

# Seal of the Haudenosaunee



# United Nations

- A private club of governments - Nation States
- States hold all the power and do not like to share it
- Who can speak in the UN - Member States, UN Agencies, Observers, NGOs
- A huge bureaucracy with many agencies around the world

# NGOs

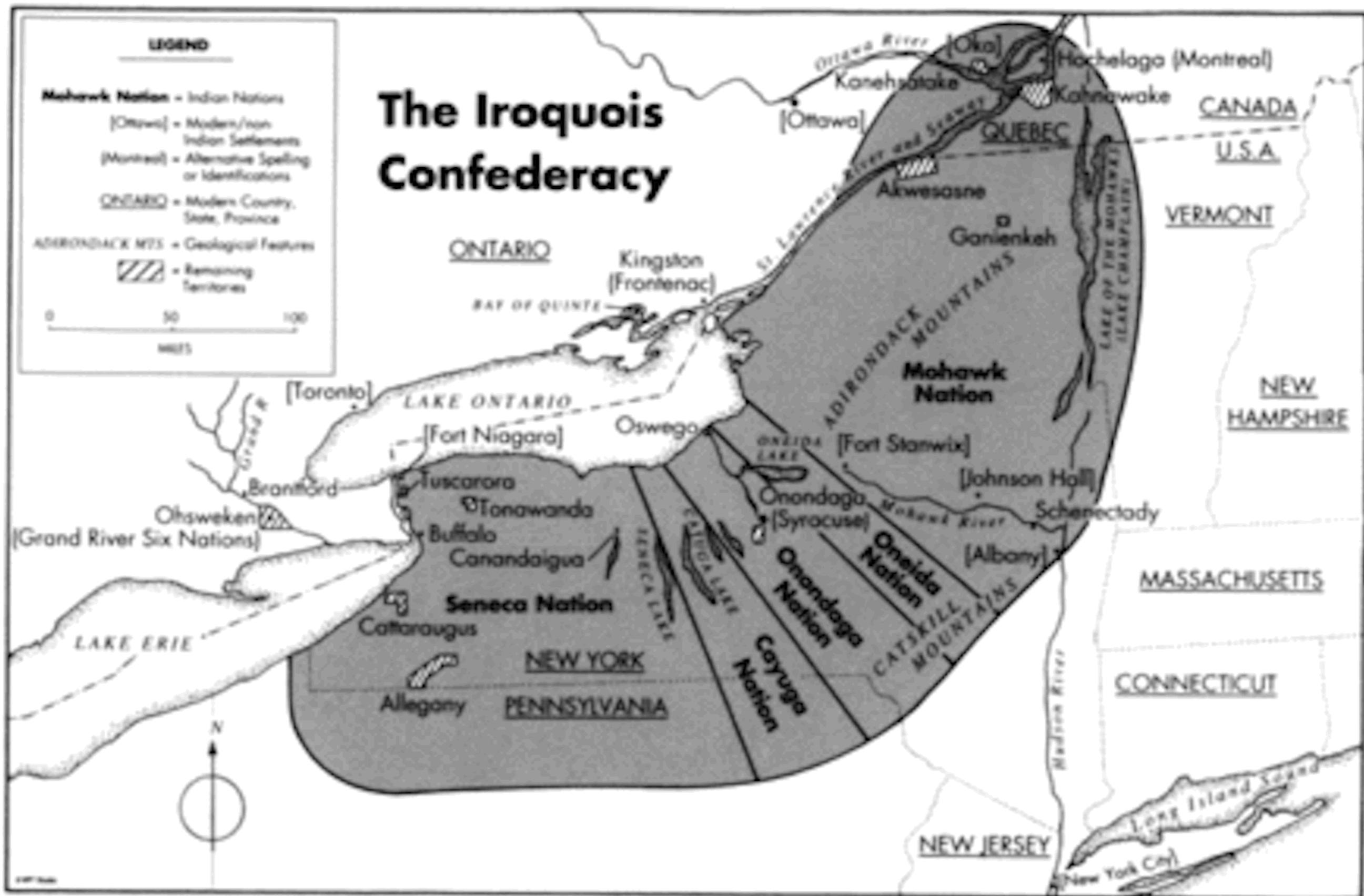
- Non-Governmental Organizations
- NGOs apply for accreditation to attend UN meetings through the NGO Committee in New York.
- The NGO Committee is all member States
- There about 6000 NGOs accredited by the UN
- You need to be a member of an NGO to enter the UN
- Several Indigenous organizations gained NGO status such as International Indian Treaty Council, Indian Law Resource Center, Indigenous World Association, Assembly of First Nations, Grand Council of the Cree

# Indigenous Peoples attend UN meetings

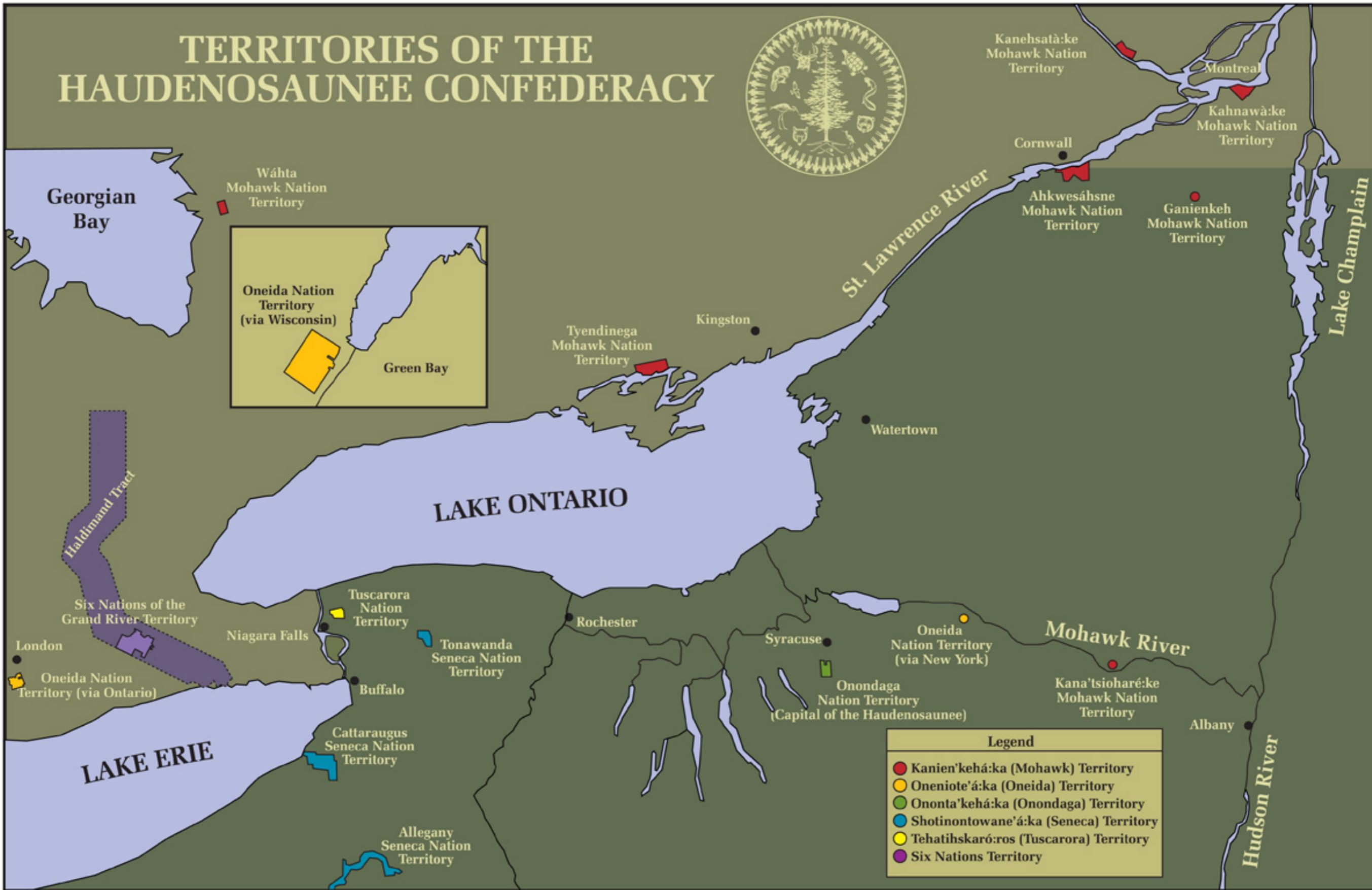
- In 1982, the Working Group on Indigenous Populations (WGIP) was created
- Because most Indigenous Peoples don't have accredited NGOs to enter the UN, the WCIP allowed Indigenous Peoples to register in their own right.
- This was a significant change in the UN. It was the only body that allowed anyone to attend their meetings.
- It was not until 1995, with the creation of the Working Group on the Draft Declaration, that another body would allow any Indigenous representatives to attend.

