



## **Declaration adoption marks the end of the first step**

by: Gale Courey Toensing / Indian Country Today

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NEW YORK - When Cayuga Chief Deskaheh traveled to Geneva in 1923 to address the League of Nations about the right of his people to live freely on their own lands, practice their own religion and follow their own laws, the door was shut in his face by what he called "cruel indifference."

Deskaheh's courageous attempt to bring justice to his Haudenosaunee people was the first step in an ongoing quest that reached a benchmark almost 85 years later when the U.N. General Assembly adopted the Declaration on the Rights of Indigenous Peoples on Sept. 13.

One hundred and forty-three member states voted yes, 11 states abstained, and four voted against the adoption.

Canada, one of the countries that blocked Deskaheh in March 1923 from entering the League of Nation's plenary session, continued its negation of the indigenous rights embodied by the declaration, and was joined by Australia, New Zealand and the United States in voting no.

The declaration is a nonbinding document that formally establishes the individual and collective rights of the world's 370 million indigenous peoples, advocates for the protection and enhancement of their cultural identities and right to self-government, and underlines their right to control the lands and territories they have traditionally owned or used as well as their right to restitution for lands that have been taken from them.

The hope and expectation is that it will become a convention with the force of international law.

"The declaration is wonderful. It's a respect, recognition, and a beginning," said Ray Halbritter, Oneida Indian Nation Representative and CEO, and publisher of Indian Country Today.

"The fact that the world is now aware of and supporting the concept of indigenous peoples - rather than exterminating them - is very significant, and I think it will help in those forums [dealing with land and natural resources rights, for example] because people will now know others are aware and watching, and that's an important element."

Halbritter was a member of a delegation from the Six Nations (the Haudenosaunee, or Iroquois, Confederacy) that traveled in Deskaheh's footsteps to Geneva in 1977 on a similar

mission: seeking recognition of indigenous peoples' identities and relief from the violation of their rights. The 1977 conference marked another beginning in the effort that culminated in the declaration's adoption.

The delegation's 1977 reception was very different from Deskaheh's in 1923, Halbritter said. Although Deskaheh was denied entry into the League of Nations, he gave a speech to the people of Geneva.

"And it was amazing to us in 1977 that the city officials remembered, and they held a special reception to honor and recognize and respect the Six Nations delegation," Halbritter recalled. "So we know that it's a long process, but nonetheless, it must be continued and it will be continued."

The delegation traveled to Geneva on Six Nations passports, which garnered a flurry of attention from the Swiss customs people who had never before seen American Indian passports, Halbritter said.

Robert "Tim" Coulter, Potawatomi, co-founder and executive director of the Indian Law Resource Center, and one of the declaration's original authors, said its adoption will help inform federal judges, Congress and government officials that the rights of indigenous peoples worldwide must be respected.

"Indigenous peoples are now accepted as a permanent part of the world community, and this will help stop discrimination and end the marginalization of indigenous peoples," Coulter said.

Jose Barreiro, Taino, assistant director of research at the National Museum of the American Indian and former senior editor of ICT, hailed the adoption as a "huge milestone." He was involved in the 1970s efforts by the Haudenosaunee and paid homage to Coulter; the late John Mohawk, Seneca; Onondaga Faithkeeper Oren Lyons; and other early initiators of the document. He attended the 1977 Geneva conference and also edited "A Basic Call to Consciousness," the seminal publication comprised of position papers largely written by Mohawk which outlined the indigenous fight for international recognition of the "Sacred Web of Life."

The first draft of the declaration had been circulating prior to the conference and emerged from a confluence of events: the horrific human rights violations Central America; the massacres and disappearance of many indigenous leaders; the nascent indigenous movements in Bolivia, Guatemala and Mexico; the sovereignty movement in North America. The conference took place four years after Wounded Knee '73, "so the human rights elements were very important and people got to Geneva with many cases to present," Barreiro explained.

What arrived in Geneva was not simply a complaint of oppression, however, but an idea of a shared identity and shared belief about the relationship of human beings to the natural world.

"There were two points of unity, and one was the shared history of oppression that everybody could sense; but the deeper, more foundational one occurred when the elders began to conduct early morning ceremonies and the unifying element of the indigenous world became more obvious," Barreiro said.

"I remember the scene. Chief Corbett Sundown, a [Seneca] elder who has since passed away, invited the delegation to a tobacco burning one early morning and intoned the Thanksgiving Address of the Haudenosaunee, and in the pattern of that very traditional oration that's to be done in the Native languages of the Iroquois were elements that Hopi brought with them as well, and Maya could recognize, so the various people from very distinct cultures increasingly realized that they shared a worldview."

At its very foundation is a spiritual message, "yet it's not taken over by this spiritist stuff," Barreiro added, noting that the foundational element has kept the movement together for 30 years.

There were some bumps along the way. In the 1980s, differences over the relevance of Marxism and free market ideologies fostered contentions.

"Some people called it disunity, but, you know, things fall apart and things come together and over the long haul you can see where all these debates have led to growth of intelligence and an idea of the world," Barreiro said.

The indigenous movement continued to develop and refine the draft declaration through the 1990s with many attendant activities such as international conferences and forums, workshops, presentations, papers and meetings.

The creation of the U.N. Permanent Forum on Indigenous Issues in July 2000 provided a mandate and a structure of consistency that accelerated the process toward the declaration's adoption.

Some of the next steps will include a monitoring program to protect the rights upheld in the declaration, and a deeper study of international law in search of practical solutions. "The idea was always to go to international law to get some relief from domestic policies," Barreiro explained.

While there is much work ahead, the passage of the declaration "is momentous," he said.

"There's always someone who says, 'What does it mean, what does it matter? It doesn't guarantee one acre of land.' No, it doesn't have any teeth or political enforcement. It's just a great moral base and a tremendous recognition. It's a triumph after 30 years and thousands and thousands of people mobilizing around these ideas."

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