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DRAFT UNIVERSAL DECLARATION ON THE RIGHTS  
OF INDIGENOUS PEOPLES

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WEIP/OC.AUS/3

SUGGESTED AMENDMENTS

Note: The following amendments are based on the 1991 draft text of the Declaration, UN Doc. E/CN.4/Sub.2/1991/40, Annex II. The sequence of articles has been changed somewhat to either reflect a more logical progression of themes or to emphasize self-determination principles. Where the numbering has been altered, the original article numbers from the 1991 Working Group draft are indicated in parentheses.

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DRAFT UNIVERSAL DECLARATION ON THE RIGHTS OF  
INDIGENOUS PEOPLES

SUGGESTED AMENDMENTS

(Insertions marked in Boldtype)  
(Deletions marked with the symbol \*\*)

The General Assembly,

Affirming that **\*\* indigenous peoples are equal to all others in dignity and rights \*\***, while recognizing the right of all peoples and individuals 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,

Reaffirming that all doctrines, policies and practices of racial, religious, ethnic or cultural superiority are scientifically false, legally invalid, morally condemnable and socially unjust,

Deeply concerned that many indigenous peoples have **\*\* been deprived of their human rights and fundamental freedoms, resulting in the dispossession of lands, territories and resources, poverty and deprivation, and social and cultural disintegration,**

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,

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

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

Endorsing calls for the revitalization and strengthening of indigenous societies and their institutions, cultures, and traditions through respect for their right to self-determination,

Emphasizing the need for demilitarization of the lands and territories of indigenous peoples, which will contribute to peace, understanding and friendly relations among all peoples of the world,

Emphasizing the importance of giving special attention to the rights and needs of indigenous women, youth and children,

Recognizing in particular that it is in the best interest of indigenous children for their \*\* community to retain control over their upbringing,

Recognizing that indigenous peoples have the right to determine their own affairs and their relationships with the political, economic, and social life of States,

Noting that the International Covenants on Human Rights affirm the fundamental importance of the right to self-determination, as well as the right of all human beings to pursue their material, cultural and spiritual development in conditions of freedom and dignity,

Bearing in mind that nothing in this Declaration may be used as a justification for denying to any people its right to self-determination,

Calling upon States to comply with and effectively implement all international instruments as they apply to indigenous peoples,

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

## PART I

1. Indigenous peoples have the right to self-determination in accordance with international law. By virtue of this right, they freely determine their political status and relationship with the States where they are located, in a spirit of coexistence \*\*, and freely pursue their economic, social, cultural and spiritual interests in conditions of freedom and dignity.

2. 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 other human rights instruments.

3. Indigenous peoples \*\* are free and equal \*\* in dignity and rights, and have the right to be free from adverse distinction or discrimination of any kind \*\*.

## PART II

4. Indigenous peoples have the collective right to exist in peace and security as distinct peoples and to be protected against genocide, as well as the individual rights to life, physical and mental integrity, liberty and security of person.

5. Indigenous peoples have the collective and individual right to maintain and develop their distinct ethnic and cultural characteristics and identities, including the right to self-identification.

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

(a) any act which has the aim or effect of depriving them of their integrity as distinct societies, or of their cultural or ethnic characteristics or identities;

(b) any form of forced or induced assimilation or integration;

(c) dispossession of their lands, territories or resources;

(d) imposition of alien cultures or ways of life; and

(e) any propaganda directed against them.

[New] 7. Indigenous peoples and individuals have the right to be free from slavery, debt peonage, and other forms of forced labor, and from the exploitation of women and children.

8. [formerly ¶ 7] Indigenous peoples have the right to revitalize and practise their cultural identity and traditions, including the right to maintain, develop and protect the past, present and future manifestations of their cultures, such as archaeological and historical sites and structures, artifacts, designs, ceremonies, technology and works of art, as well as the right to the restitution of cultural, religious and spiritual property taken from them without their free and informed consent or in violation of their own laws.

9. [formerly ¶ 18] Indigenous peoples have the right to recognition and protection, as intellectual property, of their traditional cultural manifestations such as oral traditions, literatures, designs, visual and performing arts, cultigens, medicines and knowledge of the useful properties of fauna and flora.

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9. [formerly ¶ 18] Indigenous peoples have the right to recognition and protection, as intellectual property, of their traditional cultural manifestations such as oral traditions, literatures, designs, visual and performing arts, cultigens, medicines and knowledge of the useful properties of fauna and flora.

[New] 18. States have the duty to cooperate with indigenous peoples in effectively protecting their lands and territories from alienation.

[New] 19. Indigenous lands and territories resources may only be ceded with their informed consent freely expressed through their own institutions, as memorialized in a treaty or other formal agreement.

20. [formerly ¶ 16] Indigenous peoples have the right to the restitution of or, to the extent this is not possible, to just and fair compensation for lands and territories which have been confiscated, occupied, used or damaged without their free and informed consent. Unless otherwise freely agreed upon by the peoples concerned, compensation shall \*\* take the form of lands and territories of quality, quantity and legal status at least equal to those which were lost or damaged.

