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**Report of the working group established in accordance with
Commission on Human Rights resolution 1995/32 of 3 March 1995
on its tenth session**

Chairperson-Rapporteur: Luis-Enrique Chávez (Peru)

The present document contains the proposals of the Chairperson-Rapporteur relating to the draft United Nations declaration on the rights of indigenous peoples that were submitted, in English only, to the Commission on Human Rights at its sixty-first session (E/CN.4/2005/89/Add.2).

ANNEX

Draft Declaration on the Rights of Indigenous Peoples

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS	CHAIRMAN'S PROPOSAL
PP1	PP1	PP1
<i>Affirming</i> that indigenous peoples are equal in dignity and rights to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such,	<i>Affirming</i> that indigenous peoples are equal in dignity and rights to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such,	<i>Affirming</i> that indigenous peoples are equal in dignity and rights to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such,
PP2	PP2	PP2
<i>Affirming</i> also that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind,	<i>Affirming</i> also that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind,	<i>Affirming</i> also that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind,
PP3	PP3	PP3
<i>Affirming</i> further that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin, racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust,	<i>Affirming</i> further that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin, racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust,	<i>Affirming</i> further that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin, racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust,
PP4	PP4	PP4
<i>Reaffirming</i> also that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind,	<i>Reaffirming</i> also that indigenous peoples, [in the exercise of their rights], should be free from discrimination of any kind,	<i>Reaffirming</i> also that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind,
PP5	PP5	PP5
<i>Concerned</i> that indigenous peoples have been deprived of their human rights and fundamental freedoms, resulting, inter alia, in their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests,	<i>Concerned</i> that indigenous peoples have been deprived of their human rights and fundamental freedoms, resulting, inter alia, in their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests,	<i>Concerned</i> that indigenous peoples have been deprived of their human rights and fundamental freedoms, resulting, inter alia, in their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests,
PP6	PP6	PP6
<i>Recognizing</i> the urgent need to respect and promote the inherent rights and characteristics of indigenous	<i>Recognizing</i> the urgent need to respect and promote the inherent rights [and characteristics] of indigenous	<i>Recognizing</i> the urgent need to respect and promote the inherent rights of indigenous peoples, especially

peoples, especially their rights to their lands, territories and resources, which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies,	peoples, especially their rights to their lands, territories and resources, which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, Further recognizing the urgent need to respect and promote the rights of indigenous peoples affirmed in treaties, agreements and other constructive arrangements with States	their rights to their lands, territories and resources, which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, <i>Further recognizing</i> the urgent need to respect and promote the rights of indigenous peoples affirmed in treaties, agreements and other constructive arrangements with States
PP7	PP7	PP7
<i>Welcoming</i> the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement and in order to bring an end to all forms of discrimination and oppression wherever they occur,	<i>Welcoming</i> the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement and in order to bring an end to all forms of discrimination and oppression wherever they occur,	<i>Welcoming</i> the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement and in order to bring an end to all forms of discrimination and oppression wherever they occur,
PP8 <i>Convinced</i> that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs,	PP8 <i>Convinced</i> that [increase] control by indigenous peoples over developments affecting them and their lands [,] [or] territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs,	PP8 <i>Convinced</i> that control by indigenous peoples over developments affecting them and their lands or territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs,
PP9	PP9	PP9
<i>Recognizing</i> also that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment,	<i>Recognizing</i> also that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment,	<i>Recognizing</i> also that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment,
PP10	PP10	PP10
<i>Emphasizing</i> the need for demilitarization of the lands and territories of indigenous peoples, which will contribute to peace, economic and social progress and development, understanding and friendly relations among nations and peoples of the world,	<i>Emphasizing</i> the need for that demilitarization of the lands and territories of indigenous peoples, which will can contribute to peace, economic and social progress and development, understanding and [, in some circumstances,] friendly relations among nations and peoples of the world,	<i>Emphasizing</i> that demilitarization of the lands and territories of indigenous peoples, can contribute to peace, economic and social progress and development, understanding and friendly relations among nations and peoples of the world,

