The United Nations Declaration on the Rights of Indigenous Peoples and its Call for a New Model of Development

James Anaya
United Nations Special Rapporteur on the Rights of Indigenous Peoples

Summary of Presentation

The United Nations Declaration on the Rights of Indigenous Peoples, adopted by the UN General Assembly in 2007, calls on States and international actors to incorporate an integrated approach to development programs that concern indigenous peoples, an approach that aims to secure for them not just social and economic wellbeing but that in doing so also advances their self-determination and their rights to maintain their distinct cultural identities, languages and connections with their traditional lands. In many parts of the world including in places in Africa and Asia that I have visited, aggressive development programs are put in place without incorporating a model of indigenous self-determination, meaning a model in which local indigenous communities determine and pursue their own development priorities. Rather, development priorities and goals are largely determined for them.

Self-determination in the development process is a matter of basic human dignity, for indigenous peoples as for all others. Enhancing indigenous self-determination has also been shown to be conducive to successful practical outcomes, and indigenous people who make their own decisions about development have been shown to consistently fare better than indigenous people who do not. A number of case studies demonstrate this.

As indicated by the Declaration, and as experience shows, advancing indigenous self-determination within the development process requires a practical orientation around specific objectives. Among these is the objective of securing indigenous peoples rights over their lands and resources. The Declaration, in accordance with other international instruments, provides that indigenous have rights to the lands and resources they traditionally have used and occupied. Without effective recognition of these rights as a precondition, development initiatives concerning indigenous peoples will invariably be flawed or incomplete, in particular development programs built around the conservation or use of natural resources.

Another important objective is enhancing indigenous education and skills capacity in relevant areas. Indigenous peoples are rich in valuable knowledge, but are often lacking in the skills and levels of education necessary to themselves engage and participate in the various components of development programs and projects that affect them in the modern world. Programs oriented at improving the education of indigenous peoples should be consolidated in ways appropriate to indigenous peoples cultural patterns and consistent with their own aspirations.
Beyond increasing indigenous peoples’ educational opportunities in general, States and the international community should endeavor to promote the training and capacity-building necessary to allow indigenous peoples to adequately understand, design and implement development activities within or affecting their communities, including in relation to large-scale natural resource extraction and infrastructure projects. While many development projects in various countries include programs for some training and employment opportunities for affected indigenous communities, rarely are indigenous people seen as potential engineers, business administrators, environmental analysts, lawyers or other professionals with the skills that are necessary for the execution of the projects at the managerial level. Ensuring professional training for indigenous peoples that allows their full involvement in the design and delivery of development-related activities should be part of any vision for development as it concerns them.

Further, it is apparent from experiences worldwide that the capacity of indigenous peoples to successfully pursue their own development priorities requires the strengthening of their own institutions and self-government structures. This will empower them to take control of their own affairs in all aspects of their lives and to ensure that development processes are aligned with their own cultural patterns, values, customs and worldviews. Indigenous leaders around the world express the need for indigenous peoples themselves to continue to strengthen their own organizational and local governance capacities, in order to meet the challenges faced by their communities with respect to development, including complex decisions regarding natural resource extraction and other major development projects on their lands.

Related to the capacity-building and strengthening of self-government, indigenous peoples should be provided with the opportunity to participate as equal partners in the development process when both their particular interests and the interests of the larger societies of which they form part are implicated. Real partnership would require indigenous peoples to be able to genuinely influence decisions concerning the development activities, fully participate in their design and implementation, and directly benefit from any economic or other benefits that are derived from them.

Finally, indigenous peoples must be allowed the opportunity to continue to progress and improve decision-making concerning development on their own terms, and to remedy any shortcomings through their own forms of internal regulation and accountability. States and other actors should take care to avoid conditioning their development assistance for indigenous communities on predetermined outcomes that are presumed by the outsiders to be the correct outcomes. In other words, indigenous peoples must be allowed the opportunity to make mistakes, to learn from those mistakes and to build ever-greater capacity and wisdom to advance in their own development objectives and choices about the future.