

**Comments and Recommendations on the United States Review of the UN Declaration on the Rights of Indigenous Peoples**

*Originally transmitted to the US Department of State in June 2010*

by Rudolph C. Rýser  
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The Center for World Indigenous Studies has served as a research, education and policy analysis institution since its founding in 1979 when American Indian government officials meeting in a Conference of Tribal Governments called for the establishment of a documentation center. In the more than thirty years of our service we have contributed to and originated efforts to advance traditional knowledge and a constructive relationship between indigenous nations and states' governments in North America and throughout the world.

**This analysis offers six specific recommendations that provide substantive guidance as well as significant improvements for US policy in the field of indigenous peoples' affairs.**

It was in line with the Center's mission of advancing traditional knowledge that we actively supported and participated in the work of the United Nations Working Group on Indigenous Peoples throughout the years from 1982. We were instrumental in offering language for the development of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and worked to facilitate indigenous leadership participation in the more than 12-year dialogue that eventually became the approved Declaration.

The United Nations Declaration on the Rights of Indigenous Peoples is perhaps the most significant international statement of consensus since the completion of the Universal Declaration of Human Rights (10 December 1948). Its significance for the United States of America is considerable due to the extensive embrace of historic US values contained in the UNDRIP. Fairness, compliance with democratic principles, peaceful conflict resolution, respect for the individual and inclusiveness without regard to race, color, creed, religion, and association are all values contained in the UNDRIP that the United States, its leaders and its people have celebrated for more than two centuries.

The United States government, to the surprise of virtually all participants in the UN Working Group process during the 1980s and 1990s, actively opposed and even attempted to undermine efforts to engage constructive and cooperative dialogue to find an appropriate international consensus on the "situation of indigenous peoples." That this opposition carried over the terms of four US Administrations was an even greater surprise to those in the world who believed the United States of America, of all countries, would not actively oppose the application of widely accepted principles of

Human Rights to more than one-sixth of the world's population. Officials of the US Government never explicitly stated its objections to proposed language being discussed in the United Nations Working Group. Indeed, US officials working in concert with officials from Australia, New Zealand and Canada simply created obstructions objecting to the use of terms such as "self-determination," "territory," "peoples," and "collective ownership."

We at the Center for World Indigenous Studies believe that virtually all states' governments, including the United States of America have several potentially legitimate concerns that ought to be forthrightly addressed. Without explicit US governmental statements as to its objections (other than the rather stretched suggestions that the Declaration should be consider an "aspirational document" and consideration within the legal framework of existing US law) undertaking a thorough review of US/Indigenous concerns regarding adoption of the UNDRIP can be hazardous. Since the US position is precisely the position taken by the government of Canada, one must wonder if there isn't a truly hidden explanation since everyone knows and understands that the Declaration is a consensus document expressing principles that should guide and not legally bind states' governments in their development of legal structures internally. That is after all, the nature of such international declarations.

These are concerns we believe have potentially legitimated value, which should be thoroughly reviewed and settled with the full transparency so often called for in public statements from the US. Some of these concerns may include: Stability of the State System, Economic Market Growth, Refugees – Due to Violence or Climate Change, US Military Engagement of Indigenous Peoples, and Interference

in the Internal Affairs of Existing States,

## **Stability of the State System**

There are in the world perhaps as many as 38 failed or bankrupt states that threaten, by their instability, the economic and political system of states. No fewer than 10 of those failed or bankrupt states stand on the brink of collapse or chronic instability. *Foreign Policy* and Fund for Peace in a collaborative study for 2010 identify Somalia, Zimbabwe, Sudan, Chad, Dem Rep of the Congo, Iraq, Afghanistan, Central African Republic, Guinea, and Pakistan as the top ten states suffering from complex demographic, refugee, economic, and political instabilities. We agree that the social, economic, and political indicators used by the *Foreign Policy*/Fund for Peace study accurately reflects the condition of states in the throes of collapse or chronic instability. We note that these conditions are serious and quite threatening to regional and global peace. All of the states have in their collective populations sizable groupings of indigenous peoples. In some instances, the many indigenous groups within the state dominate the state's population or one indigenous population rules over many other distinct indigenous groups. We suspect that some in the US government have reasoned that recognized indigenous peoples' rights might further exacerbate already messy situations for many states. It might, therefore, constitute a legitimate basis for opposing adoption of the United Nations Declaration on the Rights of Indigenous Peoples.