PP11	PP11	PP11
<i>Recognizing</i> in particular the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children,	<i>Recognizing</i> in particular the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, [consistent with the rights of the child,]	<i>Recognizing</i> in particular the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child,
PP12	PP12	PP12
<i>Recognizing also</i> that indigenous peoples have the right freely to determine their relationships with States in a spirit of coexistence, mutual benefit and full respect,	<i>Recognizing also</i> that indigenous peoples [have the right freely] [are free] to determine their relationships with States in a spirit of coexistence, mutual benefit and full respect,	<i>Recognizing also</i> that indigenous peoples have the right freely to determine their relationships with States in a spirit of coexistence, mutual benefit and full respect,
PP13	PP13	PP13
<i>Considering</i> that treaties, agreements and other arrangements between States and indigenous peoples are properly matters of international concern and responsibility,	<i>Considering</i> that treaties, agreements and other constructive arrangements between States and indigenous peoples are properly matters of international concern, interest and, in some situations, of international responsibility and character , Also considering that treaties, agreements and other constructive arrangements, and the relationship they represent, are the basis for a strengthened partnership between indigenous peoples and states,	<i>Considering</i> that treaties, agreements and other constructive arrangements between States and indigenous peoples are matters of international concern, interest and, in some situations, of international responsibility and character , <i>Also considering</i> that treaties, agreements and other constructive arrangements, and the relationship they represent, are the basis for a strengthened partnership between indigenous peoples and States,
PP14	PP14	PP14
<i>Acknowledging</i> that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights 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,	<i>Acknowledging</i> that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights 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,] [and that this right applies equally to indigenous peoples]	<i>Acknowledging</i> that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights 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,
	PP14bis	
	Taking into account the particular situation of peoples under colonial or other forms of alien domination or foreign occupation, it is recognised that peoples have the right to take any legitimate action, in accordance with the Charter of the United Nations, to realise their inalienable right of self-determination. The denial of	

	<p>the right of self-determination is a violation of human rights and underlines the importance of the effective realisation of this right.</p> <p>Source: E/CN.4/2004/WG.15/CRP.1 amended</p>	
	PP14ter	
	<p>In accordance with the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, this shall not be construed as authorising or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples and thus possessed of a Government representing the whole people belonging to the territory without distinction of any kind.</p> <p>Source: E/CN.4/2004/WG.15/CRP.1 amended</p>	
PP15	PP15	PP15
<i>Bearing in mind</i> that nothing in this Declaration may be used to deny any peoples their right of self-determination,	<i>Bearing in mind</i> that nothing in this Declaration may be used to deny any peoples their right of self-determination, exercised in conformity with [applicable] principles of international law, [as interpreted and declared] [including the principles contained] in this Declaration	<i>Bearing in mind</i> that nothing in this Declaration may be used to deny any peoples their right of self-determination, exercised in conformity with principles of international law and the principles contained in this Declaration,
	PP15 bis	PP15 bis
	Encouraging harmonious and cooperative relations between States and indigenous peoples based on principles of justice, democracy, respect for human rights, non-discrimination and good faith,	Encouraging harmonious and cooperative relations between States and indigenous peoples based on principles of justice, democracy, respect for human rights, non-discrimination and good faith,
PP16	PP16	PP16
<i>Encouraging</i> States to comply with and effectively implement all international instruments, in particular those related to human rights, as they apply to indigenous peoples, in consultation and cooperation with the peoples concerned,	<i>Encouraging</i> States to comply with and effectively implement all their obligations under international instruments, in particular those related to human rights, as they apply to indigenous peoples, in consultation and cooperation with the peoples concerned,	<i>Encouraging</i> States to comply with and effectively implement all their obligations under international instruments, in particular those related to human rights, as they apply to indigenous peoples, in consultation and cooperation with the peoples concerned,

