


 ECONOMIC
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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Working Group on Indigenous Populations
Third session (30 July - 3 August 1984)

WGIP 84/AME/2

 RECOMMENDATIONS OF THE INTERNATIONAL
INDIAN TREATY COUNCIL

a non-governmental organization in consultative status,
category II, with the Economic and Social Council

In accordance with Economic and Social Council resolution E/1982/34, the International Indian Treaty Council respectfully submits the following principles to the Third Session of the United Nations Working Group on Indigenous Populations, for its consideration and adoption:

I. TREATIES AND AGREEMENTS

1. All treaties and other agreements entered into by Indigenous Nations and Peoples, whether entered with States or with other Indigenous Nations or Peoples, and 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, in a manner consistent with the Charter of the United Nations.
2. Treaties should be construed as they were understood by the Indigenous representatives who participated in their negotiation. Treaties entered between Indigenous Nations and Peoples and States should be liberally interpreted, with ambiguities resolved in favour of the Indigenous populations.

II. ABORIGINAL TITLE

1. All rights enumerated and implied herein shall apply with equal force to all Indigenous Nations and Peoples whether or not they have entered into recorded treaties and agreements with any State. Where an Indigenous Nation or People is located within the metropolitan borders of a State with whom it has not entered a treaty relationship or agreement the doctrine of aboriginal title shall govern issues relating to rights in land and national resources. Nor shall any Indigenous Nations or People be deemed to have fewer rights or lesser status for the sole reason that the Nation or People has not entered into recorded treaties or agreements with any State.

III. JURISDICTION

1. No State shall assert or claim to exercise any right of jurisdiction over any Indigenous Nation or People or the territory of such Indigenous population unless pursuant to a valid treaty or other agreement freely made with the lawful representatives of the Indigenous Nation or People concerned. All actions on the part of any State which derogate from the Indigenous population's right to exercise self-determination shall be the proper concern of existing international bodies.
2. No State shall claim or retain, by right of discovery or otherwise, the territories of an Indigenous Nation or People, except such lands as may have been lawfully acquired by valid treaty or other cessation freely made.