

UNITED NATIONS DRAFT DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

Preamble

[This section provides reasons why this document has been produced. The term indigenous peoples includes First Nations and all aboriginal groups in Canada. The term peoples is important because it recognizes more than one indigenous nation in Canada with rights under international law.]

The United Nations (UN) affirms that Indigenous peoples have the same rights, including the right to be different as any other peoples in the world.

All peoples in the world including Indigenous peoples contribute to humankind and no one people in the world is superior to any other. All policies or practices which are based on this idea are racist, illegal and unjust;

Indigenous peoples should be free from discrimination of any kind.

Through colonization Indigenous peoples have been dispossessed of their lands and resources and were not allowed to develop as they wished which is a violation of their human rights;

There is an urgent need to respect and promote the inherent rights of Indigenous peoples, especially lands, territories and resources;

The UN recognizes that Indigenous peoples are organizing themselves to improve their rights and to end discrimination and oppression;

Indigenous peoples can only maintain and strengthen their cultures, traditions and institutions by exercising control over the developments affecting their lands and resources based on their needs;

The UN recognizes that respect for indigenous peoples knowledge and traditional practices contributes to the proper sustainable management of the environment;

The presence of the military must be removed from First Nations lands which will in turn lead to peace, understanding and progress among peoples and Nations in the world;

The UN recognizes that First Nations families and communities have a shared responsibility for the upbringing, education and well-being of their children;

The UN recognizes that Indigenous peoples have the right to freely decide what relationship they will have with other governments based on co-existence, mutual benefit and full respect;

First Nations treaties and agreements with other governments are an international concern and responsibility;

Several important UN documents, including the UN Charter, recognize the right of self determination of all peoples which means indigenous peoples can freely decide their own political status and pursue their own economic, social and cultural development;

Nothing in this document can be used to deny Indigenous peoples of their right of self determination;

Government members of the UN should follow and put into place all international laws, especially human rights standards as they apply to Indigenous peoples in consultation with Indigenous peoples;

The United Nations has an important and ongoing role in protecting and promoting the rights of Indigenous peoples;

This declaration is an important step in recognizing and protecting Indigenous peoples rights;

Part 1

Article 1. Human Rights

Indigenous peoples have the full right to all human rights recognized under international law;

Article 2. Equality with Other peoples

Indigenous peoples have equal rights and dignity with all other peoples including freedom from any kind of negative discrimination;

Article 3. Self Determination

Indigenous peoples have the right to self determination. This means they can freely determine their political status and identity and pursue their own economic, social and cultural development;

Article 4. Strengthen Cultures

Indigenous peoples have the right to maintain and strengthen their cultures and systems while at the same time having the right to participate in the Canadian society if they so choose;

Article 5. Belong to a Nation

Every Indigenous person has the right to belong to a Nation;

Part 2

Article 6. No Genocide

Indigenous peoples have the collective right to live in freedom, peace and security and to be protected from the total destruction of their nation or any act of violence including the removal by Canada of Indigenous children from their families for any reason;

Article 7. No Ethnocide Or Assimilation

Indigenous peoples have the right to continue to live as a distinct peoples and to be protected from any act which would take away this right including taking Indigenous peoples lands and resources, forced removal from homelands, the imposition of other cultures on them or lies

directed against them;

Article 8. Indigenous identities

Indigenous peoples have the right to their collective and individual identities including their identities as indigenous peoples

Article 9 Belong to Community

Indigenous peoples have the right to belong to a indigenous communities or nations according to their own traditions and customs;

Article 10 Forceable Removal

Indigenous peoples have the right not to be removed from their lands by force. No relocation shall take place without their free and informed consent and only after adequate compensation is paid or the option to return is provided;

Article 11 Protection During Armed Conflict

Indigenous peoples have the right to special protection and security under international law during armed conflicts especially against other indigenous peoples. They shall not be recruited for military purposes against their will, forced to abandon their lands, forced to work under discriminatory conditions and under no circumstances shall indigenous children be recruited for the armed forces.

Part 3

Article 12 Return of Artifacts

Indigenous peoples have the right to maintain, protect, develop and revive their customs and traditions in the past, present and future including sacred sites, artifacts, ceremonies, visual and performing arts and literature. Indigenous peoples also have the right to the return of their cultural, spiritual or religious property taken without their consent;

Article 13 Practice Own Religions

Indigenous peoples have the right to practice, develop and teach their own spirituality and religious traditions, customs and ceremonies including the right to use their sacred sites, ceremonial objects and the right to the return of human remains of their ancestors; Governments shall help indigenous peoples to ensure that indigenous sacred places, including burial sites are preserved, respected and protected.

Article 14 Transmit Histories and Understand Proceedings

indigenous people have the right to use, develop, revive and teach their indigenous histories, languages, philosophies, writing systems and literature and to their own place names. Governments are required to ensure that indigenous rights are protected. Indigenous citizens have the right use their own languages in any court or administrative proceedings including indigenous interpreters.

Part 4

Article 15 Education rights

Indigenous children have their right to the same education provided to other non- indigenous children. Indigenous peoples have their right to establish and control their educational systems and schools, in their own languages and cultures, using indigenous teaching methods. Dominant governments shall provide appropriate resources to indigenous peoples.

