GENEVA - It's been nearly 30 years since indigenous people began seeking international support from the United Nations to secure basic human rights that others take for granted - the preservation of spiritual and cultural identity, collective land and resource rights, and the right to exist as nations and peoples, to name a few.

The fight for self-determination continues today, marked by heated debates that opened the 11th session of the U.N. Working Group on the draft Declaration on the Rights of Indigenous Peoples. The present draft of the declaration would require countries to give legal respect to the lands that indigenous peoples hold collectively, including their aboriginal lands. Fair claim systems are called for to deal with lands and resources taken in the past.

The declaration must reach consensus in the Human Rights Commission of the United Nations in the next year or two, or the effort will be likely be abandoned by countries.

"One of the main reasons we are here is that U.S. law permits the government to confiscate aboriginal Indian lands and resources, and it permits unjustifiable federal control of Indian lands and resources," said Robert "Tim" Coulter, an attorney who directs the Indian Law Resource Center in Helena, Mont. and Washington, D.C.

"It is a state of almost complete lawlessness in the area of government power over Indian property.

"What we want is the right of indigenous peoples, as distinct groups, to be self-determining and self-governing in our own right, not only as part of the countries where we are located. We are fighting to win a real right to self-determination: to determine our own futures, our own laws, our own development. This right is not fully recognized in international law. We must now bring that into reality and make it part of international law and domestic law as well."

The two-week session, held Dec. 5 - 16, brought indigenous delegations from throughout the world. Indigenous participants from the United States included the Haudenosaunee (Iroquois Confederacy), the Navajo Nation, the Citizen Potawatomi Nation, the Indian Law Resource Center, the Native American Rights Fund, the International Indian Treaty Council, the Teton Sioux Nation Treaty Council, the American Indian Law Alliance, the Inuit Circumpolar Conference and the Indigenous World Association. All are working to develop international law that protects and advances the rights of American Indian nations and tribes.

While many countries participating in the session have agreed to recognize a genuine right of self-determination for indigenous peoples, some fear that indigenous nations may try to secede and form independent countries. Deliberations are continuing on how to assure countries like the United States, Indonesia, China, New Zealand and Australia that indigenous nations will not disrupt their territorial integrity - a legal principle that holds no group has a legal right to break away and form an independent country.

The United States government has joined with Australia and New Zealand in proposing to redefine the
right of self-determination with sharp limits. The proposal was met with wide opposition and criticism by several countries, including Mexico, Guatemala, Spain and Brazil.

"We should not be afraid of self-determination for indigenous peoples. In many ways they have been wards of our governments as a result of colonialism," said Mercio Gomez, head of Brazil's delegation. "Self-determination means they have rights and responsibilities for the welfare of their people and their cultures.

"We are not granting self-determination to indigenous peoples - it is the result of years of struggle on their part to rebuild their social, political and cultural rights. I am dismayed that we would add restrictive statements when we are turning toward a new era of self-determination for indigenous peoples."

The original draft declaration of rights for indigenous peoples, crafted by the Indian Law Resource Center in 1976, contained 10 points considered critical to the survival of Indian nations. Over the years, the process grew to include more than 100 indigenous groups, and a formal draft was completed in the United Nations in 1993. The U.N. Commission on Human Rights set up a working group in 1995 to review the draft, which is still under discussion.

The declaration has since evolved into 19 introductory paragraphs and 45 articles covering a wide range of human rights related to religion, language, lands, natural resources, education, and economic and social issues. If adopted, it would be the most comprehensive statement on the rights of indigenous peoples ever developed and would establish collective rights unprecedented in international human rights laws.

The Dec. 8 and 9 meetings turned to the high-stakes issue of lands and natural resources.

"We need more tribal government leaders here to help fight for our rights," said Coulter. "Even without being here, tribal leaders can help by demanding that the United States give greater support to our right to self-determination. We need international legal rights to help us protect tribal rights in the U.S. system."

Though there is widespread support among countries for these provisions in general, it remains to be seen how the final statement will read when states finally reach consensus.

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