- **Mohawk**
- **Oneida**
- **Onondaga**
- **Cayuga**
- **Seneca**
- **Tuscarora (1700s)**

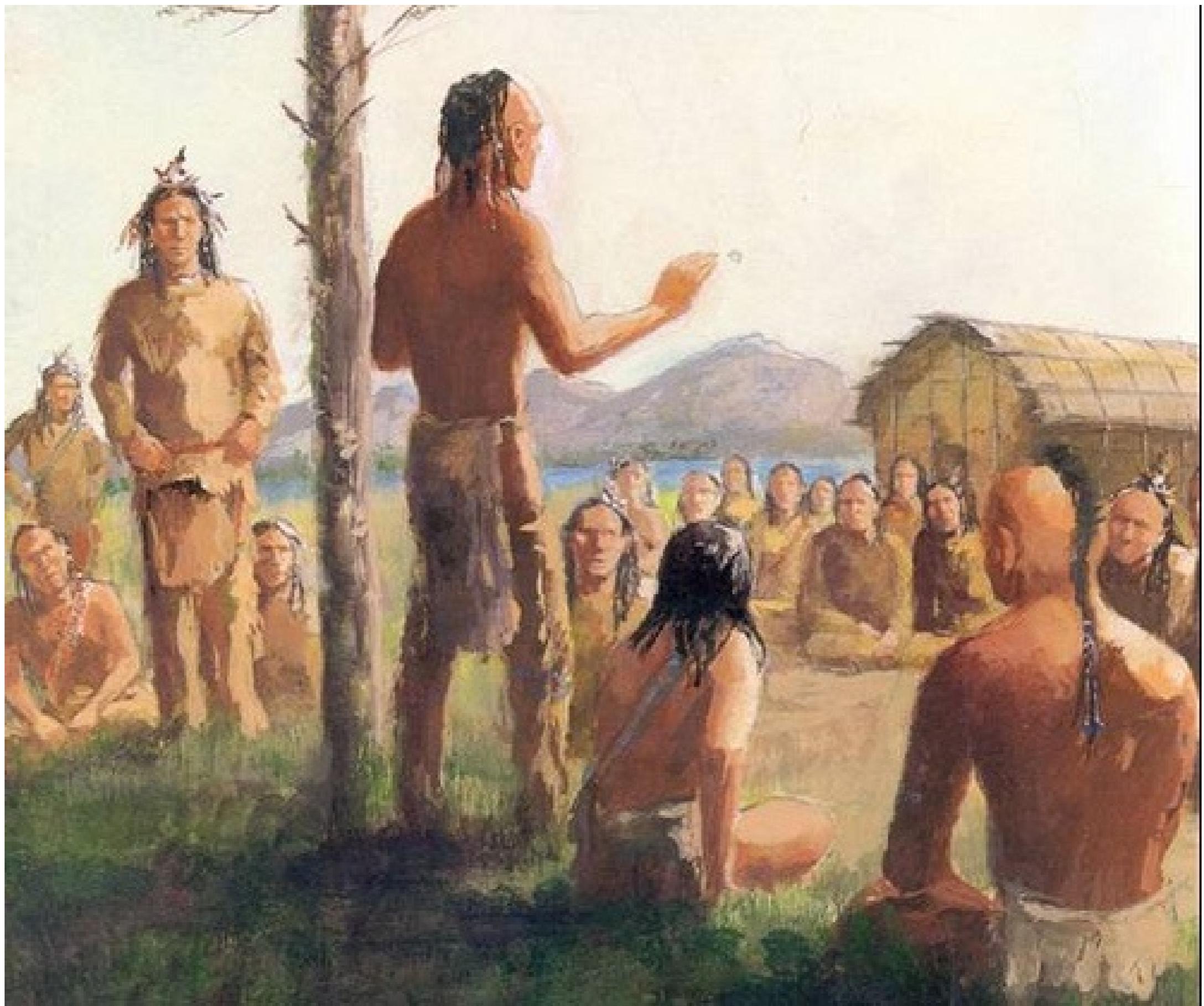
# The Iroquois Confederacy

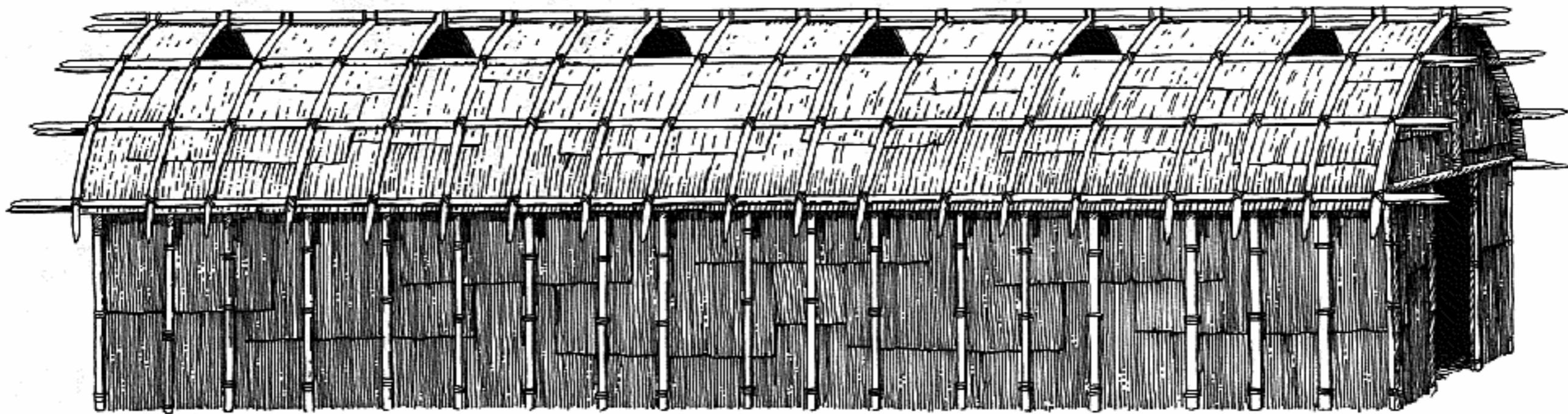


# TERRITORIES OF THE HAUDENOSAUNEE CONFEDERACY

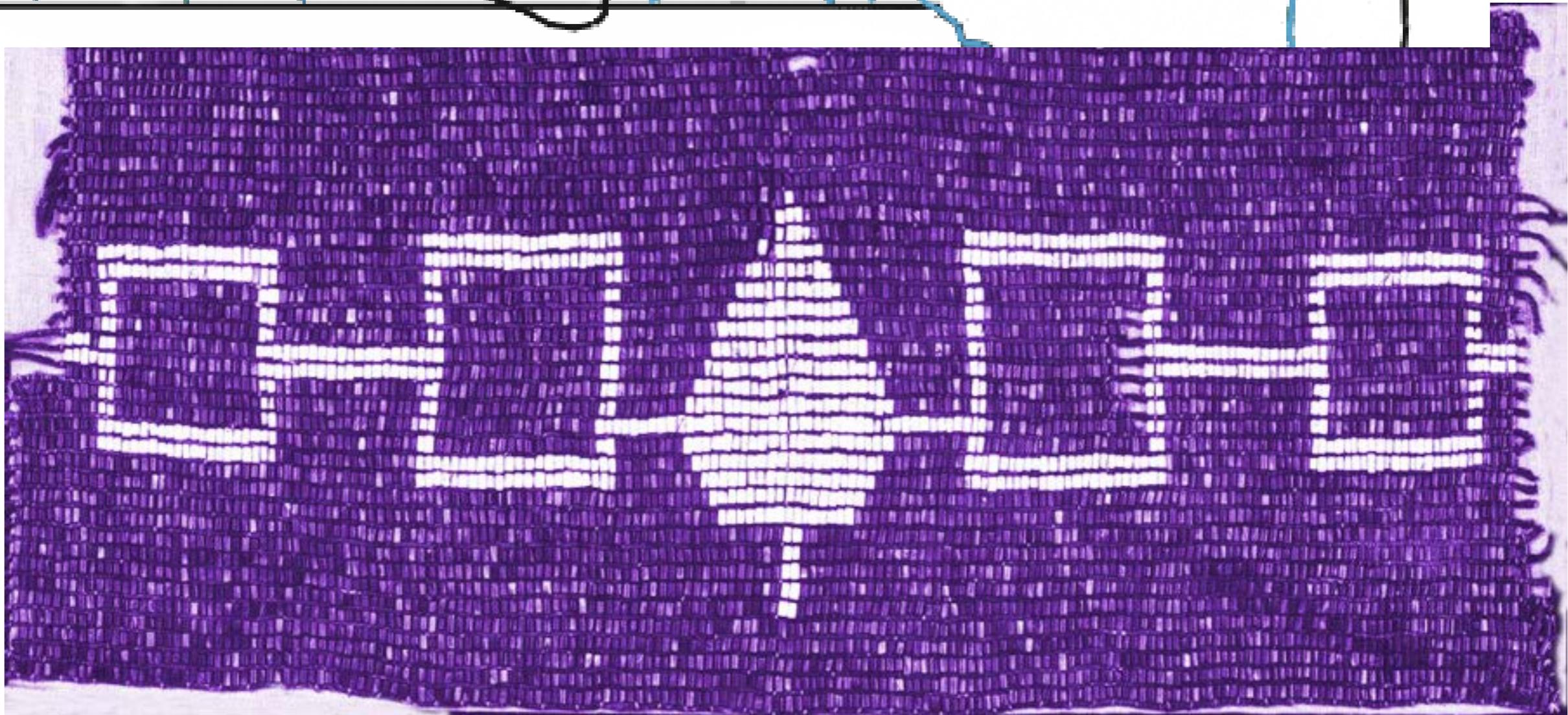


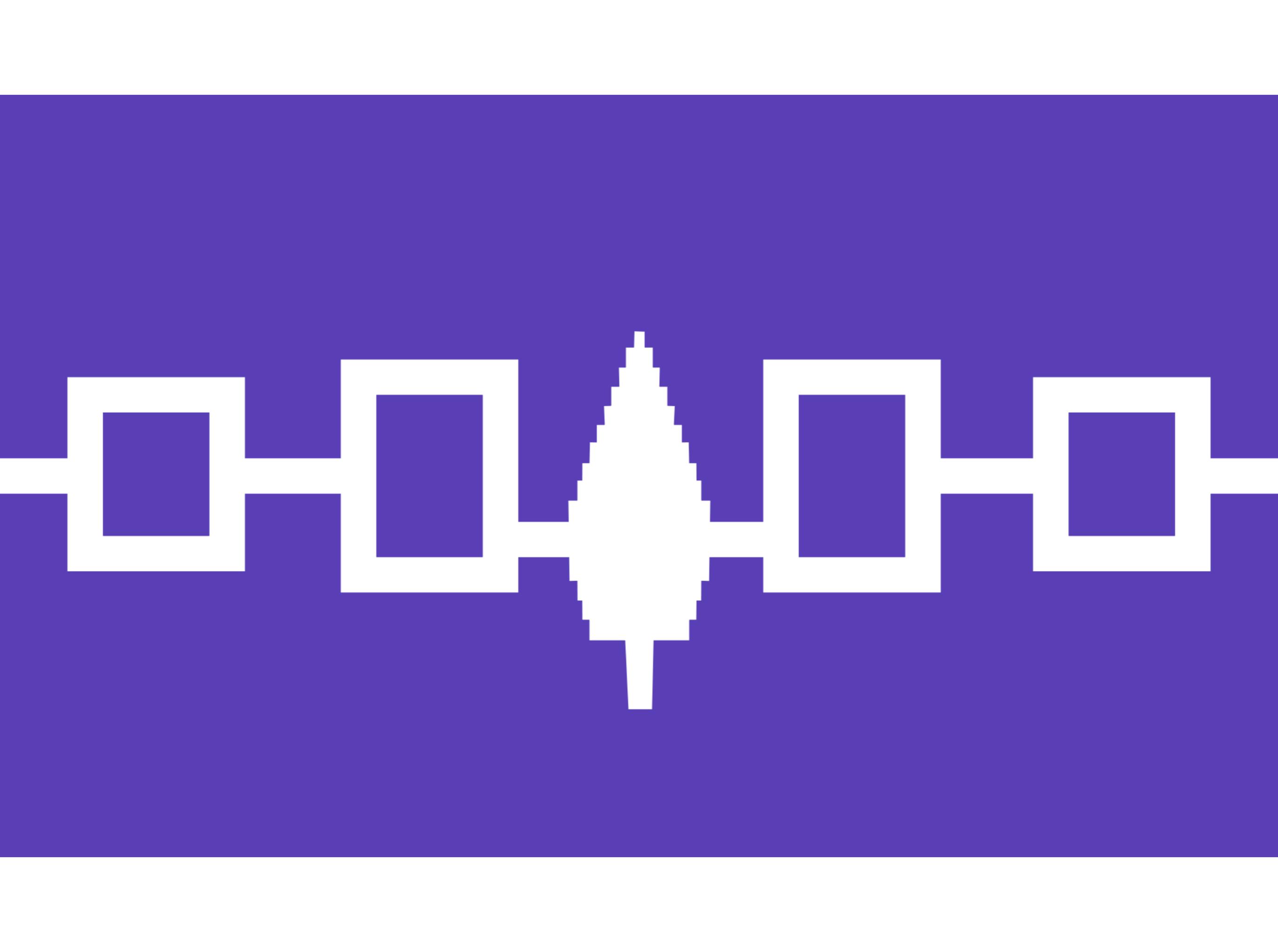
Legend	
<span style="color: red;">●</span>	Kanien'kehá:ka (Mohawk) Territory
<span style="color: orange;">●</span>	Onenote'á:ka (Oneida) Territory
<span style="color: green;">●</span>	Ononta'kehá:ka (Onondaga) Territory
<span style="color: blue;">●</span>	Shotinontowane'á:ka (Seneca) Territory
<span style="color: yellow;">●</span>	Tehatihskaró:ros (Tuscarora) Territory
<span style="color: purple;">●</span>	Six Nations Territory