Article 16 Public information

Indigenous peoples have the right to have their cultures and histories appropriately reflected in all forms of education and public information. External governments shall strive to eliminate prejudice and promote tolerance, understanding and good relations among indigenous peoples and all segments of society.

Article 17 Media

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

Article 18 Labour law

Indigenous peoples have the rights to under national and international labour law including a right against discrimination in employment, salary and conditions of labour issues. Indigenous peoples have the right if they so choose to fully participate in all decisions affecting them, through representatives chosen by them, and to maintain and develop their own decision making institutions;

Part 5

Article 19 Participation in Decision Making

Indigenous peoples have the right if they so choose to fully participate in all decisions affecting them, through representatives chosen by them, and to maintain and develop their own decision making institutions;

Article 20 Legislation participation

Indigenous peoples have the full right to participate through their own procedures in policy or lawmaking if it affects them;

Article 21 Own Economic Systems

Indigenous Peoples have the right to their own political, economic and social systems including their own means of subsistence. Anyone deprived of their means of subsistence is entitled to fair compensation.

Article 22 Special Measures

Indigenous Peoples have the right to special measures for the immediate improvement of their socio-economic situation. The needs of elders, women, youth, children and disabled should get special attention.

Article 23 Right to Plan

Indigenous peoples have the right to set their own priorities for development. They can develop their own programs on health, economic development using their own institutions.

Article 24 Traditional Medicines

Indigenous Peoples have the right to their own traditional medicines and health practices including the protection of plants, animals and minerals. We also have the right to access without discrimination to all medical institutions, health services and medical care.

Part 6

Article 25 Spiritual Ties to Land

Indigenous Peoples have the right maintain and strengthen their spiritual relationship with their traditional land, waters and resources for future generations.

Article 26 Environment

Indigenous Peoples have the right to own, develop and control the total environment of their traditional territories. This includes the use of their own laws, traditions and customs and lands and resource management systems.

Article 27 Return of Lands

Indigenous peoples have to the return of their traditional lands and resources taken, used or occupied without their consent. If not they should be fully compensated in land of equal quality, size and legal status.

Article 28 Environmental Protection

Indigenous Peoples have the right to the conservation, restoration and protection of their lands and resources including assistance to do this. Indigenous lands will not be used for military purposes or for the storage or disposal of hazardous materials.

Article 29 Intellectual Property

Indigenous Peoples have the right to own and control their intellectual and cultural property including indigenous sciences, technologies, genetic, seeds, medicines, flora and fauna, languages, literature, designs and visual and performing arts.

Article 30 Resource Development

Indigenous people have the right to determine their own priorities for the development of their traditional lands and resources including environmental assessment on projects affecting indigenous lands. Fair compensation will be paid to indigenous peoples where damage has been done or to lessen the effects of development.

Part 7

Article 31 Self Determination

Indigenous Peoples have the right to self determination which they can exercise through their right to self government including matters relating to culture, religion, education, health, housing, employment, social welfare, economic activities, land and resources management, environment and financing self government.

Article 32 Citizenship

Indigenous Peoples have the collective right to determine own citizenship according to their own customs and traditions including the structure membership of their institutions.

Article 33 Justice systems

Indigenous peoples have the right to maintain, develop and promote their own justice systems including traditional practices, structures and procedures in accordance with international human rights standards.

Article 34 Individual Responsibilities

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

Article 35 Cross Border Rights

Indigenous peoples have the right to maintain their relationships, customs, contacts, and spiritual, cultural, economic and social activities with other peoples across international borders.

Article 36 Treaty Enforcement

Indigenous peoples have the right to the recognition and enforcement of their treaties and agreements with external governments according to their original spirit and intent. Conflicts should be submitted to competent international bodies.

Part 8**Article 37 Declaration Implementation**

Governments shall take effective action in consultation with Indigenous peoples to implement this Declaration. The rights recognized in this document shall be included in Canadian legislation which can be enforced by Indigenous peoples.

Article 38 Support to Implement

Indigenous peoples have the right to receive financial support from governments to help implement this declaration including the pursuit of their political, economic, social, cultural and spiritual development.

Article 39 Dispute Resolution

Indigenous Peoples have the right to a fair and acceptable dispute resolution process and effective remedies for violations of their rights. Decisions shall consider their customs, traditions, rules and indigenous legal systems.

Article 40 UN Cooperation to Implement

The United Nations shall make its bodies, resources and technical assistance available to ensure the full implementation of this Declaration

Article 41 Special UN Indigenous Body

The United Nations shall create a Special UN Indigenous body to implement this Declaration. Indigenous peoples shall participate directly with this body and all UN bodies will promote the full application of this Declaration.

Article 42 Minimum Standards

The rights recognized in this Declaration are a minimum standard for protecting the rights of Indigenous peoples.

Article 43 Sexual Equality

All rights recognized in this declaration apply equally to men and women.

Article 44 Non Extinguishment

This declaration cannot be used to diminish, extinguish existing or future rights of indigenous peoples.

Article 45 Interpretation

This declaration does not give any right to anyone to do anything contrary to the United Nations Charter.