

PRINCIPLES FOR GUIDING THE DELIBERATIONS OF
THE WORKING GROUP ON INDIGENOUS POPULATIONS

1. Indigenous peoples and groups shall be entitled freely and independently to practice, develop, and perpetuate their own religions, languages, cultures, traditions, social systems, and ways of life.
2. Indigenous peoples and groups shall be free from any action or course of conduct which directly or indirectly may result in the destruction or disintegration of their physical, cultural, or political integrity.
3. Indigenous peoples shall not be deprived of their rights or claims to land, property, or natural resources, without their free and informed consent. No state shall claim or retain, by right of discovery or otherwise, the territories of indigenous peoples, except such lands may have been lawfully acquired by valid treaty or other cession freely made. In no circumstances shall indigenous peoples or group be subjected to discrimination with respect to their rights or claims to land, property, or natural resources.
4. Indigenous peoples shall be free from any action or course of conduct which directly or indirectly may result in the destruction or deterioration of land, air, water, wildlife, habitat, or other natural resources.
5. Indigenous peoples are, in some circumstances, under a domination which is both alien and colonial in nature. Indigenous peoples qualify as peoples possessing a right of

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self-determination; hence, indigenous peoples have the right to self-determination, that is, to possess whatever degree of self-government in their territories the indigenous peoples may choose.

6. Treaties and other agreements entered into by indigenous peoples with other states, whether denominated as treaties or otherwise, shall be recognized and applied in the same manner and according to the same international laws and principles as the treaties and agreements entered into by other states. Treaties and agreements made with indigenous peoples shall not be subject to unilateral abrogation. The municipal law of any state may not serve as a defense to the failure to adhere to and perform the terms of treaties and agreements made with indigenous peoples. Nor shall any state refuse to recognize and adhere to treaties or other agreements due to changed circumstances where the change in circumstances has been substantially caused by the state asserting that such change has occurred.

7. The rights of indigenous peoples and groups shall be free from infringement by states, individuals, corporations, or other entities.

8. Indigenous peoples and groups shall not be deprived of any other rights protected by the Universal Declaration of Human Rights, other international instruments, or international law.

These principles represent certain of the basic rights of indigenous peoples which should guide the deliberations of the Working Group.

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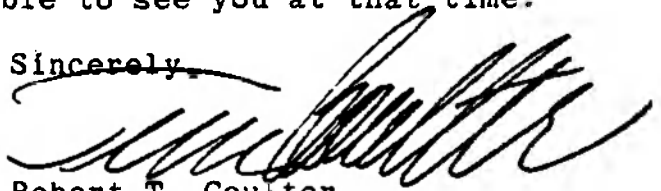
Mr. Augusto Willemsen-Diaz
Office D.421
Division of Human Rights
United Nations
Palais des Nations
CH-1211 Geneve 10
Switzerland

Dear Mr. Willemsen-Diaz:

I thought you would be interested in knowing that a group of us met on July 8th and 9th here at the Center in order to draft some basic principles which might provide some guidance to the deliberations of the Working Group on Indigenous Populations. The following persons, all of whom have been active in working for international protection of indigenous peoples' rights, participated in drafting the enclosed Principles:

- Ron Andrade, Executive Director, National Congress of American Indians;
- Howard Berman, Assistant Professor, State University of New York, School of Law and Jurisprudence;
- Clem Chartier, President, Canadian Indian Lawyers Association;
- John Clinebell, Staff Attorney for the Puyallup Nation;
- Jeanette Hantke, International Human Rights Law Group;
- Leroy Little Bear, Professor, Department of Native American Studies, University of Lethbridge;
- Dr. Sharon O'Brien, Assistant Professor of International Law, Department of Government and International Studies, University of Notre Dame;
- Professor Douglas Sanders, University of British Columbia School of Law;
- Professor David Weissbrodt, University of Minnesota School of Law;
- Armstrong Wiggins and Center staff attorneys Curtis Berkey, Joseph Ryan and Steven Tullberg also participated in the meeting to draft the proposed Principles. Your comments on these Principles would be appreciated.

I plan to attend the first session of the Working Group and hope that it will be possible to see you at that time.

Sincerely,

Robert T. Coulter
Executive Director

Enclosure