21. [formerly ¶ 17] Indigenous peoples have the right to the protection of their environment and of the productivity of their lands and territories, including air, waters, flora and fauna and sea ice, and the right to adequate assistance including international cooperation to this end. Unless otherwise freely agreed upon by the peoples concerned, military activities and the storage or disposal of hazardous materials shall not take place in their lands and territories.

[New] 22. States have the duty to obtain the consent of the people concerned, through their own institutions, before undertaking or permitting any programs for the exploration or exploitation of mineral and other subsoil resources pertaining to their lands and territories. Pursuant to agreement with the peoples concerned, just and fair compensation shall be provided for any such activity undertaken.

[New] 23. States have the duty to obtain the consent of the people concerned before initiating or permitting any programs for the exploration or exploitation of resources in other areas of sacred or ceremonial significance.

24. [formerly ¶ 18] Indigenous peoples have the right to maintain and develop within their areas of lands and \*\* territories, including seasonal migration routes, their traditional economic structures, institutions and ways of life, to be secure in their traditional economic structures and ways of life, to be secure in the enjoyment of their own traditional means of subsistence, and to engage freely in their traditional and other economic activities, including hunting, fresh- and salt-water fishing, herding, gathering, lumbering and cultivation \*\*. In no case may an indigenous people be deprived of its means of subsistence. \*\*

#### PART IV (formerly Part V)

25. [formerly ¶ 23] Indigenous peoples have the right to govern themselves, including control over lands, territories and resources, social and political relations, dispute resolution, criminal jurisdiction, environmental administration, economic activities, education, culture, religion, health, taxation and entry by non-members.

26. [formerly ¶ 24] Indigenous peoples have the right to determine the membership of their societies.

27. [formerly ¶ 24] Indigenous peoples have the right to determine the nature and structure of their institutions, and to freely select the membership of such institutions according to their own procedures. States have the duty \*\* to respect the integrity of these institutions and procedures.

28. [formerly ¶ 25] Indigenous peoples have the right to determine the responsibilities of individuals to their own community, consistent with universally recognized human rights and fundamental freedoms; and the corresponding right to determine procedures for addressing disputes and other internal matters involving the rights and obligations of members.

29. [formerly ¶ 21] Indigenous peoples have the right to full recognition of and respect for indigenous laws, customs, and practices in the legal systems and political institutions of States.

30. [formerly ¶ 26] Indigenous peoples divided by international borders have the right to maintain relations and commerce, including unrestricted travel for cultural, social, and spiritual purposes, herding and trade, across State boundaries. States have the duty to adopt measures to facilitate the exercise of this right.

[New] 31. Indigenous peoples have the right to be free from involuntary military and para-military conscription.

32. [formerly ¶ 27] States have the duty to honor treaties and other agreements concluded with indigenous peoples according to their original intent, pursuant to the principle of pacta sunt servanda. Disputes that may arise in these matters may be submitted to competent national and international bodies.

33.(a) [formerly ¶22] Indigenous peoples have the right to participate fully at the State level, through representatives chosen by themselves through their own institutions, in decision-making about and implementation of all national and international matters which may affect their rights, lives, and destinies.

(b) Indigenous peoples have the right to be involved, through \*\* procedures determined in conjunction with them, in devising any laws or administrative measures that may affect them directly. States have the duty to obtain their free and informed consent before implementing such measures. \*\*

34. [formerly ¶ 21] Indigenous individuals have the right to participate fully in the political, economic, social and cultural life of the State. The exercise of these rights shall in no way adversely affect the rights of the people concerned as a whole.

#### PART V (formerly Part IV)

35. [formerly ¶ 13] Indigenous peoples have the right to adequate financial and technical assistance, from States and through international cooperation, to pursue freely their own economic, social and cultural development, and for the enjoyment of the rights contained in this Declaration.

36. [formerly ¶ 20] Indigenous peoples have the right to determine, plan, and implement all health, housing and other social and economic programs affecting them \*\* through their own institutions.

37. [formerly ¶ 19] Indigenous peoples have the right to special State measures for the immediate, effective and continuing improvement of their social and economic conditions, with their consent, that reflect their own priorities;

#### PART VI

38. [formerly ¶ 28] Indigenous peoples have the right to access to and prompt decision by mutually acceptable and fair procedures for resolving conflicts or disputes with States. These procedures may include, as appropriate, negotiations, mediation, conciliation, or arbitration \*\* under international supervision. The Secretary-General shall provide technical assistance for this purpose.

#### PART VII

39. [formerly ¶ 29] These rights constitute the minimum standards essential for the survival and the well-being of the indigenous peoples of the world.

40. [formerly ¶ 30] Nothing in this Declaration may be interpreted as implying for any State, group, corporation or individual any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.



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