



International Covenant on the Rights of Indigenous Nations

Authorized Version

Initialed July 28, 1994. Geneva, Switzerland

PREAMBLE

AFFIRMING that Indigenous Nations are peoples equal in dignity and rights to all other peoples, while recognizing the right of all individuals and 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,

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

REAFFIRMING ALSO that Indigenous Nations, in the exercise of their rights, must be free from discrimination of any kind,

CONCERNED that many Indigenous Nations have been deprived of their human rights and fundamental freedoms, resulting, inter alia, in the dispossession of their lands, territories and resources, thus obstructing the free exercise, in particular, of the right to development in accordance with each Nation's own needs and interests,

RECOGNIZING the urgent need to respect and promote the inherent rights and characteristics of Indigenous Nations, especially the right to lands, territories and resources, which derive from each Nation's culture; aspects of which include spiritual traditions, histories and philosophies, as well as political, economic and social customs and structures,

WELCOMING the fact that Indigenous Nations are organizing themselves in order to bring an end to all forms of discrimination and oppression wherever they occur,

CONVINCED that perfecting the control of Indigenous Nations over development decisions affecting them and their lands, territories and resources will enable each Nation to continue to strengthen its institutions, cultures and traditions, as well as to promote self-sustaining development in accordance with its aspirations and needs,

RECOGNIZING ALSO that respect for Indigenous Nations' cultures, knowledge and practices contributes to the sustainability of the natural environment and continuity of biological and cultural diversity,

EMPHASIZING the need for demilitarization of the lands and territories of Indigenous Nations, which will contribute to peace, economic and social balance, understanding and friendly relations among Nations and between Nations and States of the world,

REAFFIRMING that it is vital for indigenous families and communities to retain shared responsibility for the welfare, upbringing, training and education of their children,

RECOGNIZING that Nations have the right to determine their own affairs and freely determine their relations with other Nations and States in a spirit of coexistence, mutual benefit and full respect,

CONSIDERING that treaties, agreements and other constructive arrangements between Nations and between Nations and States are matters of international concern and responsibility; and the peaceful resolution of conflicts and disputes between Nations and between Nations and States is essential to balanced and coexisting relations between peoples,

NOTING that the Charter of the United Nations, International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and resolutions and declarations of the World Council of Indigenous Peoples, the Inuit Circumpolar Conference, the International Indian Treaty Council and other international bodies related to these organs 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 Convention may be used as a pretext to deny any peoples their right of self-determination,

ENCOURAGING Nations to comply and seek the compliance of States with the effective implementation of all international instruments, including this Convention, as they apply to Indigenous Nations, in consultation and cooperation with the peoples concerned,

BELIEVING that this Convention is an important development in the recognition, promotion and protection of the rights and freedoms of Indigenous Nations, the establishment of coexistence between Nations and between Nations and States, and in the development of relevant activities of the international institutions in this field,

SOLEMNLY AFFIRM AND RATIFY IN ACCORDANCE WITH EACH SIGNATORY NATION'S CUSTOMARY PROCESSES the following Principles and Covenants:

ARTICLE I

DECLARATION OF PURPOSE

Nations signatory to this Covenant, exercising their inherent sovereign powers, declare their mutual respect and these covenants to promote peaceful cooperation to preserve, protect and guarantee the rights and responsibilities of nations and the inherent dignity and the equal and inalienable rights of individuals, and to promote freedom, justice and international peace.

ARTICLE II

PRINCIPLES OF THE CONDUCT OF NATIONS AND RELATIONS WITH STATES

PART I: SELF-DETERMINATION OF NATIONS

Para. 1 Indigenous Nations are peoples which 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;

Para. 2 Indigenous Nations are free and equal to all other human beings and peoples in dignity and rights, and have the right to be free from discrimination of any kind based on their origin or identity;

Para. 3 Indigenous Nations have the right of self-determination, in accordance with international law, and by virtue of that right they freely determine their political

status and freely pursue their economic, social and cultural development without external interference;

Para. 4 Indigenous Nations may freely choose to participate fully in the political, economic, social and cultural life of a State while maintaining their distinct political, economic, social and cultural characteristics, and not relinquishing the inherent right of sovereignty;

PART II: PEACE, SECURITY AND PROTECTION FROM GENOCIDE

Para. 5 Each Indigenous Nation possesses the collective right to exist in peace and security as a distinct people and to be protected against any type of genocide.