Indeed, a rather limited vision may draw the conclusion that indigenous peoples might begin to seek separation from already laboring states. There are many indigenous peoples living under repressive conditions that compel consideration of separation

and independence. Some argue that accepting such separations guarantee the collapse of those states directly affected. When a people experiences such repression that separation is the only realistic alternative to perpetual suffering or even destruction, then either violent revolt becomes an option or peaceful, negotiated transition becomes an option. Continued repression cannot be considered a serious option. Indeed, an international system that has worked hard to establish documents like the Universal Declaration of Human Rights cannot countenance repression or violence being done to indigenous peoples located inside an existing state.

The League of Nations came close to considering a new international framework regarding the situation of populations living without their consent inside an existing state. This noble effort became the stage where the “blue water rule” was instituted, permitting the decolonization of territories and peoples separated from the colonizing power by “blue water.” This doctrine has proved enormously beneficial to the freedom of peoples. The other much more complex problem faced by the League concerned the political status of peoples located inside an existing state seeking separation. Indeed, the principle of self-determination arose from the recognition of just such circumstances in Central Europe after World War I. The breakdown of states has been a phenomenon since the establishment of San Marino, the first modern state in 301 AD. Though the Republic of San Marino with its population of 30,000 seems unremarkable, it has never the less seen scores of states disappear and become replaced by different political formations. That process continues to the present day. The phenomenon has occurred so frequently it should be considered a normal part of international life. We have seen the breakdown of the Union of Soviet Socialist Republics, Czechoslovakia, and Yugoslavia

in just the last generation and note that Belgium stands ready to break up between the Walloons and Flanders. Many thoughtful foreign policy analysts hold the view that maintaining the *status-quo* embracing the principle of “non-self-dismemberment of existing states” is the formulae for state system stability. The problem with this view is there is no sufficient evidence that enforcing the *status-quo* actually produces stability. Indeed, there is a great deal of evidence that enforcing the principle of “non-self-dismemberment” actually contributes to resentment, growing tensions, violence and what is often referred to as civil war (merely a useful term to avoid casting such conflicts as having international implications).

There is no evidence that adoption of the United Nations Declaration on the Rights of Indigenous Peoples will stimulate a people to separate from an existing state—as if to suggest a kind of license to do so. Where such separations appear to be imminent one need only look closer at the history of relations within the suspect state to see that conditions and intentions relating to separation existed long before adoption of the Declaration. The Declaration, therefore, cannot be considered the cause of any people to actively move toward political independence. Indeed the Declaration offers the prospect for developing new and forward looking international agreements and domestic state laws that can help stabilize shaky states and ease the process of separation. Instead of ignoring conflicts within a state, until they become too great and affect sub-regional and regional stability, states and indigenous nations must be proactively engaged to facilitate “break-ups” or help counsel through mediation settlements that will avoid separations. While this is a complicated process due to many different interests (neighboring states, resource access, economics and social), it is

more sensible to prevent violence through intentional mediation and structural adjustments. Again the United Nations Declaration on the Rights of Indigenous Peoples now provides the underlying framework for developing international agreements, domestic laws and protocols that will ease the breakdown of states in recognition of an historical phenomenon that will continue to occur.

Some may regard the Declaration's reference to "free, prior and informed consent" as a virtual veto granted to indigenous peoples over states' government economic and political decision-making. Recognizing, as is stated in Article 10 of the Declaration, that indigenous peoples "shall not be forcibly removed from their territories" and that such "peoples" should be recognized to have the right to refuse seems consistent with democratic values and supportive of peaceful conflict resolution. In other words, it would seem that honorable governments should seek accommodation and compromise through negotiations to avoid what would be an inevitable conflict that could have violent features. When a state seeks to impose through force (political or violent) a decision that favors the state it engages in anti-democratic behavior.

