

DTP Webinar

UN Declaration on the rights of Indigenous Peoples

Les Malezer, Director of FAIRA <les.malezer@gmail.com>



right to self-determination

lands, territories and resources

attending the Permanent Forum on Indigenous Issues

SELF - DETERMINATION

Declaration on the rights of Indigenous Peoples

Article 1

1. All peoples have the right to self-determination. By virtue of that rights they freely determine their political status and freely pursue their economic, social and cultural development.

SELF - DETERMINATION

Covenant on Civil and Political Rights

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2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a peoples be deprived of its own means of subsistence.
3. The State Parties to the present Covenant, including those that have responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realisation of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

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Covenant on Economic, Social and Cultural Rights

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CHARTER OF THE UNITED NATIONS

Chapter XI

Declaration Regarding Non-Self-Governing Territories

Article 73

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognise the principle that the interests of the inhabitants of these territories are paramount, and **accept as a sacred trust the obligation** to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:

- a. to ensure, with due respect for the culture of the peoples concerned, their political, economic and educational advancement, their just treatment, and their protection against abuses;
- c. to **develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions**, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;

SELF DETERMINATION

Parliamentary Joint Committee on Human Rights Guide to human rights

There are **two aspects of the meaning** of self-determination under international law

- that the people of a country have the right not to be subjected to **external domination** and exploitation and have the right to determine their own political status (most commonly seen in relation to colonised states); and
- that **groups within a country**, such as those with a **common racial or cultural identity**, particularly Indigenous people, have the right to a **level of internal self-determination**.

Source: article 1 of the ICESCR and article 1 of the ICCPR

SELF - DETERMINATION

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LANDS, TERRITORIES AND RESOURCES

Article 25

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

Article 26

- 1 Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
- 2 **Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.**
- 3 States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

Article 27

States shall establish and implement, in conjunction with indigenous peoples concerned, **a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources**, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Article 28

- 1 Indigenous peoples have the **right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources** which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
- 2 Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

Article 29

- 1 Indigenous peoples have the **right to the conservation and protection of the environment** and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
- 2 States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.
- 3 States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

Article 30

- 1 **Military activities shall not take place in the lands or territories of indigenous peoples**, unless justified by a relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.
- 2 States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities.



UN PERMANENT FORUM ON INDIGENOUS ISSUES

ATTENDING THE PERMANENT FORUM MEETING

Not for beginners, so learn quickly

You should be well into your preparation at least three months before the session, and register in time.

The Permanent Forum has a wide mandate but limited time and wide diversity makes it a challenge to speak on your topic.

Be prepared. It is not easy to understand and cope with the proceedings.

Gain a clear understanding of the role of the PFII. Try to be in contact with your regional representative on the Permanent Forum.

Look for documents online well in advance and read these carefully for information that you need.

Know what your goal is, and check it is appropriate for the session. Each session has a particular theme.

Study the agenda to be sure of your topic and goals, and then check the program of work for the timetable

Get advice from an experienced person on how to register to speak in the session.

Join group discussions for better information and build contacts.

Learn as much as you can when attending the Permanent Forum.



<les.malezer@gmail.com>