PP17	PP17	PP17
<i>Emphasizing</i> that the United Nations has an important and continuing role to play in promoting and protecting the rights of indigenous peoples,	<i>Emphasizing</i> that the United Nations has an important and continuing role to play in promoting and protecting [the rights] [needs and interests] of indigenous peoples,	<i>Emphasizing</i> that the United Nations has an important and continuing role to play in promoting and protecting the rights of indigenous peoples,
PP18	PP18	PP18
<i>Believing</i> that this Declaration is a further important step forward for the recognition, promotion and protection of the rights and freedoms of indigenous peoples and in the development of relevant activities of the United Nations system in this field,	<i>Believing</i> that this Declaration is a further important step forward for the recognition, promotion and protection of the rights and freedoms of indigenous peoples and in the development of relevant activities of the United Nations system in this field, OR <i>Believing</i> that this Declaration is a further step forward for the recognition and implementation of the inherent collective rights of self-government for indigenous peoples, as well as for the promotion and protection of human rights and fundamental freedoms enshrined in international law, to which indigenous individuals are entitled without discrimination. Source: Portugal proposal	<i>Believing</i> that this Declaration is a further important step forward for the recognition, promotion and protection of the rights and freedoms of indigenous peoples and in the development of relevant activities of the United Nations system in this field,
	PP 18 bis	PP18 bis
	Recognizing and reaffirming that indigenous individuals are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples are possessed collectively of other rights which are indispensable for their existence, well-being and integral development as peoples, Source: United Kingdom proposal	Recognizing and reaffirming that indigenous individuals are entitled without discrimination to all human rights recognized in international law,
PP19	PP19	PP19
<i>Solemnly proclaims</i> the following United Nations Declaration on the Rights of Indigenous Peoples:	<i>Solemnly proclaims</i> the following United Nations Declaration on the Rights of Indigenous Peoples as a standard of achievement to be pursued in a spirit of partnership and mutual respect through procedures furthering dialogue and good relations among	<i>Solemnly proclaims</i> the following United Nations Declaration on the Rights of Indigenous Peoples as a standard of achievement to be pursued in a spirit of partnership and mutual respect through procedures furthering dialogue and good relations among

	indigenous peoples and all other segments of society] [as a standard of achievement for all indigenous peoples and all nations, to the end that every organ of the society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance]:	indigenous peoples and all other segments of society,
PART 1		
A1	A1	A1
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, the Universal Declaration of Human Rights and international human rights law.	<p>Indigenous peoples have the right collectively and individually to the full and effective enjoyment of all human rights and fundamental freedoms recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.</p> <p>Source: E/CN.4/2004/WG.15/CRP.1</p> <p style="text-align: center;">OR</p> <p>Indigenous peoples [and individuals] have the right [collectively and individually] to the full and effective [collective and individual] enjoyment of all human rights and fundamental freedoms recognized in the Charter of the United Nations [and in applicable international human rights law.]</p> <p style="text-align: center;">OR</p> <p>Indigenous individuals have the right to the full and effective enjoyment of all human rights and fundamental freedoms and indigenous peoples have the right to the full and effective enjoyment of the rights set forth in this Declaration.</p> <p>Source: E/CN.4/2004/81</p>	Indigenous peoples have the right, collectively and individually, to the full and effective enjoyment of all human rights and fundamental freedoms recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.

<p>A2</p> <p>Indigenous individuals and peoples are free and equal to all other individuals and peoples in dignity and rights, and have the right to be free from any kind of adverse discrimination, in particular that based on their indigenous origin or identity.</p>	<p>A2</p> <p>Indigenous individuals and peoples are free and equal to all other individuals and peoples in dignity [and rights], and [have the right to shall] be free from any kind of adverse discrimination, in particular that based on their indigenous origin or identity.</p> <p>Source: E/CN.4/2004/WG.15/CRP.1</p>	<p>A2</p> <p>Indigenous individuals and peoples are free and equal to all other individuals and peoples in dignity and rights, and have the right to be free from any kind of adverse discrimination, in particular that based on their indigenous origin or identity.</p>
<p>A3</p> <p>Indigenous peoples have the right of self-determination. By virtue of that right they freely determine, their political status and freely pursue their economic, social and cultural development.</p>	<p>A3</p> <p>Indigenous peoples have the right of self-determination. By virtue of that right they freely determine, within constitutional provision of States concerned or other positive arrangements, their political status and freely pursue their economic, social and cultural development</p> <p>Taking into account the particular situation of peoples under colonial or other forms of alien domination or foreign occupation, it is recognised that peoples have the right to take any legitimate action, in accordance with the Charter of the United Nations, to realise their inalienable right of self-determination. The denial of the right of self-determination is a violation of human rights and underlines the importance of the effective realisation of this right.</p> <p>In accordance with the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, this shall not be construed as authorising or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples and thus possessed of a Government representing the whole people belonging to the territory without distinction of any kind.</p> <p>Source: E/CN.4/2004/WG.15/CRP.1 amended</p>	<p>A3</p> <p>Indigenous peoples have the right of self-determination. By virtue of that right they freely determine, their political status and freely pursue their economic, social and cultural development.</p>