In addition, the individuals of each Nation have rights to life, physical and mental integrity, liberty and security of person;

Para. 6 Each Indigenous Nation has the right to be protected against ethnocide and cultural genocide, including the prevention of and redress for:

- (a) Removal of children from their families and communities under any pretext;
- (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 forced assimilation or integration by imposition of other cultures or ways of life by way of communications media, religious or educational institutions, governmental legislation, administration or other measures or means;
- (d) Dispossession of their lands, territories or resources;
- (e) Any propaganda directed against them;

Para. 7 Each Indigenous Nation has the inherent collective and individual right to maintain and develop its distinct characteristics and identities, including the right to identify or define itself;

Para. 8 The right of a person to belong to an Indigenous Nation or community is a matter individual choice and the free right of an Indigenous Nation or community to define its membership, and no disadvantage of any kind may arise from the exercise of such a choice;

Para. 9 Indigenous Nations shall not be forcibly removed from their lands or territories. No relocation shall take place without the free and informed consent of

the peoples concerned and not until after agreement on just and fair compensation and, where possible, with the option of return;

Para. 10 Indigenous Nations have the right to special protection and security in periods of armed conflict. Nations and States shall be encouraged to observe international standards for the protection of civilian populations (with special attention to the enforcement of relevant provisions of either Protocol I or Protocol II of the Geneva Conventions of 1949) in circumstances of emergency and armed conflict, and shall not:

- (a) Recruit individual members of Indigenous Nations against their will into the armed forces of, and in particular for use against, other Indigenous Nations;
- (b) Recruit children into the armed forces under any circumstances;
- (c) Force Indigenous Nations to abandon their lands and territories and means of subsistence and relocate them in special centres for military purposes;

PART III: THE CULTURAL RIGHTS OF NATIONS

Para. 11 Indigenous Nations have the right to practice their cultural traditions and evolve culture in relation to lands and territory without interference. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archeological and historical sites and structures, 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;

Para. 12 Indigenous peoples have the right to manifest, practice and teach spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to religious and cultural sites; the right to the use and control of ceremonial objects; and the right to the repatriation of human remains. Nations and States shall be encouraged to take effective measures to preserve, respect and protect the sacred places and cemeteries of each Indigenous Nation;

Para. 13 Indigenous Nations have the right to instill, use, develop and transmit to future generations their languages, oral traditions, writing systems and literature, and to designate and maintain their own names for communities, places and persons. Nations and States shall be encouraged to 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: THE RIGHT TO KNOWLEDGE AND INFORMATION

Para. 14 Indigenous Nations have the right to all levels and forms of education, including access to education in their own languages, and the right to establish and control their educational systems and institutions according to their own customs and traditions;

Para. 15 Indigenous Nations have the right to have the dignity and diversity of their cultures, traditions, histories and aspirations reflected in all forms of education and public information. Nations and States shall be encouraged to take effective measures, in consultation with each Indigenous Nation, to eliminate prejudice and to promote tolerance, understanding and good relations;

Para. 16 Indigenous Nations have the right to establish their own media in their own language and to exercise the right to equal access to all forms of communications media; Nations and States shall be encouraged to take effective measures to ensure that public media duly reflect the cultural diversity of affected Nations.

