

Self-Determination as “Defined” under the United Nations Draft Declaration on the Rights of Indigenous Peoples: Succession or Autonomy

A. Edsel C. F. Tupaz

51 ATENEO L.J. 1039 (2007)

SUBJECT(S): PUBLIC INTERNATIONAL LAW, INTERNATIONAL HUMANITARIAN LAW

KEYWORD(S): UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLE, INDIGENOUS PEOPLE, SECESSION

The United Nations Declaration on the Rights of Indigenous People is an important milestone in the recognition of the rights of indigenous people the world over. Of course, the question revolves on the exercise of “self-determination” in the context of the policies of nation-states where such indigenous people are domiciled. In fact, the objection that non-state groups may use the Declaration as a basis for legitimate secession from the mother country, may produce only a marginal effect upon the doctrinal force of the general right of self-determination as it stands in international law.

The right to self-determination of indigenous people, which includes the right to secede from the mother country, must be given priority when juxtaposed against the case of fragmentation of the territories of nation-states. The governments of such nation-states must give precedence to the rights of democratic self-government.