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GLOBAL DECLARATIONS AND FRAMEWORKS RELATED TO INDIGENOUS PEOPLES

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INTRODUCTION

This document is intended as a non-exhaustive overview of the global declarations and frameworks currently in place within the international system that provide protections for Indigenous Peoples. Although there are few conventions or treaties that exclusively pertain to Indigenous Peoples (see International Labour Organization Indigenous and Tribal Peoples Convention, 1989 and United Nations Declaration on the Rights of Indigenous Peoples), there are many that make reference to Indigenous Peoples, thereby explicitly acknowledging their unique need for protection. For each framework outlined, this document provides basic background information, a brief description of how it relates to Indigenous Peoples, and the related official United States government (USG) position. In the case of each document, the full text is linked in the footnotes for the reader's convenience, as well as relevant supplementary documents, including general comments and specific guidance related to Indigenous Peoples.

CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (CAT)¹

The United Nations (UN) General Assembly adopted the CAT on December 10, 1984, and it entered into force on June 26, 1987. The Convention defines torture and commits states' parties to preventing acts of torture in any territory under their jurisdiction. **General Comment No. 2² to the CAT specifically mentions individuals with Indigenous status as one of the marginalized populations especially at risk of torture** and asserts that states parties should “ensure the protection of members of groups especially at risk of being tortured, by fully prosecuting and punishing all acts of violence and abuse against these individuals and ensuring implementation of other positive measures of prevention and protection.”³ The Committee Against Torture can consider individual complaints alleging violations of the CAT.^{4,5}

¹ United Nations General Assembly, (1984). *Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*, New York, 10 December: https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-9&chapter=4&clang=_en

² United Nations Committee Against Torture. (2008). *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment General Comment No. 2*, New York, 25 January: <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkGld%2FPPRiCAqhKb7yhskvE%2BTuwlmw%2FKUI8dCyrYrZhDDP8yaSRi%2Fv43pYTgmQ5n7dAGFdDalfzYTjnWNYOXxeLRAIVgbwcm2ZXH%2BcD%2B%2F6IT0pc7BkgqIATQ UZPVhi>

³ Ibid., section 5, article 21.

⁴ United Nations Office of the High Commissioner for Human Rights (UNHCR). (n.d.), *Leaflet No 4: Human Rights Treaty Bodies and Indigenous Peoples*: <https://www.ohchr.org/Documents/Publications/GuideIPleaflet4en.pdf>

⁵ A committee will only consider complaints that are made against a country that has agreed to be bound by both the treaty and its complaints system. A country can be party to a treaty, and agree to observe its provisions, but may decide that it will not be bound by the treaty's complaints system. Furthermore, although committees' decisions contain recommendations to the state party in question, they are not legally binding. All committees have procedures to monitor whether state parties have implemented their recommendations (so-called “follow-up procedures”), as they view the state party's acceptance of the complaints procedures as a pledge to respect the committee's findings.

USG Position

- **Signing:** 1988
- **Ratification:** 1994⁶

CONVENTION ON BIOLOGICAL DIVERSITY (CBD)⁷

The CBD opened for signature during the United Nations Conference on Environment and Development (the Rio “Earth Summit”) in Rio de Janeiro in 1992⁸ and entered into force on December 29, 1993. The Convention’s objectives are to conserve biological diversity, promote the sustainable use of the components of biological diversity, and promote the fair and equitable sharing of the benefits arising out of the utilization of genetic resources. In 2021, the Conference of the Parties to the CBD will meet to adopt a post-2020 global biodiversity framework as a stepping stone toward the 2050 Vision of “Living in harmony with nature.”⁹ Negotiations for this post-2020 framework are already underway through a dedicated open-ended intersessional working group.¹⁰ **The CBD acknowledges the “close and traditional dependence of many indigenous and local communities embodying traditional lifestyles on biological resources”¹¹ and affirms the parties’ desire to “respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities.”¹²**

USG Position

- **Signing:** 1992-1993
- **Ratification:** The United States (US) has not ratified the CBD.

CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)¹³

The UN General Assembly adopted the CEDAW on December 18, 1979, and it entered into force as an international treaty on September 3, 1981. The Convention is an important piece of “bringing the

⁶ US declarations and reservations at the time of ratification can be found here: https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-9&chapter=4&clang=en#EndDec

⁷ United Nations General Assembly. (1992). *Convention on Biological Diversity*, available here: <https://www.cbd.int/doc/legal/cbd-en.pdf>

⁸ The document was open for signature from June 5, 1992, through June 4, 1993.