**The Six Nations Confederacy was and is likened to a longhouse.**

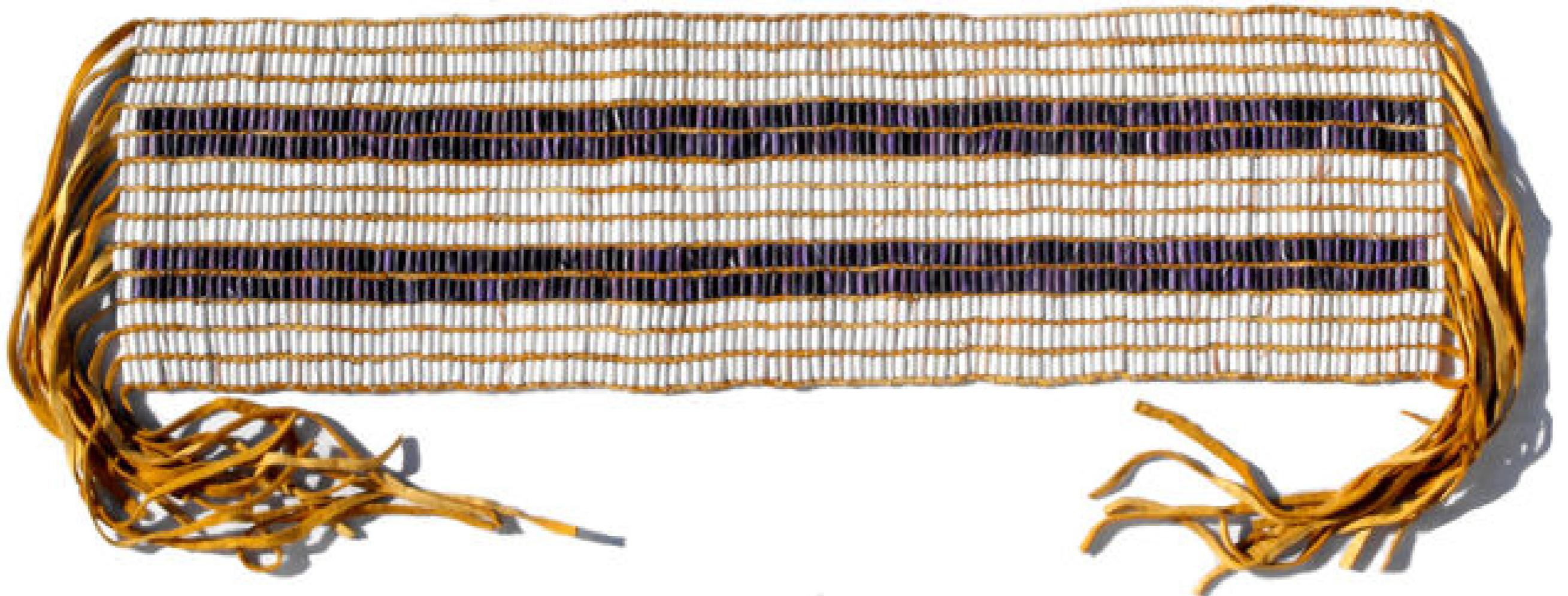


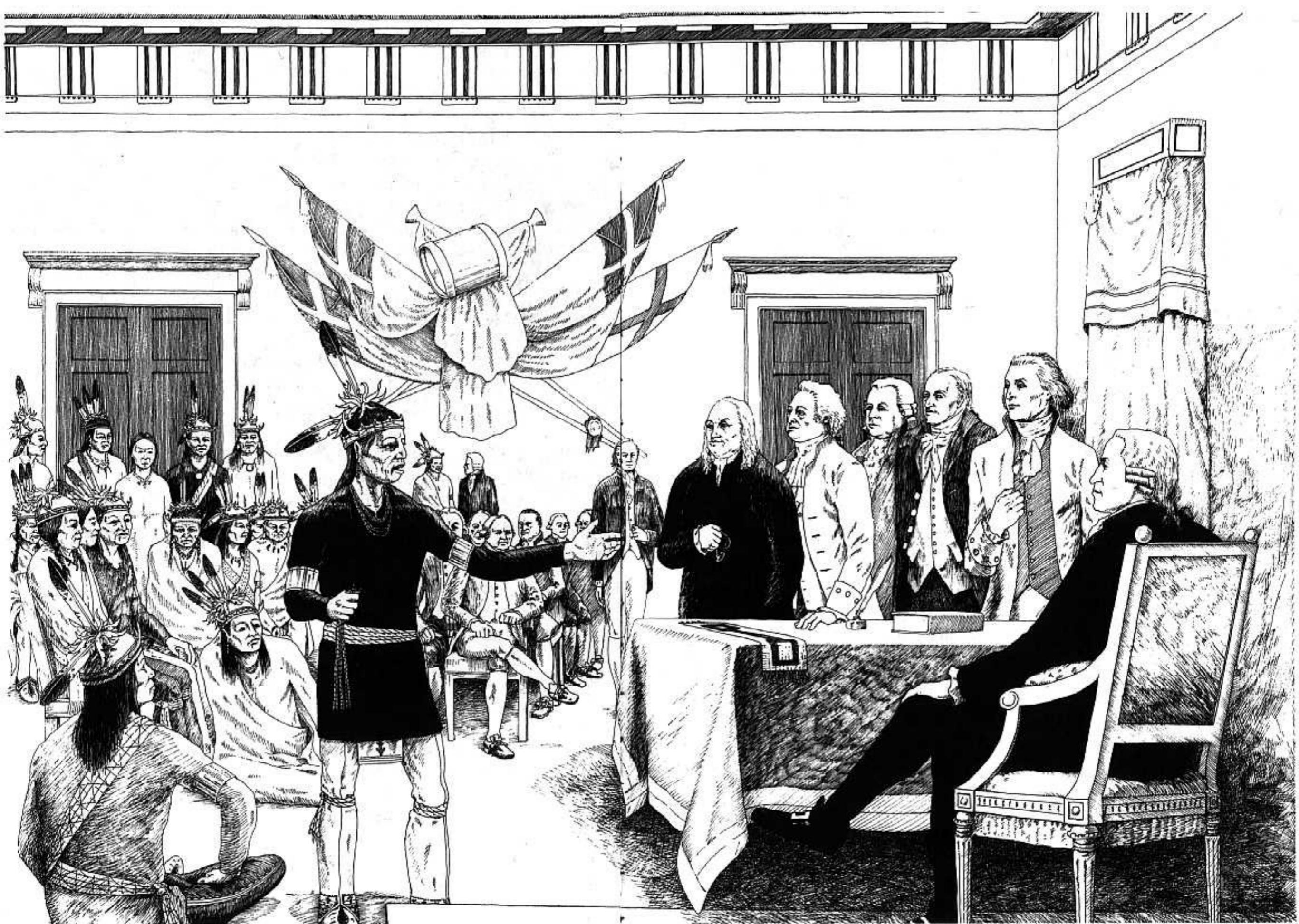






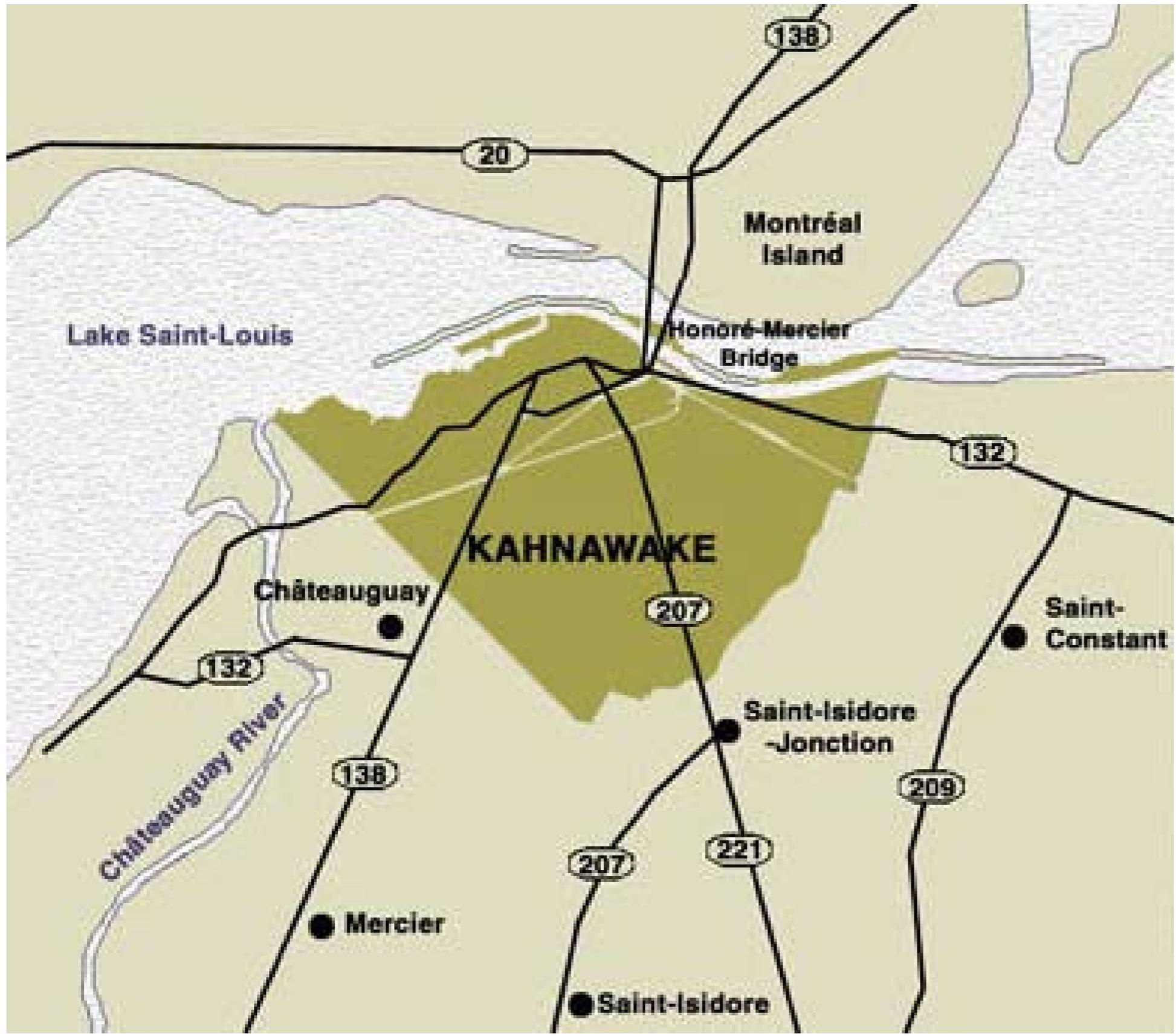
# Two Row Wampum

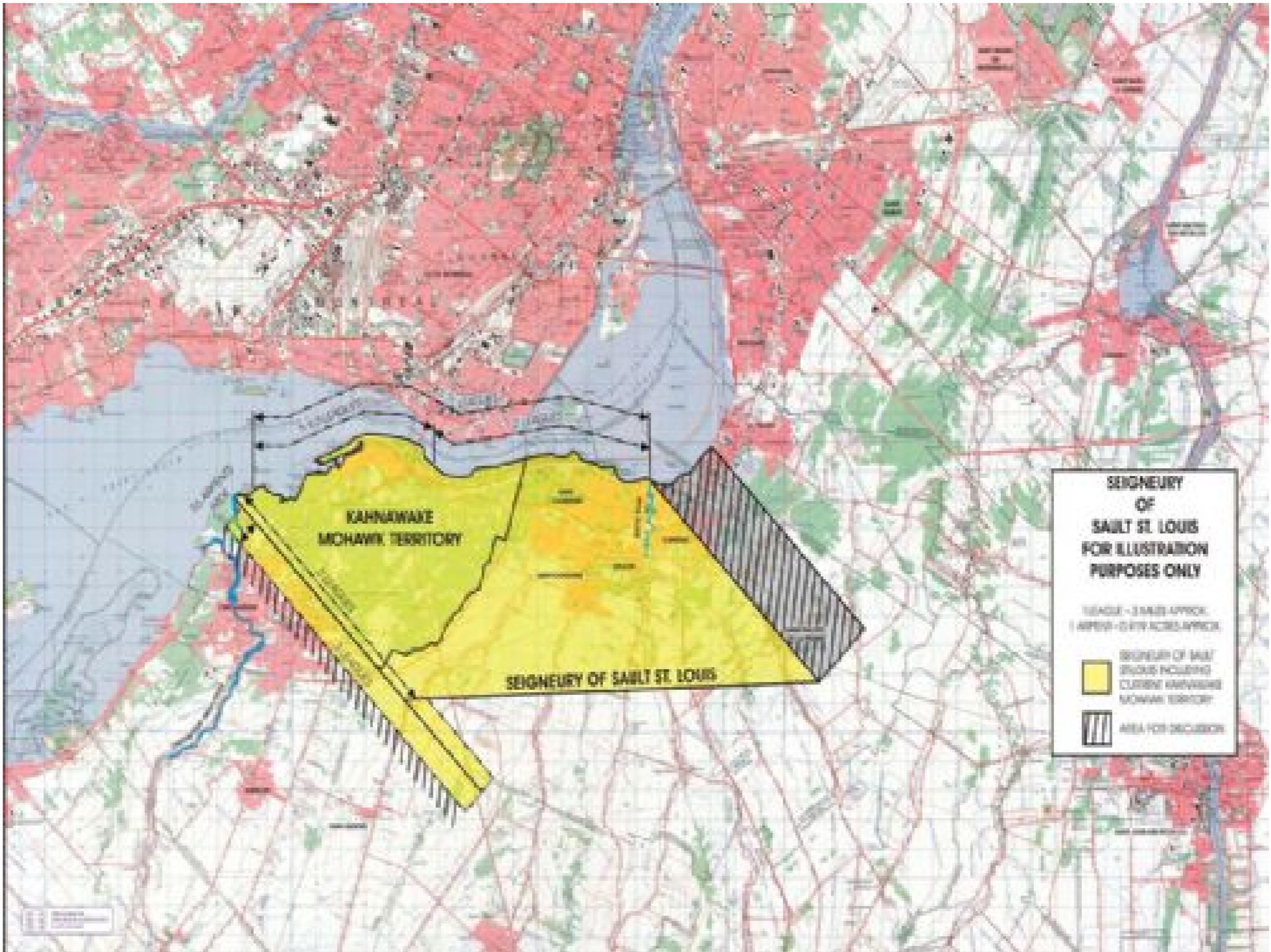




On June 11 1776, an Onondaga sachem gave John Hancock an Iroquois name at Independence Hall.







**SEIGNEURY  
OF  
SAULT ST. LOUIS  
FOR ILLUSTRATION  
PURPOSES ONLY**

100000' - 10 SAULT APPROX.  
1 APPROX - 10000 ACRES APPROX.

 SEIGNEURY OF SAULT  
INCLUDING INCLUDING  
CURRENT KAHNAWAKE  
MOHAWK TERRITORY

 AREA FOR INCLUSION

**KAHNAWAKE  
MOHAWK TERRITORY**

**SEIGNEURY OF SAULT ST. LOUIS**



# Six Nations Reserve

- Given to the Six Nations for helping the British during the American War of Independence
- Six miles on each side of the Grand River from its source to Lake Erie

# Canada's Indian Act

- Designed to destroy the inherent rights of Indigenous Peoples
- Canadian government controlled all aspects of our lives
- Replaced Indigenous governments with elected entities
- Eventual elimination of Indigenous Peoples
- Residential schools, enfranchisement, etc.

# Cayuga Chief Deskaheh 1923-24



*Des-ka-heh*

- As years went by, the Canadian government violated the sovereignty of the Haudenosaunee and, since no resolution could be found with the Canadian government, the Haudenosaunee sent a representative to the League of Nations to complain in 1923.
- His name was Deskaheh, a Cayuga Chief.

- He went to Geneva, Switzerland, in 1923, traveling on passport that he made himself. His people at home, who sold their cows and horses for his expenses, financially supported him.
