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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Working Group on Indigenous Populations
19-30 July 1993

DRAFT DECLARATION ON THE RIGHTS OF INDIGENOUS
PEOPLES, AS REVISED BY THE MEMBERS OF THE
WORKING GROUP ON INDIGENOUS POPULATIONS.

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

Considering that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind,

Affirming that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin, racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust,

Reaffirming also that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind,

Concerned that many indigenous peoples have been deprived of their human rights and fundamental freedoms, resulting, inter alia, in the dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests,

Recognizing the urgent need to respect and promote the inherent rights and characteristics of indigenous peoples, especially their rights to their lands, territories and resources, which derive from their cultures, spiritual traditions, histories and philosophies, as well as from their political, economic and social structures,

Welcoming the fact that indigenous peoples are organizing themselves in order to bring an end to all forms of discrimination and oppression wherever they occur,

Convinced that increasing the control of indigenous peoples over their own development affecting them and their lands, territories and resources will enable them to continue to strengthen their institutions, cultures and traditions, as well as to promote their development in accordance with their aspirations and needs,

Recognizing also that respect for indigenous knowledge and practices contributes to sustainable development and management of the environment,

Emphasizing the need for demilitarization of the lands and territories of indigenous peoples, which will contribute to peace, economic and social progress and development, understanding and friendly relations among nations and peoples of the world,

Recognizing in particular the interest of indigenous families and communities to retain shared responsibility for the upbringing, training and education of their children,

Believing that indigenous peoples have the right freely to determine their relationships with States in a spirit of coexistence, mutual benefit and full respect,

Considering that treaties, agreements and other constructive arrangements between States and indigenous peoples continue to be matters of international concern and responsibility,

Noting that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights affirm the fundamental importance of the right of self-determination of all peoples, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Bearing in mind that nothing in this Declaration may be used to deny any peoples their right of self-determination,

Encouraging States to comply with and effectively implement all international instruments, in particular those related to human rights, as they apply to indigenous peoples, in consultation and cooperation with the peoples concerned,

Believing that this Declaration is an important step forward for the recognition, promotion and protection of the rights and freedoms of indigenous peoples and in the development of relevant activities of the United Nations system in this field,

Solemnly proclaims the following Declaration on the Rights of Indigenous Peoples:

PART I

Article 1

Indigenous peoples have the right to the full and effective enjoyment of all human rights and fundamental freedoms recognized in the Charter of the United Nations and in international human rights law;

Article 2

Indigenous peoples ^{Indians} are free and equal to all other human beings and peoples ^{in dignity} in dignity and rights, and have the right to be free from any kind of discrimination, in particular that based on their indigenous origin or identity;

Article 3

Indigenous 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;

Article 4

Indigenous peoples have the right to participate fully, if they so wish, in the political, economic, social and cultural life of the State while maintaining their distinct political, economic, social and cultural characteristics as well as their legal systems;

PART II

Article 5

Indigenous peoples have the collective right to exist in peace and security as distinct peoples and to be protected against genocide.

In addition, they have the individual rights to life, physical and mental integrity, liberty and security of person;

Article 6

Indigenous peoples have the collective and individual right to be protected against ethnocide and cultural genocide, including the prevention of and redress for:

(a) Removal of indigenous children from their families and communities under any pretext;

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(b) Any action which has the aim or effect of depriving them of their integrity as distinct societies, or of their cultural or ethnic characteristics or identities;

(c) Any form of assimilation or integration by other cultures or ways of life imposed on them by legislative, administrative or other measures or means;

(d) Dispossession of their lands, territories or resources;

(e) Any propaganda directed against them;

Article 7

Indigenous peoples have the collective and individual right to maintain and develop their distinct characteristics and identities, including the right to identify themselves as indigenous and to be recognized as such;

Article 8

The right of an indigenous person to belong to an indigenous nation or community, in accordance with indigenous traditions and customs, is a matter of his or her individual choice and no disadvantage of any kind may arise from the exercise of such a choice;

Article 9

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free 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 10

Indigenous peoples have the right to special protection and security in periods of armed conflict.

States shall observe international standards for the protection of civilian populations in circumstances of emergency and armed conflict, and shall not:

(a) Recruit indigenous persons against their will into the armed forces and, in particular, for use against other indigenous peoples;

(b) Recruit indigenous children into the armed forces under any circumstances;

(c) Force indigenous persons to abandon their lands and territories and means of subsistence and relocate them in special centres for military purposes;

PART III

Article 11

Indigenous peoples have the right to revitalize and practice their cultural traditions. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artifacts, designs, ceremonies, technologies and visual and performing arts and literature, as well as the right to the restitution of cultural, religious and spiritual property taken without their free and informed consent or in violation of their laws, traditions and customs;

Article 12

Indigenous peoples have the right to manifest, practise 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 ceremonial objects; and the right to the repatriation of human remains.

States shall take effective measures to ensure that indigenous sacred places including cemeteries be preserved, respected and protected;

Article 13

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

States shall take effective measures 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;

PART IV

Article 14

Indigenous peoples have the right to all levels and forms of education. They also have the right to establish and control their educational systems and institutions providing education in their own languages;

Article 15

Indigenous peoples have the right to have the dignity and diversity of their cultures, traditions, histories and aspirations appropriately reflected in all forms of education and public information.