There is common recognition that negotiated settlements of differences (though laborious and often time consuming) is preferred to *coerced* decisions. In the United States, we (Indian governments and the US government) have worked in fits and starts over the last forty years to establish a constructive relationship between Indian governments, the US government and even with state governments. These efforts were rewarded in 1992 when an Indian government initiative aimed at establishing a framework for government-to-government relations resulted in more than 300

negotiated compacts of self-governance. Though only a small first step, the negotiations did produce new mechanisms for resolving differences between the United States and Indian governments on matters involving the Bureau of Indian Affairs and the Indian Health Service.

That such efforts produced an important step toward a balanced intergovernmental relationship between Indian governments and the United States cannot be denied. Free, prior and informed consent is the focus of a dialogue begun by President Barack Obama in November 2009 when he held a meeting with Tribal Leaders to, among other things, discuss ways to improve “consultations.” While succeeding generations of tribal leaders engaged all US Administrations since Franklin D. Roosevelt in discussions concerning tribal consent and methods of consultation, little progress was actually achieved. Under the present administration there is some progress now being made—in large measure because of the successes of the government-to-government agreements on self-government initiated by Indian governments with the first George Bush presidency. “Consultation” is the framework within which “free, prior and informed consent” must be applied. The US government is already moving with tribal governments to establish this framework though there is still no formal structure within which negotiations to establish a framework can be conducted.

Given the focus of Indian government and US government intergovernmental development over the last forty years, it seems rather disingenuous of US officials at worst and ill informed at best, to oppose internationally what it is itself attempting to institute. US foreign policies are simply not in alignment with internal policies regarding indigenous peoples. Such a circumstance creates



structural and policy conflicts when complex issues such as Human Rights, Ocean wildlife management (i.e., salmon and whaling) Climate Change, World Trade, and regional security (i.e., migration from indigenous communities in Mexico, Guatemala and elsewhere, violence and wars in Nicaragua [1981-1991]) involve both the interests of the United States and the interests of American Indian nations, Alaskan Natives or Hawaiian Natives. When internal indigenous nations' interests and US interests agree, there is little conflict. When those interests diverge, there is substantial conflict. A coherent internal and external indigenous policy is essential and adoption of the UN Declaration on the Rights of Indigenous Peoples provides a substantive balance to developing internal indigenous peoples' policies.

It is in the interest of the state to have constructive and stable relations with indigenous peoples. To act coercively instead of cooperatively and constructively is to contribute to instability. The United Nations Declaration on the Rights of Indigenous Peoples offers the prospect of stability and comity whereas rejection of the principles contained in the Declaration actually contributes to the breakdown of the state system.

In sum, state instability is caused by **not enough** communication, constructive and cooperative relations—not **too much**. The UN Declaration offers more means for constructive and cooperative relations that can lead to greater stability—especially with the development of new international instruments implementing principles outlined in the Declaration, and similarly, new domestic state laws also implementing these principles.

Free, prior and informed consent constitute merely favorable recognition of a time honored

democratic principle. Peoples must be able to freely choose their social, economic, political, and cultural futures without external coercion. Without such a principle, the world will necessarily be totally ruled by violence. Recognition of this principle sets the stage for mutually established and conducted negotiations where mediation can help resolve difference and affected parties can achieve their interests.