⁹ Convention on Biological Diversity, (n.d.). “Preparations for the Post-2020 Biodiversity Framework,” <https://www.cbd.int/conferences/post2020>.

¹⁰ Ibid.

¹¹ United Nations General Assembly. (1992). p. 1 (preamble).

¹² Ibid., Art. 8 (j).

¹³ United Nations General Assembly. (1979). *Convention on the Elimination of All Forms of Discrimination against Women*, New York, 18 December. Available here: https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&clang=en

female half of humanity into the focus of human rights concerns,”¹⁴ its purpose being to reaffirm faith in fundamental human rights and the equal rights of men and women. The document also explains the meaning of equality and provides a roadmap as to how it can be achieved.¹⁵ **CEDAW’s General Recommendation No. 34¹⁶ on the rights of rural women specifically mentions particular threats and discrimination faced by Indigenous women and girls, and outlines ways for CEDAW parties to combat these practices and promote equality within these communities.** CEDAW has a complaints system through which individuals can lodge complaints of treaty violations with the Committee on the Elimination of Discrimination Against Women.¹⁷

USG Position

- **Signing:** 1980
- **Ratification:** The US has not ratified CEDAW.

CONVENTION ON THE RIGHTS OF THE CHILD (CRC)¹⁸

The UN General Assembly adopted the CRC on November 20, 1989, and the treaty entered into force on September 2, 1990. The CRC commits its states’ parties to protecting the civil, political, economic, social, health, and cultural rights of children, which it defines as any human being under the age of 18 (unless majority age is attained earlier under national legislation). **Article 30 of the CRC explicitly acknowledges the rights of Indigenous children:** “In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.” **General Comment No. 11¹⁹ on the CRC further outlines the rights of Indigenous children under the Convention, highlighting the discrimination they often face.** The Committee on the Rights of the Child may consider individual communications alleging the violation of the CRC, or to the three optional protocols.²⁰

USG Position

- **Signing:** 1995

¹⁴ UNHCR. (1979). *Convention on the Elimination of All Forms of Discrimination against Women* New York, 18 December: <https://www.ohchr.org/en/professionalinterest/pages/cedaw.aspx>.

¹⁵ Ibid.

¹⁶ United Nations Committee on the Elimination of Discrimination against Women. (2016). *General recommendation No. 34 on the rights of rural women*, 7 March: <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6OkGld%2fPPRiCAqhKb7yhslidCrOIUTvLRFDjh6%2fxlpWB6ICUVZF6giuOZbHO4%2fX%2b4Db%2bKev44OYdiHI9FsTlevlIjnmQTwxsoYYftFzPZDFqZwg9LJV98trqGD7G9%2bez>

¹⁷ UNHCR. (n.d.), *Human Rights Bodies – Complaints Procedures*, <https://www.ohchr.org/en/hrbodies/tbpetitions/pages/hrtbpetitions.aspx>.

¹⁸ United Nations General Assembly, (1989). *Convention on the Rights of the Child*, New York, 20 November: https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&clang=en

¹⁹ United Nations Committee on the Rights of the Child. (2009). *General Comment No. 11, Indigenous children and their rights under the Convention*, 12 February: <https://www.refworld.org/docid/49f6bd922.html>

²⁰ UNHCR, (n.d.). *Human Rights Bodies – Complaints Procedures*.

- **Ratification:** The US has not ratified the CRC.

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR)²¹

The UN General Assembly adopted the ICCPR on December 16, 1966, and it entered into force on March 23, 1976. The Covenant affirms the right of all peoples to self-determination and commits its states' parties to respect the civil and political rights of all people, regardless of "race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."²²

Article 27 of the ICCPR affirms the rights of ethnic, religious or linguistic minorities in community with other members of their group "to enjoy their own culture, to profess and practise their own religion, or to use their own language." According to a leaflet²³ produced by the Office of the UN High Commissioner for Human Rights, the complaints mechanism for the ICCPR is the best established within the UN system; since 1976, the Human Rights Committee has delivered findings on over 1,000 complaints claiming violations of this covenant.²⁴

USG Position

- **Signing:** 1977
- **Ratification:** 1992²⁵

INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL, AND CULTURAL RIGHTS (ICESCR)²⁶

The UN General Assembly adopted the ICESCR on December 16, 1966, and it entered into force on January 6, 1976. The Covenant commits its parties to protecting and promoting individuals' economic, social, and cultural rights, including labor rights and the rights to health, education, and an adequate standard of living. It also states that parties have the responsibility to promote realization of the right of self-determination for "Non-Self-Governing and Trust Territories." **Many of the general comments²⁷ released by the Committee on Economic, Social and Cultural Rights**

²¹ United Nations General Assembly. (1966). *International Covenant on Civil and Political Rights*, New York, 16 December: https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-4&chapter=4&clang=en

²² Ibid., vol. 999, p. 171, Art.2 (1).

