

The key role of International instruments to ensure Indigenous Peoples' Rights

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Social issues such as discrimination and racism have limited the well-being of Indigenous Peoples, depriving them of the representation that they deserve in local, national, and international spheres. Although the State has come up with some initiatives to promote the fundamental Indigenous Peoples rights, this responsibility has also been shared by civil society organizations. Guided by international instruments that foster Human Rights such as the *Universal Declaration of Human Rights (UDHR)* and the *American Declaration of the Rights and Duties of Man (American Declaration)*, both public and private sectors are implementing programs to strengthen the Indigenous Peoples' Rights. In that regard, it is vital to analyze the impacts of the aforementioned instruments on achieving safe spaces so that Indigenous Peoples get their rights fortified.

First of all, it is worth examining the influence of the *Universal Declaration of Human Rights* and the *American Declaration* through time. According to Amnesty International (2023), the Declaration has provided the foundation from which a wealth of other legally binding human rights treaties have been developed, and has become a clear benchmark for the universal human rights standards that must be promoted and protected in all countries. In that sense, not only has it been another international document with abstract proposals, but it has worked as a cornerstone, curbing discrimination and inequality ingrained in our society. Considering the *American Declaration of the Rights and Duties of Man*, it marked the initial stride towards forging bonds and embracing our differences- features that undoubtedly constitute the pillar of our American essence. In any case, both international mechanisms are still aiming to be a supporter when designing public policy or civil society proposals to boost the Indigenous Peoples' agenda.

Now, as it is undeniable that the *UDHR* and the *American Declaration* are key tools to ensure Human Rights, it is necessary to analyze their influence on Indigenous Peoples issues. Since the United Nations Human Rights system sought to endorse a responsible practice of Human Rights, it introduced a special instrument for Indigenous Peoples: *The United Nations Declaration on the Rights of Indigenous Peoples*, wherein the primary demands of these social actors are articulated. To comprehend this insight, the UN Human Rights system (2009) asserts that the Declaration is the most comprehensive instrument detailing the rights of indigenous peoples in international law and policy, containing minimum standards for the recognition, protection, and promotion of these rights. In that regard, alongside this

declaration and having the *UDHR* as a base, the UN Human Rights system has increased the number of possibilities to respond to Indigenous Peoples' enquiries, marking a starting point to benefit this group when creating further social projects.

On the other hand, the UN Human Rights system recognizes the role of the Organization of American States (OAS) in enhancing Human Rights mechanisms in the region. As the United Nations had outlined a specific instrument for Indigenous Peoples, by 2013 the OAS was drafting a declaration on the same matter as well, since this international organization acknowledged that the American continent held a great number of Indigenous communities that needed fair assistance regarding political representation, protection of traditional knowledge and land law. On June 15th, 2016, the *American Declaration on Indigenous Peoples* was finally adopted, implicitly honoring the first article¹ of the *American Declaration of the Rights and Duties of Man*. At its core, this groundbreaking declaration acknowledges the relevance of freedom and safety for Indigenous Peoples.

To discuss the influence of the aforementioned instruments on projects at national and local levels, I would like to assert the example of the Kichwa Otavalo community, in Ecuador. Over time, the Kichwa Otavalo community has exemplified unity and fraternity. It has come up with a wide range of initiatives dedicated to ensuring the well-being of this community itself. Although advancing Human Rights for Indigenous Peoples in Ecuador has been challenging, the Kichwa Otavalo community's early engagement with the international community² was crucial for initiating projects to improve Indigenous realities. As a member of this Indigenous group, I can affirm that we have cultivated spaces to deepen our knowledge and pass it on to the next generations. Having the *UDHR* and its side mechanisms and the Inter-American instruments such as the *American Declaration* and the *Declaration on Indigenous Peoples Rights* as our allies and basis, we have orchestrated projects in benefit of women and their political representation, children and their integral education, indigenous communities in general and their fair right to manage justice and of course the upholding of the mother nature. Some of these plans have been successfully materialized, as the international instruments expressly hold that everyone has the right to live safely and peacefully.

Looking at this situation from another perspective, while some initiatives carried out by Kichwa Otavalo people in favor of their peers have been highly beneficial, certain challenges

¹ Article I: Right to life, liberty and personal security.

² Kichwa Otavalo people have been migrants since the 1960's or early. Carrying their culture anywhere they went, they gathered experience abroad and wanted to replicate those realities of well-being in Kichwa Otavalo communities.

simultaneously limit their completion. When designing initiatives for Indigenous Peoples, activists face the government institutions' negligence as sometimes they consider that small and medium scale projects are not that important to advance the Rights issues or the fact that our petitions can be just managed later. Despite initiatives strongly aligning with the principles of international instruments, some processes are put on hold. Moreover, certain development projects must contend with people's disbelief. It is entirely understandable that for us, as Indigenous communities, it is somewhat complicated to believe that the same entities that once imposed their rules on our realities are now amending their agenda to uplift us. In any case, those who are highly committed to the Indigenous Peoples Rights continue to use international instruments to gain acknowledgement on some matters. It is worth admiring and reflecting on the courage of the Kichwa Sarayaku community in the Ecuadorian Amazon. One of the biggest successes for us, as Ecuadorian Indigenous Peoples, was marked when the Inter-American court of Human Rights ruled in favor of the Kichwa Sarayaku community, whose representatives appealed to the Inter-American Human Rights system to enquire for justice for their territory, as the State had disregarded their opinion on extractivism's topics³. This was indeed an enormous accomplishment in the Ecuadorian Indigenous Peoples Rights' history.

All in all, Indigenous Peoples must be acknowledged as crucial social actors to ensure the continuity of our societal roots. Given the essential role of Indigenous communities for everyone, they deserve recognition beyond being mere guardians of culture; they must have political, social, and economic representation in matters that concern them. Likewise, the State must shift its mainstream approach by honoring the aforementioned international instruments to address the petitions of Indigenous Peoples. It is especially important for Indigenous Peoples to have a voice and presence in decision-making spaces to ensure that their concerns are taken into consideration, though first, they need to be instructed in political issues so that they can make a positive impact on themselves and their communities. Along the same line, as the international community plays a crucial role in fostering Indigenous Peoples' Rights, it is vital for them to ensure compliance with the international instruments in the American States and worldwide. Just that way, we can actually achieve more rights for more people.

³ Inter-American Court of Human Rights. Technical Data: Pueblo Indígenas Kichwa de Sarayaku vs Ecuador. 2012

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