## Economic Market Growth

Article 26 of the Declaration announces a principle that is applied to every other group of human beings in the world. No people may be deprived of their lands, territories, and resources on which they must necessarily depend for their livelihood. Such thinking in the abstract seems quite acceptable except when states' parties and economic interests look upon land and natural life as free bounty that has no value unless it is exploited and converted into a commodity. It is the conflict of perspectives that these ideas represent. Climate Change concerns call into question the right of anyone or group of people to engage in unlimited exploitation of lands and natural life. The Convention on Biodiversity urges us all to recognize that the common life on which all living things must depend requires a conscious and thoughtful respect for limitations. Indigenous peoples occupy 80% of the world's last remaining biodiversity. Their cultural practices ensure the continuity of that diversity. The sheer diversity of life in indigenous territories sustains life throughout the planet. Without recognizing indigenous peoples' right to "own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use" (Article 26) one substantial part of humanity

would be allowed to commit suicide for all of humanity by virtue of its greed when unlimited growth and development degrades natural, living diversity. The UN Declaration on the Rights of Indigenous Peoples constitutes a framework for rethinking growth, development, and uncontrolled exploitation of living things. Indigenous peoples benefit all of humanity by virtue of their continued uses of living things that promotes diversity and therefore life-sustaining potential as climate changes. Economic growth and natural life exploitation may be seen now in the long term as counterproductive while “sustained and limited growth that matches the capacity of nature to renew itself” may prove to be the best approach for all of humanity.

## Refugees: Violence and Climate Change

The vast majority of refugees (17 million presently) are indigenous peoples forced from their homelands either by violence, economic, state population transfers, or climate change related events. There is no existing capacity to effectively deal with the traumatic events leading up to or following the mass movement of peoples. That such refugee problems affect the stability of existing states is not challenged. The sudden mass movement of human populations challenges many states economically, politically, and socially. Engaging indigenous peoples and their political and religious leaders in a dialogue in advance of potential challenges to population security will require new institutions, rules and protocols. The US Department of Defense cautions the necessity to consider climate refugees as well as refugees from violence as security risks. Indeed, they are. But, waiting until after movement has occurred is enormously expensive and risks serious security

problems, whereas instead proactively engaging indigenous peoples to work out plans in advance can minimize costs and security risks. Proactive planning and organization in regions of the world where it is known that climate change or violence can force the movement of peoples, is critical. The United Nations Declaration on the Rights of Indigenous Peoples provides the framework for developing international and domestic rules and laws for actively engaging the consequences of violent and climatic disruptions. While the cost would seem prohibitive in advance, the truth is that waiting for the disaster simply hides the costs that will overwhelm.

The United States is experiencing a massive migration of indigenous peoples from Mexico, Honduras, and Guatemala and farther from other southern countries. A major contributor to these “economic refugees” and “drug violence refugees” is the unintended consequences of the North American Free Trade Agreement. It was this agreement that eventually caused the Mexican government to abandon the constitutionally guaranteed protection of *ejido lands* from sale. That system allowed indigenous peoples throughout Mexico to produce their own food and excess foods that they could sell. In a fit of economic liberalism, both the United States and Mexico created economic refugees—six million of which remain undocumented inside the US. Meanwhile, the US government exercised its judgment to bring force onto the drug cartels in Columbia to shut down a violent movement that hurt indigenous peoples and city dwellers alike. So effective was the effort that it also closed down trafficking of drugs through the Caribbean to Florida, New York and the rest of the US. The response of drug producers was to shift their operations into Mexico creating enormous pressures on the Mexican population and particularly on the

indigenous peoples. Drugs are being shipped, though not exclusively, from Mexico into the United States through indigenous communities in Mexico and then through indigenous communities in the US like the Tohono O'odham. Indeed, indigenous communities like St. Regis Mohawk have become smuggling routes for as much as 20 percent of all "high-potency marijuana grown in Canada." (Tim Johnson, *McClatchy-Tribune News Service* in *The Bulletin*, July 05, 2010) Consequently, indigenous communities in Mexico, United States and Canada are becoming brutalized by the violence of drug trafficking resulting in migration of populations away from their homelands to avoid violence.