²³ "Leaflet No. 4: Human Rights Treaty Bodies and Indigenous Peoples" (see footnote 4) is a useful guide to the treaty-based human rights system and outlines legal procedures through which Indigenous Peoples can seek protection under various conventions and covenants.

²⁴ UNHCR. (n.d.). *Leaflet No 4: Human Rights Treaty Bodies and Indigenous Peoples*.

²⁵ US declarations and reservations at the time of ratification can be found here: https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-4&chapter=4&clang=en#EndDec

²⁶ United Nations General Assembly, (1966).

²⁷ Although general recommendations and comments are not legally binding and do not require ratification by a convention's parties, they are considered authoritative statements on the contents of a treaty that can be used to clarify parties' obligations or to suggest approaches to implementing treaty provisions. *Deutsches Institut für Menschenrechte* (German Institute for Human Rights), "What are General Comments?,"

specifically address the rights of Indigenous Peoples. Examples include General Recommendation No. 14,²⁸ which includes provisions to improve Indigenous Peoples' access to health care, General Recommendation No. 21, which affirms the "right of everyone to take part in cultural life,"²⁹ and General Recommendation No. 24,³⁰ which pertains to the obligations of states in the context of business activities and cites Indigenous Peoples as one of the "groups that are often disproportionately affected by the adverse impact of business activities."³¹ ICESCR has a mechanism through which individuals can register complaints.³²

USG Position

- **Signing:** 1977
- **Ratification:** The US has not ratified ICESCR.

INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION³³

The UN General Assembly adopted the International Convention on the Elimination of all Forms of Racial Discrimination on December 21, 1965, and it entered into force on January 4, 1969. The International Convention on the Elimination of all Forms of Racial Discrimination commits states' parties to the elimination of racial discrimination and the promotion of understanding among all races. The Convention also requires its parties to outlaw hate speech and criminalize membership in racist organizations.³⁴ In 1997, the Office of the UN High Commissioner for Human Rights released General Recommendation No. 23³⁵ to the International Convention on the Elimination of

https://www.institut-fuer-menschenrechte.de/fileadmin/_migrated/tx_commerce/frequently_asked_questions_on_hr-based_approach_in_dc.pdf

²⁸ UNHCR. (2000). *CESCR General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12)*, 11 August: <https://www.refworld.org/pdfid/4538838d0.pdf>

²⁹ United Nations Committee on Economic, Social, and Cultural Rights. (2009). *General Comment No. 21, Right of everyone to take part in cultural life (art. 15, para. 1 (a), of the International Covenant on Economic Social and Cultural Right(s)*, 21 December: <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmIBEDzFEovLCuWlIa0Szab0oXTdlmnsjZZVQc5ReG9hKvddWC2ML5U76E63nT%2BeY%2BtmSVIRS0ynN0q4EDmpilje7rCI DxEtC%2FGxx7WLBcmnxGwpWSXy0fmnHDS>

³⁰ United Nations Committee on Economic, Social, and Cultural Rights. (2017). *General Comment No. 24 (2017) on State Obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities*, New York, 10 August: <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmIBEDzFEovLCuWlIa0Szab0oXTdlmnsjZZVQcIMOUuG4TpS9jwIhCjCxiuZlYrkMD%2FSj8YF%2BSXo4mYx7Y%2F3L3zyM2zSUbw6ujlnCawQrjx3hIK8Odk6DUwG3Y>

³¹ *Ibid.*, Art.3 (8).