- He wanted to speak to the **League of Nations** and was supported by the governments of The Netherlands, Japan and Persia.
- However when Canada found out he was there, Canada was very upset. The government was unhappy that the Haudenosaunee was acting like an independent state.



- Great Britain was able to stop Deskaheh from speaking arguing that the Haudenosaunee was not a member of the League of Nations.
- However, Deskaheh became very popular in Geneva and the people were fascinated by having a real ‘Red Indian’ in their presence.
- When Deskaheh was denied from speaking, the Mayor of Geneva invited the entire League of Nations to a hall in the city to hear the speech that Deskaheh would have made in the League chambers. Many dignitaries from many countries went to the hall where Deskaheh addressed the assembly. His speech is on file at the League of Nations library today.

- There is a story of a little boy who wanted to talk to Deskaheh but was told by his adults not to bother him. But he was fascinated by him and tugged on his shirt. Deskaheh sat down with him and gave him his undivided attention until all his questions were answered and impacted the boy's life.
- While Deskaheh was in Geneva, the Canadian government was so incensed at his behaviour that the government plotted to overthrow the government of the Haudenosaunee.
- The Six Nations Territory in Ontario was governed under The Great Law of Peace and its leadership chosen by its own democratic process. The center of the government was the Longhouse where the Chiefs Council met and deliberated.
- In 1924, the RCMP invaded the territory, entered the Council House and seized the symbols of authority such as wampums and files. The police padlocked the building and took the materials to Ottawa.