PART V: THE RIGHT OF NATIONS TO DECIDE

Para. 17 Indigenous Nations have the right to participate fully at all levels of decision-making in matters which may affect their rights, lives or destinies by direct popular participation or through representatives chosen by themselves in accordance with their own customs;

Para. 18 Indigenous Nations have the right to participate fully, through procedures determined in consultation with them, in devising legislative and administrative measures that may affect them. Nations and States shall be encouraged to obtain the free and informed consent of the peoples concerned before implementing such measures;

Para. 19 Indigenous Nations have the right to maintain and develop their 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;

Para. 20 Indigenous Nations have the right to extraordinary measures for the immediate, effective and continuing improvement of their economic and social conditions, including improvement in the areas of employment, vocational training and retraining, housing, health and social security.

Attention shall be paid to the special needs of the elders, women, youth, children and disabled of each Nation;

Para. 21 Indigenous Nations have the right to determine and develop priorities and strategies for their well-being. 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;

Para. 22 Indigenous Nations 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: THE RIGHT TO LAND, TERRITORIES AND PLACE

Para. 23 Indigenous Nations have the right to recognition and respect of their distinctive and profound relationship with their lands and territories which is the essence of culture. The use of the phrase “lands, territories and Place” in this Convention means the total environment of the land space, soils, air, water, sky, sea, sea-ice, flora and fauna and other resources which indigenous peoples used historically and on which they continue to depend to sustain and evolve their culture;

Para. 24 Each Indigenous Nation has the collective and individual right to own, control and use its lands and territories according to its wants and needs. This includes the right to the full recognition by Nations and States of their laws and customs, land-tenure systems and institutions for the management of resources, and the right to expect effective measures by Nations and States to prevent any interference with or encroachment upon these rights;

Para. 25 Indigenous Nations have the right to restitution for lands and territories which have been confiscated, occupied, used or damaged without their free and informed consent, the return of lands and territories and, where neither is acceptable to the Nation, to just and fair compensation. Unless otherwise freely

agreed within balanced negotiations by the peoples concerned, compensation shall take the form of lands and territories at least equal in quality, size and legal status;

Para. 26 Indigenous Nations 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 assistance for this purpose from States and through international cooperation. Military activities and the storage or disposal of nuclear or toxic materials or other hazardous materials shall not be permitted in the lands and territories of indigenous peoples, unless otherwise freely agreed upon by the peoples concerned;

Para. 27 Indigenous Nations have the right to special measures taken to protect, as intellectual property, their sciences, technologies and cultural manifestations, including human and other genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literature, designs and visual and performing arts;

Para. 28 Each Indigenous Nation has the right to require that States and other Nations obtain its free and informed consent prior to the approval of any projects on its land and territory, particularly in connection with natural resource development or exploitation of soils, water, mineral or other subsurface resources. Pursuant to agreement freely negotiated 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: POLITICAL RIGHTS OF NATIONS

Para. 29 Indigenous Nations have the right to freely determine their own political status and to exercise self-government in accord with the principle of self-determination;

Para. 30 Indigenous Nations have the right to freely determine the structures and to select the membership of their autonomous or self-governing institutions in accordance with their own customary laws;

Para. 31 Indigenous Nations have the right to retain and develop their customs, laws and legal systems, in accord with universally recognized human rights and fundamental freedoms, and to have these respected by other Nations and recognized in the legal system and political institutions of the States with which each Nation may have cooperative relations;

Para. 32 Each Indigenous Nation has the right to determine the responsibilities of individuals to its communities in a manner not incompatible with universally recognized human rights and fundamental freedoms;

Para. 33 Indigenous Nations wholly within States' borders and those Nations divided by the imposition of States' borders have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with other Indigenous Nations across recognized State borders;

PART VIII: TREATIES, AGREEMENTS AND DISPUTE RESOLUTION

Para. 34 Each Indigenous Nation has the right to the observance and enforcement of treaties, compacts, agreements and other constructive arrangements concluded with other Nations and with States or their successors, according to their original intent. Conflicts and disputes which cannot otherwise be settled through direct negotiations or other peaceful means must be submitted to competent international bodies agreed to by all parties concerned;