Wars in Guatemala, Nicaragua and El Salvador during the 1980s created hundreds of thousands of refugees that fled to the United States—many becoming undocumented residents. Virtually all of these refugees are from indigenous communities. While the census takers use the term "latino" to identify peoples coming from these countries and Mexico as well, the truth is they are indigenous peoples from Mayan, Cora, Zapotec, Miskito, and Pipil and many other indigenous communities. Indeed, there are now more than 1 million Mayans from southern Mexico, Guatemala, Honduras, and El Salvador inside the United States—many undocumented. Many of these people do not speak Spanish; rather, they speak their own native language instead. These refugees now scatter throughout the US and constitute an area of policy the US government has not considered. The UN Declaration will help provide guidance in the development of policies and laws to assist in the establishment of protection, order and regulation of such populations.

Articles 7 and 22 of the United Nations Declaration on the Rights of Indigenous Peoples

offers principles to guide the development of new international agreements and state, domestic laws to protect indigenous peoples from the consequences of economic and drug related violence. As noted earlier, Article 26 also contributes important guidelines for the development of domestic and international laws that ensure that indigenous peoples are not moved off their lands and territories or denied access to life supporting plants and animals. By so ensuring such security, states' governments will contribute to the reduction of refugees.

## US Military Engagement of Indigenous Peoples

The United States of America is clearly a world military power with numerous social, economic, and political responsibilities needing guarantees of safety and security. Unfortunately, the US government's foreign policies emphasizing *exceptionalism* has put the government and the military in the position of serving as one of the world's major antagonists against indigenous peoples. The US government is engaged in violent conflicts with indigenous peoples in Iraq, Afghanistan, Pakistan, Iran, the Philippines, Sudan, Columbia, Peru, Guatemala, Somalia, Sudan, Congo, Nigeria, and elsewhere. These engagements put the US government in the forefront of those states doing violence to indigenous peoples. Due to the expansive definition of terrorism, the United States government has been placed in the awkward position of becoming a major contributor to human rights violations in the world. Whether intended or not, the past policies have done enormous damage to US credibility. Indeed, the US generalized practice of designating various groups as "terrorists" at the request of various states that have had long and contentious conflicts with various

indigenous groups has caused the US government to violently and legally confront indigenous peoples either engaged in defensive or self-determination conflicts with states that claim their territory as part of their domain. Despite the fact that these populations could not threaten the US government or its people, various indigenous peoples have become targets of violent attack by the US military or various security agencies.

Adoption of the UN Declaration on the Rights of Indigenous Peoples would force the US government to reevaluate its foreign and military policies in very fundamental ways. This could be a rather important concern.

By adopting the UN Declaration, the United States government would position itself to revise its stance regarding indigenous peoples...many of which it considers enemies today. This would certainly be the case for the US government's activities in Pakistan, Afghanistan and Iraq.

### **Recommendation 1: Adopt UNDRIP**

Formally approve the UN Declaration on the Rights of Indigenous Peoples without reservations.

### **Recommendation 2: Convene Congress of Nations and States**

Begin preparations to convene an international Congress of Nations and States to formulate new international conventions implementing aspects of the UN Declaration particularly those dealing with Refugees, State Stability, and Climate Change.

*(Note: The Center for World Indigenous Studies worked in 1992 to facilitate the development of the Congress of Nations and States with the governments of the Russian Federation, German Federation, Japan and*

*the United States. In addition, ten indigenous nations including Tibet, Haudenosaunee, San Blas Kuna, and seven other nations agreed to sit with the four states to plan and convene the Congress. When the United States government (Legal Affairs in the Department of State) waved the Russian government off of the effort, negotiations came to a sudden halt. It remains a viable plan with even greater chance of success using the UN Declaration on the Rights of Indigenous Peoples as the consensus foundation.)*

### **Recommendation 3: Summit on Framework for Government-to-Government Relations**

After adopting the UN Declaration, convene a countrywide Summit on a Framework for Government-to-Government Relations involving all American Indians, Alaskan Natives, and Hawaiian Natives (as governmental representatives) to negotiate and conclude a multi-lateral agreement and protocols for the conduct of intergovernmental relations (including consultations).