- The Indian Agent then held elections to install a council under the Indian Act. That is how the Indian Act came to Oshweken, Ontario.
- The Haudenosaunee still meets, installs its Chiefs and runs its own affairs. Ottawa returned the stolen symbols of authority a few years ago. The Haudenosaunee has never given up its sovereignty and still lives by its own constitution.
- However, the Canadian government only recognizes the council that it put in place.

# Deskaheh buried in Tuscarora

- Deskaheh never returned to Canada. After the RCMP invaded Six Nations Reserve, Deskaheh was still in Geneva. However he was afraid of being arrested when he returned to Canada. He felt his life was being threatened as well.
- Instead he went to the Tuscarora Reserve just across the border in the United States next to the town of Lewiston, N.Y.
- He died there three years later, in 1927, never seeing his community again. Some say he died of a broken heart to hear how his people were treated.

# Indigenous Peoples enter the United Nations 1977



# Who Speaks for the Natural World?

Who speaks of the animals?

Who speaks for the trees?

Who speaks for the birds?

Who speaks for the fish?

**What is our role in creation?**

# Decision to approach the UN

- A year after the standoff at Wounded Knee, in 1994, Indigenous leaders gathered analyze what had happened and what to do next.
- They came to the conclusion that we could not get justice in the domestic situation so they decided to go to the international arena.
- People were assigned to begin the process of approaching the United Nations.
- This resulted in a meeting in Geneva in 1977.