³² UNHCR. (n.d.). *Human Rights Bodies – Complaints Procedures*,

³³ United Nations Human Rights Office of the High Commissioner, *International Convention on the Elimination of all Forms of Racial Discrimination*, available here: <https://www.ohchr.org/en/professionalinterest/pages/cerd.aspx>

³⁴ United Nations General Assembly. (1966). *International Convention on the Elimination of All Forms of Racial Discrimination*, New York, 16 December, United Nations Treaty Series, vol. 660, p.195, available here: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-2&chapter=4&clang=en

³⁵ Committee on the Elimination of Racial Discrimination, *General Recommendation 23, Rights of indigenous peoples (Fifty-first session, 1997)*, U.N. Doc. A/52/18, annex V at 122 (1997), reprinted in *Compilation of General Comments and*

all Forms of Racial Discrimination, reaffirming that the provisions of the original convention apply to Indigenous Peoples. Unlike many UN human rights treaties, the International Convention on the Elimination of all Forms of Racial Discrimination's complaints mechanism allows groups, and not just individuals, to take their complaints to the Committee on the Elimination for Racial Discrimination,³⁶ which is beneficial to Indigenous Peoples that may be experiencing collective discrimination.

USG Position

- **Signing:** 1966
- **Ratification:** 1994³⁷

INTERNATIONAL LABOUR ORGANIZATION INDIGENOUS AND TRIBAL PEOPLES CONVENTION, 1989 (NO. 169)³⁸

The General Conference of the International Labour Organization (ILO) adopted Convention No. 169 on June 27, 1989. It remains the only international treaty open for ratification that deals exclusively with the rights of Indigenous Peoples; this means that additional countries can still ratify Convention No. 169. As an international treaty, ILO 169 is a binding law that holds signatory governments accountable to uphold the rights of Indigenous Peoples. As of April 2020, 23 countries³⁹ ratified ILO 169, but the ILO notes that “[i]t has also encouraged numerous other countries to adopt laws, policies, institutions or programmes to address the rights and well-being of indigenous and tribal peoples worldwide.”⁴⁰ ILO 169 established a participatory framework with regard to a variety of issues pertaining to Indigenous Peoples, including employment and vocation training, education, health and social security, customary law, traditional institutions, languages, religious beliefs and cross-border cooperation.

ILO 169's emphasis on respect for the social and cultural identity, customs and traditions, and institutions of Indigenous Peoples is notable, as it differed markedly from its 1957 predecessor, **ILO 107 (Indigenous and Tribal Populations Convention and Recommendation)**,^{41,42} which adopted

General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.6 at 212 (2003).
<http://hrlibrary.umn.edu/gencomm/genrexiii.htm>

³⁶ UNHCR. (n.d.). *Leaflet No 4: Human Rights Treaty Bodies and Indigenous Peoples*

³⁷ US declarations and reservations at the time of ratification can be found here:
https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-2&chapter=4&clang=en#EndDec

³⁸ International Labour Organization, (1989). *Indigenous and Tribal Peoples Convention, 1989 (No. 169)*:
https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C169

³⁹ As of April 2020, the following countries had ratified ILO 169: Argentina, Bolivia, Brazil, Central African Republic, Chile, Colombia, Costa Rica, Denmark, Dominica, Ecuador, Fiji, Guatemala, Honduras, Luxembourg, Mexico, Nepal, Netherlands, Nicaragua, Norway, Paraguay, Peru, Spain, and Venezuela.

⁴⁰ International Labour Organization. (2019). “30th anniversary of the Indigenous and Tribal Peoples Convention, 1989 (No. 169).” https://www.ilo.org/global/topics/indigenous-tribal/WCMS_666555/lang--en/index.htm

⁴¹ International Labour Organization. (1957). *Indigenous and Tribal Peoples Convention, 1957 (No. 107)*:
https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C107

⁴² Predecessor convention to ILO 169 that is now considered obsolete. ILO 107, adopted in 1957, covered a range of human rights issues such as working conditions, health, education, and land rights. The comprehensive coverage of these rights is

the assimilation philosophy prevalent at the time.⁴³ For countries that signed both conventions, their ratification of ILO 107 was “automatically denounced” upon their ratification of ILO 169, although ILO 107 remains in force for several countries that have not yet ratified ILO 169.⁴⁴

Unlike ILO 107, ILO 169 explicitly mentions the preservation of Indigenous Peoples’ traditions: “[T]he social, cultural, religious and spiritual values and practices of these peoples shall be recognised and protected, and due account shall be taken of the nature of the problems which face them both as groups and as individuals,”⁴⁵ affirming that “policies aimed at mitigating the difficulties experienced by these peoples in facing new conditions of life and work shall be adopted, with the participation and co-operation of the peoples affected.”⁴⁶

USG Position

- **Ratification:** The US has not ratified ILO 169, nor did it ratify its predecessor convention, ILO 107.