### **Recommendation 4: Indigenous Peoples Participation in Climate Negotiations**

Recognizing that Climate Change negotiations continue in Ad-Hoc Intergovernmental sessions between Conference of Parties meetings to conclude a new treaty to replace the Kyoto Protocols, and noting that indigenous peoples have not been permitted to participate in these meetings in their own right, but have been relegated to the role of non-governmental, civil society organizations, and recognizing that indigenous peoples exercise greater responsibilities over land and peoples in a manner similar to states' governments, the US should undertake to support the formation of an intergovernmental contact group on climate change



including representatives from states' governments and indigenous governments. Through this mechanism appropriate and substantial contributions to the treaty negotiating process will be the officially made – thus beginning the process of implementing major aspects of the UN Declaration on the Rights of Indigenous Peoples. In any case, the US government will be better positioned to facilitate contributions by indigenous peoples into the all important discussions and negotiations that will produce a global agreement on Climate Change.

### Recommendation 5: Comprehensive “Indigenous Policy Training”

Develop and execute a comprehensive “indigenous policy” curriculum as a part of the George P. Shultz National Foreign Affairs Training Center to facilitate the improved knowledge of the US Diplomatic Corps and its work in regions of the world...emphasizing the establishment of proactive communications and constructive relations with indigenous nations.

*(The Center for World Indigenous Studies consulted with the Dean of faculty of the George P. Shultz National Foreign Affairs Training Center in Arlington, Virginia during the 1990s regarding the inclusion of curricula focusing on the social, economic, political, cultural and diplomatic position of indigenous peoples in countries with which the US Department of State must deal diplomatically. We discussed a specific curriculum for the Middle East and western Asia as well as other parts of the world. We met with Department of State officials as well as Senator Daniel Akaka of Hawaii to consider providing funding to the Training Center so that it could undertake this important curriculum development and teaching effort for the benefit of the US Diplomatic corp. In the end, “money” was used as the reason why this effort could not be undertaken on a comprehensive basis to prepare the*

*US foreign service for a much more complex mission that involves the need for extensive knowledge of indigenous peoples.)*

## **Recommendation 6: Inter-Agency Policy Group**

Establish an Inter-Agency Policy Group between the Department of State, Department of the Interior, Department of Justice, Department of Energy, Environmental Protection Agency, Department of Health and Department of Education with a liaison to the National Security Council, Senate Indian Affairs Committee and the House Interior Committee with the mission of coordinating internal and external policies on indigenous affairs.

## **Conclusions**

The United States has confused its internal and external policies as they relate to indigenous peoples, and it has done so for quite a long time. When negotiating the Helsinki Accords to settle spheres of influence over Central Europe with the Union of Soviet Socialist Republics during the 1970s, the issue of American Indians played an important role in decisions about the Human Rights basket and the application of Principle 7 and Principle 8. The Convention on Biological Diversity calls on states including the United States to engage in “benefit sharing” with indigenous peoples, among other things to preserve global biodiversity. Intellectual Property Rights involves the United States in questions concerning genetic research and control over genetic resources as well as traditional knowledge. The US government is deeply engaged in conflicts throughout the world where indigenous peoples are the complex issues of self-determination verses state stability play a major role. Refugees are

primarily indigenous peoples moved from their homelands by violence or climate change and the US is called on to deal with this complex issue. Economic and trade matters involve the US government in questions concerning indigenous peoples' land rights and competition with industrial farming. The United Nations Declaration on the Rights of Indigenous Peoples offers the United States government the opportunity to constructively stabilize shaky states that lack control over their territory; it offers the opportunity to open new international channels of cooperation and constructive engagement. State system stability, economic growth and Refugee concerns as well as military and security policy can be enhanced by US adoption of the UN Declaration. While the Declaration complicates some policy arrangements, it clarifies others. Most importantly for US policy, adoption of the Declaration will bring the United States of American into alignment with the international community and it will begin to bring US foreign policy as relates to indigenous peoples into alignment with its internal pronouncements. The Declaration's principles will serve as a constructive framework on which new domestic legislation can be developed to enhance the quality of relations between Indian governments and the US government while improving the quality of life for American Indians, Alaskan Natives, and Hawaiian Natives. In addition, the US will be able to develop a policy regarding indigenous peoples that permits the beneficial development of policies concerning more than 1 million Mayans originating from Guatemala now resident in the United States.