## The Haudenosaunee return in 1977

- While the Haudenosaunee were involved in other international fora from time to time, the next major event in Geneva was in 1977 when a large delegation came to Geneva to attend the NGO conference on **Racism against Indigenous Peoples of the Western Hemisphere**.
- This was a seminal meeting which set the stage for the Indigenous movement in the United Nations. Over 250 Indigenous delegates from the Americas attended the event. This meeting set in motion the creation of the **Working Group on Indigenous Populations** which held its first meeting in 1982.



- Now, in 1977, that very same little boy was the Mayor of Geneva. He wanted to return the graciousness of the Cayuga Chief by feting the Haudenosaunee delegation.
- The events of 1977 can be better understood by reading the book **“Basic Call to Consciousness – The Haudenosaunee Address to the Western World”** by Akwesasne Notes, 1978. It is available at Amazon.com. The book was just reprinted with updates.















# Minority Rights

- Language
- Culture
- Religion
- Free from discrimination
- Own schools

# Indigenous Rights

- Language
- Culture
- Religion
- Free from discrimination
- Own schools

# Indigenous Rights also include

- **Right to Self-determination** - to freely determine their political status and freely pursue their economic, social and cultural development.
- **Right to land, territory and natural resources**
- **Exercise their rights collectively**

## Creation of the UN Working Group on Indigenous Populations WGIP

- As a result of the meeting of 1977 and following meetings and lobbying, the UN Sub-Commission on the Protection of Minorities and the Elimination of Racism sanctioned a study on situation of Indigenous peoples.
- Identified the difference between minority rights and Indigenous rights.\*
- That study, called the Cobo Report, recommended the creation of a working group on this issue.
- The Working Group on Indigenous Populations had its first meeting in 1982 and Indigenous representatives immediately asked the group to draft a declaration on the rights of Indigenous Peoples.

- The WGIP was made up of 5 Human Rights experts from the Sub-commission, one from each of the five regions of the UN: Africa, Asia, Latin America, Eastern Europe, and Western Europe and other countries.
- They drafted the original text of the Declaration.
- They completed their drafting in 1993.
- The Draft Declaration then passed up to the Sub-commission who approved it with no changes.
- The Document was then sent up to the Commission on Human Rights where States got hold of the Declaration and made their own group called the Working Group on Resolution 95/32.\*

# WGDD - 1995-2006

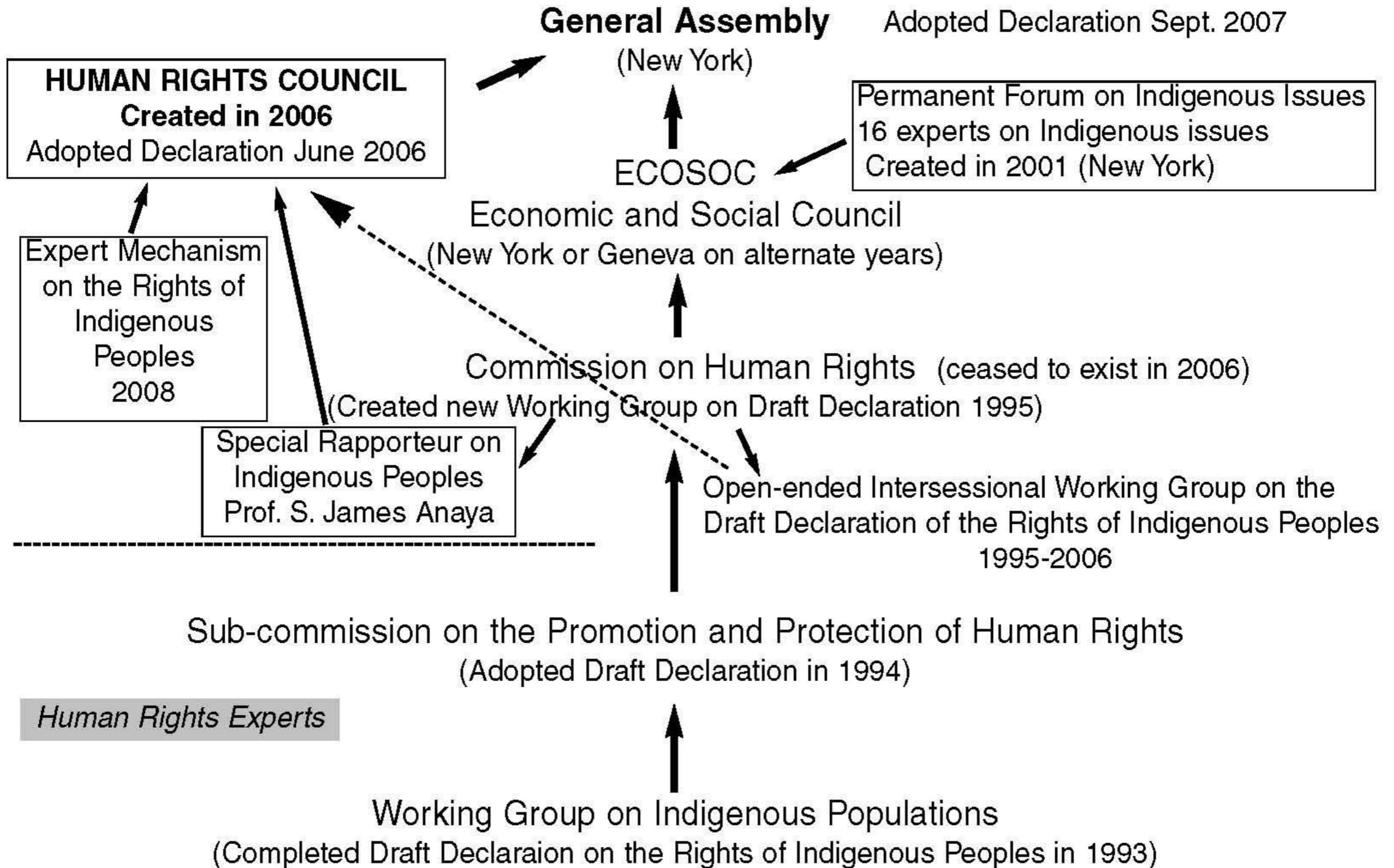
- Chaired by Peru.
- Only States can vote in the formal meetings of the WG.
- Indigenous Peoples walked out in 1996 until we won the right to be part of the consensus.\*
- IP maintained a strategy of no changes to the text.
- IP argued for years defending the draft text and some of the best defense of our rights occurred during those years.\*
- Eventually, compromises had to be made and changes were negotiated.
- While most articles were agreed to by both States and IP, there were some that could not be resolved: ex: lands, territories and NR.
- The Chairman ended the debate by declaring his changes on the disputed articles taking into account both sides of the arguments.
- In June of 2006, the new Human Rights Council voted to endorse the Draft Declaration. Canada and Russia voted against.

# Ambush in New York

- The Draft Declaration was sent to the UN in New York for endorsement by the General Assembly.
- In the Third Committee, where States vet all resolutions, the African states ambushed the Declaration and demanded changes.
- Frantic negotiations began behind closed doors. We were no longer part of the consensus. Peru, Mexico and Guatemala negotiated with Botswana and other African States.
- Africa asked for 42 changes. Nine changes were eventually agreed to. Most weakened the text. One improved it.
- Once Africa was on board, the Asian States followed.
- The vote in the General Assembly proceeded on September 13, 2007 with an overwhelming vote in favour.
- Australia, New Zealand, the United States and Canada voted against.
- All four countries have since endorsed the Declaration. It now becomes a consensus document.