THE PARIS AGREEMENT⁴⁷

The 195 United Nations Framework Convention on Climate Change (UNFCCC) participating member states and the European Union adopted the Paris Agreement on December 12, 2015 and it entered into force on November 4, 2016. The Paris Agreement builds upon the UNFCCC, which entered into force in 1994. The agreement’s “central aim is to strengthen the global response to the threat of climate change by keeping a global temperature rise this century well below 2 degrees Celsius above pre-industrial levels and to pursue efforts to limit the temperature increase even further to 1.5 degrees Celsius.”⁴⁸ **The agreement specifically notes that when taking action to address climate change, parties should “respect, promote and consider their respective obligations on human rights,” including “the rights of indigenous peoples,” as well as those of a number of marginalized groups.**

USG Position

- **Signing:** April 2016

particularly significant, as it represented the first global attempt to codify the rights of Indigenous Peoples (Cooper, Footnote 43). For more information, see link in Footnote 43.

⁴³ Cooper, J. (2015). “25 Years of ILO Convention 169,” Cultural Survival, March.

<https://www.culturalsurvival.org/publications/cultural-survival-quarterly/25-years-ilo-convention-169>

⁴⁴ Countries for which ILO 107 is still in force include: Angola, Bangladesh, Belgium, Cuba, Dominican Republic, Egypt, El Salvador, Ghana, Guinea-Bissau, Haiti, India, Iraq, Malawi, Pakistan, Panama, Syria, and Tunisia.

⁴⁵ International Labour Organization, (1989).

⁴⁶ Ibid., Art.5 (c).

⁴⁷ United Nations General Assembly, (2015). *The Paris Agreement*:

https://treaties.un.org/doc/Treaties/2016/02/20160215%2006-03%20PM/Ch_XXVII-7-d.pdf

⁴⁸ United Nations Climate Change. (n.d.). “The Paris Agreement: What is the Paris Agreement?” <https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement>

- **Acceptance**⁴⁹: September 2016
- **Reservations and Considerations**: In November 2019, the USG notified the Secretary-General of its decision to withdraw from the agreement, which took effect in November 2020 in accordance with article 28 (1) and (2) of the Agreement.⁵⁰ On January 20, 2021, the USG notified the Secretary-General of its decision to rejoin the Paris Agreement, which took effect on February 19, 2021.⁵¹

UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES (UNDRIP)⁵²

UNDRIP, adopted by the UN General Assembly on September 13, 2007, enshrines the rights that “constitute the minimum standards for the survival, dignity and well-being of indigenous peoples around the world.” While not a legally binding instrument under international law, many hailed UNDRIP as a landmark resolution in the advancement of the rights of Indigenous Peoples, as it acknowledges their right to equal protection under UN statutes and international human rights law. Article 1 states “Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.” Then General Assembly President Sheikha Haya Rashed Al Khalifa emphasized that, through the Declaration’s Adoption, the Assembly was actively demonstrating the body’s important role in setting international standards.⁵³ There is not currently an optional protocol in place that allows for individuals to submit complaints alleging violations of the UNDRIP, although an Expert Group Meeting was held on this question in January 2015.⁵⁴

USG Position

- **Vote**: The US voted against UNDRIP. Australia, Canada, and New Zealand also voted against the declaration. At the time of adoption, the US representative expressed disappointment that

⁴⁹ The word “acceptance” is used here rather than “ratification,” as the US viewed the Paris Agreement as an executive agreement rather than a legally binding treaty (emissions targets were to be voluntarily enforced). This removed the requirement for the US Congress to ratify the agreement; instead, the US “accepted” the treaty by executive order.

The instruments of “acceptance” or “approval” of a treaty have the same legal effect as ratification and consequently express the consent of a state to be bound by a treaty. In the practice of certain states acceptance and approval have been used instead of ratification when, at a national level, constitutional law does not require the treaty to be ratified by the head of state. [Arts.2 (1) (b) and 14 (2), Vienna Convention on the Law of Treaties 1969]:

https://treaties.un.org/pages/Overview.aspx?path=overview/glossary/page1_en.xml#acceptance

⁵⁰ United Nations, (2019). *Reference C.N.575.2019.TREATIES-XXVII.7.d (Depositary Notification)*, 4 November: <https://treaties.un.org/doc/Publication/CN/2019/CN.575.2019-Eng.pdf>

⁵¹ United State Department of State, (2021). “Press Statement: The United States Officially Rejoins the Paris Agreement,” 19 February: <https://www.state.gov/the-united-states-officially-rejoins-the-paris-agreement/#:~:text=On%20January%202020%2C%20on%20his.becomes%20a%20Party%20again%20today> .