Para. 35 Indigenous Nations have the right to freely access and receive prompt decisions through mutually acceptable and fair procedures for the resolution of conflicts and disputes between Nations and between Nations and States, as well as to effective remedies for all infringements of their individual and collective rights;

PART IX: INCORPORATION AND COMING INTO FORCE

Para. 36 Nations signatory to this Convention shall encourage other Nations and States to take effective and appropriate measures, in consultation with the indigenous peoples concerned, to give full effect to the provisions of this Convention. Where appropriate and relevant signatory Nations shall incorporate in their own customary laws and institutions, and encourage States to promulgate legislation adopting the rights and principles contained herein;

Para. 37 Indigenous Nations 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 Convention;

Para. 38 Signatory Nations and the organs and specialized agencies of the system of inter-national Indigenous Nations' organizations and non-governmental organizations shall be encouraged to contribute to the full realization of the

provisions of this Convention through the mobilization, inter alia, of financial and technical cooperation;

Para. 39 A Council of Nine comprised of delegates from the first nine Signatory Nations, with rotating delegate membership drawn from subsequent Signatory Nations annually, shall monitor the implementation of this Convention and serve as the repository for accurate and authorized original copies of ratified instruments, which shall be recorded by the name of the ratifying nation, ratification date, reservations and/or understandings upon receipt, and the status of ratifications shall be reported to all Signatory Nations and to relevant States' institutions annually;

Para. 40 Upon applying the initials of duly authorized delegates, appointed by Indigenous National authorities, meeting in Geneva, Switzerland 24-29, 1994 at the Palaise de Nacion this Convention shall be provisionally accepted in principle by all initialing parties acting on behalf of the participating Nations for a term of 12 months after initialing or until formal ratification in accord with each Nation's customary laws, which ever is earlier. A decision not to ratify this Convention automatically renders it null-and-void in connection with the Nation declining to ratify;

Para. 41 This Convention shall come into force when thirty Nations shall have formally ratified its provisions according to their customary processes. The Convention shall be open for ratification by Indigenous Nations for a period of 12 months after the date when four Nations shall have given their provisional authorization through delegates initialing on their behalf;

Para. 42 Each Nation which ratifies this Convention may place conditions on its participation through reservations and understandings. A Statement of Reservations shall indicate specific provisions of this Agreement which shall apply or not apply to the ratifying Nation under specified conditions. Each ratifying Nation may attach explanations or clarifications expressing different meanings associated with provisions through a Statement of Understandings. These Reservations and Understandings shall become a part of the Convention and receive full respect by other ratifying Nations;

Para. 43 This Convention may be modified or amended after coming into force by request of any ratifying party upon due consideration of all ratifying Nations at a special conference called for the purpose of modification or amendment.

All amendments shall be subject to ratification by the customary processes of Signatory Nations. Unanimous Consent is required for modifications or amendments.

ARTICLE IV SAVINGS AND PROCEDURES

Para. 44 The Inuit Circumpolar Conference shall serve as the provisional repository of the initialed and ratified instruments until other arrangements are made by agreement of ratifying Nations;

Para. 45 The rights contained herein constitute the minimum standards for the survival and well-being of the indigenous peoples of the world;

Para. 46 Nothing in this Convention may be interpreted as diminishing or extinguishing existing or future rights indigenous peoples may have or acquire.

Delegate Initial

On Behalf of the Nation of: Initialing Date:

Ratification Date:

Initialing Parties in accord with Article III, para. 40:

Mr. Nadir Bekir,

Political and Legal Affairs The Crimean Tatars (27-07-94)

Mr. A-Bagi Kabeir,

On behalf of the Numba People of Sudan (28-07-94)

Mr. Ron Lameman,

Confederacy of Treaty Six First Nations (28-07-94)

Ms. Judy Sayer,

Opethesaht First Nation (28-07-94)

Mr. Viktor Kaisiepo,

West Papua Peoples Front/OPM (28-07-94)