States shall take effective measures, in consultation with indigenous peoples, to eliminate prejudice and to promote tolerance, understanding and good relations;

Article 16

Indigenous peoples have the right to establish their own media in their own languages. They also have the right to equal access to all forms of non-indigenous media.

States shall take effective measures to ensure that public media duly reflect indigenous cultural diversity;

PART V

Article 17

Indigenous peoples have the right to participate fully, if they so wish, at all levels of decision-making in matters which may affect their rights, lives and destinies through representatives chosen by themselves in accordance with their own procedures;

Article 18

Indigenous peoples have the right to participate fully, if they so wish, through procedures determined in consultation with them, in devising legislative or administrative measures that may affect them.

States shall obtain the free and informed consent of the peoples concerned before adopting and implementing such measures;

Article 19

Indigenous peoples have the right to maintain and develop their political, economic and social systems, to be secure in the enjoyment of their own means of subsistence, and to engage freely in their traditional and other economic activities, including hunting, fishing, herding, gathering, forestry and cultivation. Indigenous peoples who have been deprived of their means of subsistence are entitled to just and fair compensation;

Article 20

Indigenous peoples have the right to special measures for the immediate, effective and continuing improvement of their economic and social conditions, including in the areas of employment, vocational training and retraining, housing, sanitation, health and social security.

Particular attention shall be paid to the special needs of indigenous elders, women, youth, children and disabled;

Article 21

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 determine and develop all health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions;

Article 22

Indigenous peoples have the right to their traditional medicines and health practices, including the right to the protection of vital medicinal plants, animals, and minerals;

PART VI

Article 23

Indigenous peoples have the right to recognition of their distinctive spiritual and material relationship with their lands and territories, including the total environment of the lands, air, water, sea, sea-ice, flora and fauna and other resources which indigenous peoples have traditionally owned or otherwise occupied or used;

Article 24

Indigenous peoples have the collective and individual right to own, control and use their lands and territories. This includes the right to the full recognition of their laws, traditions and customs, land-tenure systems and institutions for the management of resources, and the right to effective measures by States to prevent any interference with or encroachment upon these rights;

Article 25

Indigenous peoples have the right to the restitution of lands and territories which have been confiscated, occupied, used or damaged without their free and informed consent, and where this is not possible, to just and fair compensation. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands and territories at least equal in quality, size and legal status;

Article 26

Indigenous peoples have the right to the recreation and protection of the total environment and the productive capacity of their lands and territories, as well as to the assistance for this purpose from States and through international cooperation. Military activities and the storage or disposal of hazardous materials shall not take place in the lands and territories of indigenous peoples, unless otherwise freely agreed upon by the peoples concerned.

Article 27

Indigenous peoples have the right to special measures to protect, as intellectual property, their sciences, technologies and cultural manifestations, including genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs and visual and performing arts;

Article 28

Indigenous peoples have the right to require that States obtain their free and informed consent prior to the approval of any project affecting their lands and territories, particularly in connection with the development or exploitation of mineral or other resources. Pursuant to agreement with the indigenous peoples concerned, just and fair compensation shall be provided for any such activities and measures taken to mitigate adverse environmental, economic, social, cultural or spiritual impact;

PART VII

Article 29

Indigenous peoples, as a specific form of exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, including culture, religion, education, information, media, health, housing, employment, social welfare, economic activities, land and resources management, environment and entry by non-members, as well as ways and means for financing these autonomous functions;

Article 30

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

Article 31

Indigenous peoples have the right to retain and develop their customs, traditions, laws and legal systems in accordance with internationally recognized human rights standards;

Article 32

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

Article 33

Indigenous peoples have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, in particular with other indigenous peoples across borders;

Article 34

Indigenous peoples have the right to the observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors, according to their original intent. Conflicts and disputes which cannot otherwise be settled should be submitted to competent international bodies agreed to by all parties concerned;

PART VIII

Article 35

States shall take effective and appropriate measures, in consultation with the indigenous peoples concerned, to give full effect to the provisions of this Declaration. The rights contained herein shall be adopted and included in national legislation in such manner that indigenous peoples can avail themselves of such rights in practice;

Article 36

Indigenous peoples have the right to adequate financial and technical assistance, from States and through international cooperation, to pursue freely their political, economic, social, cultural and spiritual development, and for the enjoyment of the rights and freedoms contained in this Declaration;

Article 37

Indigenous peoples have the right to have access to and prompt decision through mutually acceptable and fair procedures for the resolution of conflicts and disputes with States, as well as to effective remedies for all infringements of their individual and collective rights;

Article 38

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 39

The United Nations shall monitor the implementation of this Declaration through a body at the highest level with special competence in this field and with the direct participation of indigenous peoples. United Nations human rights bodies shall promote respect for the provisions of this Declaration;

PART IX

Article 40

The rights contained herein constitute the minimum standards for the survival and well-being of the indigenous peoples of the world;

Article 41

Nothing in this Declaration may be interpreted as diminishing or extinguishing existing or future rights indigenous peoples may have or acquire;

Article 42

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations.