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— Robert ‘Tim’ Coulter, executive director of the Indian Law Resource Center

For the past 30 years Robert ‘Tim’ Coulter has played an integral role in protecting the rights of indigenous people all over the world.

Champion for rights

30 years | Helena attorney started work on indigenous rights declaration in 1977

By MARGA LINCOLN
Independent Record

When Robert “Tim” Coulter started working in 1977 to pass a United Nations declaration protecting the rights of indigenous peoples, he was a young, idealistic attorney, sporting a waist-length, dark-brown pony tail.

On Sept. 13, the Helena attorney finally saw his 30 years of work come to fruition when the United Nations General Assembly adopted the landmark Declaration on the Rights of Indigenous Peoples.

At the time work on the declaration began, Coulter, the founder and executive director of the Indian Law Resource Center in Helena, was representing land claims of the Six Nations of the Iroquois Confederacy.

He and others organized an international conference in September 1977 in Geneva, Switzerland, on discrimination against indigenous populations in the Americas.

“When we first began, it was my idea that we go to the United Nations to seek a declaration,” he said.

An enrolled member of the Potawatomi Nation, he is tall and lean with a silver mane of hair and a firm handshake. His idealism is as fresh now as ever.

“I think that one day the world will recognize that rights like this should be held by all peoples and not only indigenous peoples,” he said. “These are really rules of humanity and justice that should apply to everyone. That’s a larger dream.”

Hundreds of Indians from the Western Hemisphere came to the Geneva conference in 1977 to testify about human rights violations.

Coulter’s draft of the original 12 broad principles of the declaration were presented at that time.

Over the years these principles were revised and expanded.

The new U.N. declaration states that indigenous people cannot be forced from their lands. They retain the right to territories and resources traditionally owned or acquired and they have a right to

Long time coming

Local attorney Robert “Tim” Coulter played an instrumental role in the recent passage of the landmark United Nations Declaration on Rights of Indigenous Peoples. He drafted the original articles presented 30 years ago at the first conference on the topic in Geneva.
restitution and compensation for lands taken.
The U.N. declaration also articulates rights of indigenous people for self-determination—their right to their own culture, language, employment and education.
And it details their right to control development within their territories and the right to a healthy environment.

David Weisbrod, regents’ professor of law at the University of Minnesota and a human rights expert, has watched Coulter’s work for more than 30 years.

From the first nongovernmental organization meeting that Coulter helped organize, there grew a U.N. working committee, he said. From that committee, came the original draft of the declaration, which then has been revised over the years and eventually passed earlier this month.

“All those years Tim was the most consistent advocate for a strong declaration that would establish protections for human rights for indigenous people all over the world,” he said.

“If there was one person who made it happen, it was Tim.”

In a recent interview, it was clear Coulter is not one who likes to talk about himself or his role in history. But part way through the visit, he pulled from his file cabinet a legal pad with notes from that historic Geneva conference.

Among the scrawled words is a sketch of a boat.

“I thought of it (the declaration) as a little toy ship that we were pushing out across a very stormy sea,” he recalled. “As the years went by there was tremendous interest in this (boat). Over 30 years it’s been storm tossed. It’s almost unrecognizable.”

Each year, a working group of indigenous people—some 800 to 900 from around the world—came together in Geneva to refine the draft.

“It became the biggest, most active human rights activity in the history of the United Nations,” Coulter said. “Nothing like that has ever occurred and has not occurred since.”

“What made it difficult was that we were creating rights for people within countries. This had never been done before. It was a major hurdle,” Coulter said.

“And of course the other difficult thing is we were talking about land and resources. And from the very first contacts, it’s been all about gold, (natural) resources and land, and it’s still about gold, resources and land.”

The U.N. declaration based on Coulter’s principles was adopted by an overwhelming 143 votes in favor, four opposed and 11 abstaining.

Coulter said he was disappointed that the United States was one of the four negative votes.

However, he said he is optimistic about support in the future for a similar document being drafted by the Organization of American States.

He said the U.S. delegation, and the three other opposing nations, had agreed to 80 to 90 percent of the points.

Over 30 years the political tide changed, Coulter said.

“It happened so gradually you barely noticed. It’s no longer ebbing, it’s coming in,” he said of that “little toy ship.”

“This has been such a change for indigenous people. We will see a new set of rules and understandings in the future that will be more fair and agreeable for everyone.”

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Declaraton compared to historic 1948 U.N. human rights work

By MARGA LINCOLN
Independent Record

The U.N. Declaration on the Rights of Indigenous Peoples is a very profound first step for the human rights of some 370 million indigenous persons around the world, said Robert “Tim” Coulter, the founder and executive director of the Indian Law Resource Center in Helena and a significant contributor to the declaration.

He compared its significance to the adoption of the Universal Declaration of Human Rights by the U.N. in 1948.

He said the 1948 declaration was “an expression of our highest values the world over.”

Since its adoption, it has been incorporated into many treaties and agreements around the globe.

Ratifying the declaration of indigenous rights is a similar first step for indigenous peoples, he said.

While it doesn’t carry the weight of law, the declaration carries a moral weight.

Just as the world now has moral standards against slavery, this U.N. declaration articulates how countries should ethically treat indigenous people, Coulter said.

“The ultimate goal is to change what countries do by changing their behavior,” said Coulter.

The thing that is most significant is that indigenous people are recognized as a permanent part of the world community. … We will continue to flourish and will continue for a very long time.

“I think the adoption of the declaration represents a turning point in history in the sense that I think the countries of the world have treated indigenous peoples badly in the belief that it was a temporary thing—that indigenous people would vanish,” he said.

For instance, although the U.S. Constitution protects property rights of others, it doesn’t protect that of Indians, he said.

Coulter said that under current U.S. law, Congress can terminate a tribe’s right to exist. No other group of citizens in the country is subject to this type of discriminatory action.

“Even a canasta club has a right to exist,” he said.

“Congress claims the right to take (tribal land) at any time without paying for it,” said Coulter. “Now that can’t happen to anyone else.”

On the Web
Read the official text of the United Nations Universal Declaration of Human Rights at www.ohchr.org/english

RIGHT: Tim Coulter shows the sketch of a little boat he drew in his notebook at the 1977 conference in Geneva. He envisioned the task of passing a United Nations declaration to resemble the journey of a small ship across a storm-tossed sea.

Eliza Wiley JR Photo Editor

For more information about the U.N. Declaration on the Rights of Indigenous Peoples visit www.indianlaw.org.