### Post Script:

The US government announced its "support" for the United Nations Declaration on the Rights of

Indigenous Peoples. The US government's position in support may be characterized as a policy of "yes, but no!" The position now appears to be a significant blow to indigenous peoples around the world. The US government has essentially given countries around the world license to ignore or interpret articles of the UNDRIP in ways adverse to the interests of indigenous peoples.

Authoritarian governments wishing to undermine indigenous peoples on Climate Change, Biological Diversity, Intellectual Property and fundamental territorial rights and self-determination may now take the US government's interpretation released by the US Department of State in a 17 page statement to limit exercise of the right of self-determination. The Department of State's explanation of US policy on UNDRIP limits the principle of "free, prior and informed consent" where: "the US Department of State contemplates the UNDRIP principle of "free, prior and informed consent" as meaning, essentially, that American Indian, Alaskan Natives and Hawaiian Natives have the right of "free, prior and informed consent" unless the United States disagrees with the decision made by the indigenous people.

A central argument in the effort to embed in a Climate Change treaty (being negotiated annually) principles that recognize the right of free, prior and informed consent (FPIC), application of traditional knowledge, and the direct participation of indigenous nations in negotiations consistent with principles in the UN Declaration on the Rights of Indigenous Peoples will have become much more difficult. Years of persistent effort promoting and advancing discussions of these concepts have made some progress, but the US positions on self-determination and FPIC allow other governments to simply say..."The US government does not recognize

indigenous peoples' right to "consent" or self-determination. Neither shall we."

Upon careful consideration one must conclude that the fundamental principles on which the UNDRIP was built have been deluted by the US position at the expense of indigenous peoples domestically and indigenous peoples throughout the world. The indigenous nations of southern Sudan would not be recognizable by the US given its position narrowing the right of self-determination "specific to indigenous peoples." This position allows other states' governments to clamp down on any indigenous population seeking to change its political status when the states' government violates human rights of the indigenous population. The people of Somaliland are a target for forcible reintegration into Somalia. The Republic of Georgia is now increasingly vulnerable to attack from Russia not to mention Chechnya.

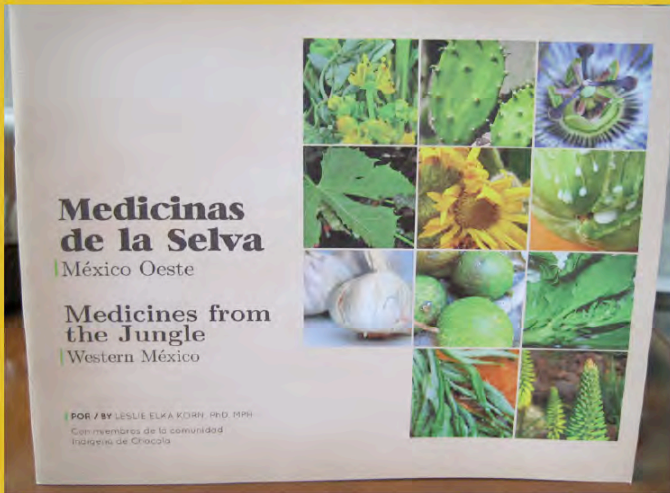
American Indian nations, Alaskan Natives and Hawaiian Natives have a considerable task turning the United States into a full supporter of the human right of free, prior and informed consent as well as the full exercise of the right of self-determination. Neither of these is guaranteed as a result of US "support" for the UNDRIP.

### **Biographical Note**

Dr. Rudolph Rýser is Editor in Chief of the **Fourth World Journal** and Chair of the Board of Directors for the Center for World Indigenous Studies.

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