⁵² United Nations General Assembly, (2015).

⁵³ United Nations, (2007). “General Assembly Adopts Declaration on Rights of Indigenous Peoples; ‘Major Step Forward’ Towards Human Rights for All, Says President,” 13 September: <https://www.un.org/press/en/2007/ga10612.doc.htm>

⁵⁴ United Nations Department of Economic and Social Affairs, Division for Social Policy and Development, Secretariat of the Permanent Forum on Indigenous Issues, (2015). *Expert Group Meeting: Dialogue on an optional protocol to the United Nations Declaration on the Rights of Indigenous Peoples*, January: <https://www.un.org/esa/socdev/unpfii/documents/EGM/2015/Experts-papers/Suhas-Chakma.pdf>

the Human Rights Council did not engage in further work to generate a consensus text. The representative stated that the Declaration, “risked endless conflicting interpretations and debate about its application, as already evidenced by the numerous complex interpretive statements issued by States at its adoption at the Human Rights Council, and the United States could not lend its support to such a text.”⁵⁵

- **Reservations and Considerations:**

- In December 2010, President Barack Obama endorsed UNDRIP in a Presidential Proclamation honoring National Native American Heritage Month.⁵⁶ In January 2011, the US Department of State officially announced US support for UNDRIP, stating “[T]he United States proudly lends its support to the United Nations Declaration on the Rights of Indigenous Peoples.”⁵⁷
- The United States’ expression of support for UNDRIP includes specific stipulations as to its interpretation of the Declaration’s principles—“[T]he United States recognizes the significance of the Declaration’s provisions on free, prior and informed consent, which the United States understands to call for a process of meaningful consultation with tribal leaders, but not necessarily the agreement of those leaders, before the actions addressed in those consultations are taken.”⁵⁸

UNITED NATIONS DECLARATION ON THE RIGHTS OF PEASANTS AND OTHER PEOPLE WORKING IN RURAL AREAS (UNDRAPOPWRA)⁵⁹

The aim of the Declaration, adopted by the UN General Assembly on September 28, 2018, is to “**protect the rights of rural workers, including fishermen, nomads, indigenous peoples, pastoralists and other agricultural workers, such as peasants,**” a term defined as “any person who engages in small-scale agricultural production.”⁶⁰ Although not legally binding, the Declaration reaffirms the UNDRIP and explicitly states that nothing in the Declaration can be construed as “impairing or nullifying the rights that... indigenous peoples currently have or may acquire in the future.”⁶¹

USG Position

⁵⁵ Ibid.

⁵⁶ The White House, (2010). “Remarks by the President at the White House Tribal Nations Conference,” December 16. <https://obamawhitehouse.archives.gov/the-press-office/2010/12/16/remarks-president-white-house-tribal-nations-conference>

⁵⁷ United States Department of State (2011). “Announcement of U.S. Support for the United Nations Declaration on the Rights of Indigenous Peoples,” January 12, 2011. <https://2009-2017.state.gov/s/srgia/154553.htm>

⁵⁸ Ibid.

⁵⁹ Full text available here: <https://digitallibrary.un.org/record/1650694?ln=en>

⁶⁰ UN News. (2018). “UN rights chief welcomes new text to protect rights of peasants and other rural workers,” December 18, <https://news.un.org/en/story/2018/12/1028881>.

⁶¹ United Nations Human Rights Council. (2018). *Declaration on the Rights of Peasants and Other People Working in Rural Areas*, Geneva, Switzerland, 8 October, art.8 (1), available here: <https://digitallibrary.un.org/record/1650694?ln=en>

- **Vote:** The US voted against the Declaration in September 2018.
- **Reservations and Considerations:** At the time of its no vote, the US Mission to the UN stated: “[W]hile the United States is concerned about challenges confronting people working in rural areas and undertakes numerous initiatives to improve the circumstances for members of these groups, international human rights law bestows rights on individuals, not on groups.” The US took issue with the Declaration’s reference to the “collective” rights of rural workers and asserted that “the Declaration assumes the existence of rights for which there is no internationally accepted definition or recognition.”⁶²

⁶² Courtney Nemroff, (2018). “Explanation of Vote on a Third Committee Resolution on Rights of Peasants,” United States Mission to the United Nations, November 19: <https://usun.usmission.gov/explanation-of-vote-on-a-third-committee-resolution-on-rights-of-peasants/>