# United Nations Structure









**Indigenous Caucus - An important element in the success of Indigenous participation in the UN.**





# Preamble

## Declaration

- *The General Assembly,*  
*Guided*
- by the purposes and principles of the Charter of the United Nations, and good faith in the fulfilment of the obligations assumed by States in accordance with the Charter,

## **Article 1**

Indigenous Peoples have the right to the full enjoyment, as a collective or as individuals, of all Human Rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international Human Rights Law.

## Charter of the United Nations

We the Peoples of the United Nations determined to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small,

## Declaration

*Affirming that indigenous peoples are equal to all other peoples*, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such,  
*Affirming further* that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust,

## Covenant on Civil and Political Rights

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the **equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world**,  
Recognizing that these rights derive from the inherent dignity of the human person,

## Declaration

### **Article 2**

**Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.**

## Covenant on Civil and Political Rights

### **Article 2**

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

## ICERD

Convention against racism

# Declaration

## Article 3

**Indigenous peoples have the right to self-determination.** By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

### *Preamble*

***Affirming* that indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such,**

# Covenant on Civil and Political Rights

## Article 1

**All peoples have the right of self-determination.** By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Also Article 1 of the Covenant on Economic, Social and Cultural Rights.

## **Article 4**

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

# Declaration

## **Article 5**

**Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.**

# Covenant on Civil and Political Rights

## **Article 5**

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.

2. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

## **Article 6**

Every indigenous individual has the right to a nationality.

## **Article 7**

1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.

2. Indigenous peoples have the **collective right** to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

## **Article 8**

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.

2. States shall provide effective mechanisms for prevention of, and redress for:

(a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;

(b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;

(c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;

(d) Any form of forced assimilation or integration;

(e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

## **Article 9**

Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

## **Article 10**

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

## **Article 11**

**1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs.** This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

**2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.**

# Declaration

## Article 12

**1. Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.**

2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

# Covenant on Civil and Political Rights

## Article 18

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

## **Article 13**

**1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.**

2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

# Declaration

## Article 14

- 1. Indigenous peoples have the right to establish and control their educational systems and institutions** providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

# Covenant on Economic, Social and Cultural Rights

## Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

## **Article 15**

**1. Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.**

2. States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.

## **Article 16**

1. Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.

2. States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity.

States, without prejudice to ensuring full freedom of expression, should encourage privately owned media to adequately reflect indigenous cultural diversity.

# Declaration

## Article 17

1. Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law.

2. States shall in consultation and cooperation with indigenous peoples take specific measures to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.

3. Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary.

# Covenant on Economic, Social and Cultural Rights

## Article 7

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

(a) Remuneration which provides all workers, as a minimum, with:

(i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;

(ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;

## **Article 18**

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

## **Article 19**

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to **obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.**

## **Article 20**

**1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.**

**2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.**

# Declaration

## Article 21

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.

2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

# Covenant on Economic, Social and Cultural Rights

## Article 11

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

## **Article 22**

1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.

2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

## **Article 23**

**Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development.**

In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

## **Declaration on the Right to Development:**

### **Article 1**

1. The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.

2. The human right to development also implies the full realization of the right of peoples to self-determination, which includes, subject to the relevant provisions of both International Covenants on Human Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources.

# Declaration

## Article 24

- 1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals.** Indigenous individuals also have the right to access, without any discrimination, to all social and health services.
2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

# Covenant on Economic, Social and Cultural Rights

## Article 12

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.
2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:
  - (a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;
  - (b) The improvement of all aspects of environmental and industrial hygiene;
  - (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;
  - (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

## **Article 25**

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

# Declaration

## **Article 25, 26, 27, 28, 29, 30**

### **Article 26**

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the 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, as well as those which they have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

# Covenant on Civil and Political Rights

## **Article 47**

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

## **Article 27**

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

## **Article 28**

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.

2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

## **Article 29**

**1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources.** States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.

2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.

3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

## **Article 30**

**1. Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.**

**2. States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities.**

## **Article 31**

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual

## **Article 32**

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

## **Article 33**

1. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.

2. Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

## **Article 34**

Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

## **Article 35**

Indigenous peoples have the right to determine the responsibilities of individuals to their communities.

# Declaration

## Article 36

**1. Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.**

2. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.

# Covenant on Civil and Political Rights

## Article 12

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

2. Everyone shall be free to leave any country, including his own.

3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.

4. No one shall be arbitrarily deprived of the right to enter his own country.

## **Article 37**

**1. Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.**

2. Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.

## **Article 38**

States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

## **Article 39**

Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

# Declaration

## **Article 40**

Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

Also **Article 20**

# Covenant on Civil and Political Rights

## **Article 3**

1. To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity; to ensure that any person claiming such a remedy shall have his rights thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

2. To ensure that the competent authorities shall enforce such remedies when granted.

## **Article 41**

The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, *inter alia*, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.

## **Article 42**

The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.

## **Article 43**

The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

## **Article 44**

All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.

## **Article 45**

Nothing in this Declaration may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future.

## **Article 46**

1. Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.

2. In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law and in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.

3. The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.

# Expert Mechanism on the Rights of Indigenous Peoples

## First meeting in 2008

- The Expert Mechanism will provide its thematic expertise in the manner and form requested by the Human Rights Council.
- To this end, it will focus mainly on studies and research-based advice. Besides, the Expert Mechanism may also suggest proposals to the Council for its consideration and approval, within the scope of its work as set out by the Council.
- Meet in Geneva in July for five days.
- Did studies on Indigenous Peoples Right to Education 2009, Indigenous Peoples Right to Participate in Decisions that Affect Them, Health, etc.

# New Mandate for the EMRIP

The new mandate will allow Indigenous Peoples to request help from the Mechanism as stated in the following paragraphs:

2c:

Upon request, assist Member States and/or indigenous peoples in identifying the need for and providing technical advice regarding the development of domestic legislation and policies relating to the rights of indigenous peoples, as relevant, which may include establishing contacts with other United Nations agencies, funds and programmes;

2e:

Upon the request of Member States, indigenous peoples and/or the private sector, engage and assist them by facilitating dialogue, when agreeable to all parties, in order to achieve the ends of the Declaration;

The Mechanism will also be able to meet at other times and not just for the five day annual meeting in Geneva.

The members of the EMRIP will also be increased from 5 to 7 members which will make it more effective.

UN has five regions: Africa, Asia, Latin America and the Caribbean, Eastern Europe and Russia (the former Soviet Union), and Western Europe and Other Governments (including Canada, US, Australia and New Zealand)

Indigenous Regions has seven regions: Africa, Asia, Latin American and the Caribbean, Arctic, Pacific and North America.



MEXIQUE

GUATEMALA

TUNIS

PANAMA

SINGAPOUR

BANGLADESH



ARMENIE  
MALAISIE  
REPUBLIQUE DE COREE  
MALDIVES

ARMENIE







is for indigenous

WWW.INDIGENOUSPORTAL.COM