indigenous rights guaranteed in the UNDRIP are founded upon values that spring from the human rights framework of contemporary international law. These UNDRIP principles allow us to reconceptualize the foundation for Native American rights in the United States:

\* Equality:  Indigenous peoples are "equal to all other peoples" and they "should be free from discrimination of any kind." Racism is rejected as an illegitimate source upon which to base Indian rights: "All doctrines, policies, and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust."

\* Inherent Rights: Indigenous rights are "inherent rights" that derive from Indigenous peoples' "political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories, and resources." These rights are not "given" to them by nation-states, but already belong to them (akin to fundamental rights enjoyed by other peoples under natural law). Recognition of Indigenous rights is an important nation-building process that enhances harmonious and cooperative relations between the State and Indigenous peoples based on principles of justice, democracy, respect for human rights, non-discrimination and good faith.

\* Self-determination: The centerpiece for Indigenous rights is "control by Indigenous peoples" over developments that affect them and their lands that enables them to strengthen their institutions, cultures, traditions and to promote development in accordance with their needs and aspirations. Integration of Indigenous peoples into the fabric of society through this means strengthens consensual partnerships between Indigenous peoples and nations. By contrast, colonialism and dispossession are invalid sources for defining Indigenous rights, because those are sources of "historic injustice" that deny Indigenous Peoples their right to self-determination and prevent them from exercising the right to development in accordance with their needs and aspirations.

These precepts can supplement the *Worcester*foundation for Indian rights in the United States if incorporated into federal Indian law during the implementation of the UNDRIP, and they can replace the nefarious principles that have long weakened Indian rights. A sounder foundation for Indian rights arises from notions of justice and human rights found in contemporary international law.

**Why We Need the UN Declaration on the Rights of Indigenous Peoples**

February 27, 2011

By Walter Echo-Hawk

MANY IN INDIAN COUNTRY fail to see how international law can help solve tribal problems at home on Indian reservations. That is short-sighted.  By contrast, the leading Indian Country organizations fought hard for many years to develop the UNDRIP and obtain UN and US approval. Those advocates include the [National Congress of American Indians](http://www.ncai.org/%22%20%5Ct%20%22_blank), [Native American Rights Fund](http://www.narf.org/%22%20%5Ct%20%22_blank), [Indian Law Resource Center](http://www.indianlaw.org/%22%20%5Ct%20%22_blank), [Navajo Nation](http://www.navajo.org/%22%20%5Ct%20%22_blank), [Lummi Nation](http://www.lummi-nsn.org/%22%20%5Ct%20%22_blank), [Citizen Potawatomi Nation](http://www.potawatomi.org/%22%20%5Ct%20%22_blank), and many others. They saw the need for the UNDRIP.

There is a need for the UNDRIP protections in the US, even though the UN standards arise from international sources.  International law has always been a major influence on federal Indian law, as seen in the treaties, and inherent tribal sovereignty, Indian trust and guardianship doctrines.

Today the legal framework for Native American rights is in deep trouble. It is under assault by a US Supreme Court that has become increasingly hostile to Native rights, ruling against Indian tribes in over 80% of the cases since 1985. This frightening judicial trend has created a legal crisis that makes Native rights vulnerable today. It places the gains made by the last Generation into jeopardy, and causes many concerned scholars & tribal leaders to worry: "Is Federal Indian Law dead?"

If the UNDRIP standards are implemented into US law, they could throw a life-line to federal Indian law. If we identify areas of federal Indian law that do not meet UN standards, and understand why our current legal doctrines are inadequate, Indian Country can build a social movement to strengthen Federal Indian Law in the 21st Century around the UNDRIP standards. Those standards are an important tool, because they can serve as a guidepost for improving the law and set the course of a legislative and social agenda for the next generation.

One example illustrates the enormous promise of the UNDRIP standards: My new book (*In the Courts of the Conqueror*) studies the 10 worst Indian law cases ever decided. If the UNDRIP standards had been in effect at the time those cases were decided, the outcomes would have been different and we would not have a "dark side" to federal Indian law today!

We should all study the UNDRIP standards, learn their content, see how they further Native American aspirations in the 21st Century, and think about how our nation can implement them into our legal system.