	Or	
	<p>Indigenous peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development</p> <p>Indigenous peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.</p> <p>The States Parties to the present Declaration, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.</p> <p>Source: Proposal of indigenous peoples representatives</p>	
A4	A4	A4
Indigenous peoples have the right to maintain and strengthen their distinct political, economic, social and cultural characteristics, as well as their legal systems, while retaining their rights to participate fully, if they so choose, in the political, economic, social and cultural life of the State.	Indigenous peoples have the right [are free] to maintain and strengthen their distinct political, legal , economic, social and cultural characteristics, [as well as their legal systems], while retaining their rights to participate fully, [if they so choose,] in the political, economic, social and cultural life of the State.	Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural characteristics, while retaining their rights to participate fully, if they so choose, in the political, economic, social and cultural life of the State.
	Source: E/CN.4/2004/WG.15/CRP.1 E.CN.4/2004/81	
A5	A5	A5
Every indigenous individual has the right to a nationality.	Every indigenous individual has the right to a nationality.	Every indigenous individual has the right to a nationality.

PART II		
<p>A6</p> <p>Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and to full guarantees against genocide or any other act of violence, including the removal of indigenous children from their families and communities under any pretext.</p> <p>In addition, they have the individual rights to life, physical and mental integrity, liberty and security of person.</p>	<p>A6</p> <p>In addition, they have the Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.</p> <p>Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group. to full guarantees against genocide or any other act of violence, including the removal of indigenous children from their families and communities under any pretext.</p> <p>Source: E/CN.4/2004/WG.15/CRP.1</p> <p style="text-align: center;">OR</p> <p>[Indigenous [peoples] have the [collective] right to live in freedom, peace and security [of person][as distinct peoples][or, if they choose, integrated with other inhabitants of the state.]</p> <p>Indigenous individuals have the right to life, liberty, and the security of person.</p> <p>[Indigenous peoples [[and] individuals] have the right to full guarantees against genocide or any other act of violence] shall not be subjected to any act of genocide as defined in the Convention on the Prevention and Punishment of the Crime of Genocide, 1948, including the provisions relating to the removal of indigenous children from their families and communities under any pretext forcibly transferring children of the group to another group.]</p> <p>(Convention on the Prevention and Punishment of the Crime of Genocide, 1948)</p> <p style="text-align: center;">OR</p>	<p>A6</p> <p>Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.</p> <p>Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.</p>

	<p>[Genocide, as defined in the International Convention on the Prevention and Punishment of the Crime of Genocide, against indigenous [peoples] is a crime at international law.</p> <p>Acts of genocide constitute:</p> <ul style="list-style-type: none"> (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; or (e) Forcibly transferring the children of the group to another group; with the intent to destroy a racial, religious, national or ethnic group, including indigenous groups.] <p>(Convention on the Prevention and Punishment of the Crime of Genocide, 1948, article 2)</p> <p>Indigenous individuals shall not be subject to torture or to cruel, inhuman or degrading treatment or punishment.</p> <p>(UDHR, article 5; ICCPR, article 7; CAT, article 3)</p> <p>[States recognize the right of indigenous individuals to the enjoyment of the highest attainable standard of physical and mental health, and shall take the necessary steps for the full realization of this right.]</p> <p>(ICESCR, article 12)</p> <p style="text-align: center;">OR</p> <p>[States recognize that the enjoyment of the highest attainable standard of health for every human being, including indigenous individuals, is a fundamental goal that should be enjoyed without distinction of race, religion, political belief, economic or social condition.]</p>	
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	<p>(WHO Constitution and prior WHO resolutions)</p> <p>Proposed article 6.1</p> <p>[States shall respect and ensure the rights and freedoms and special protections set forth in international law including in the Convention on the Rights of the Child [and its Protocols], to each indigenous child in their jurisdiction [and respecting the indigenous heritage of the child]. Indigenous children shall not be denied the right, in community with other members of their group to enjoy their own culture, to profess and practice their own religion, or to use their own language.]</p> <p>(Convention on the Rights of the Child, articles 1 and 30)</p> <p>Source: E/CN.4/2002/98</p>	
A7	A7	A7
<p>Indigenous peoples have the collective and individual right not to be subjected to ethnocide and cultural genocide, including prevention of and redress for:</p> <p>a. Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;</p> <p>b. Any action which has the aim or effect of dispossessing them of their lands, territories or resources;</p> <p>c. Any form of population transfer which has the aim or effect of violating or undermining any of their rights;</p> <p>d. Any form of assimilation or integration by other cultures or ways of life imposed on them by legislative, administrative or other measures;</p> <p>e. Any form of propaganda directed against them.</p>	<p>Indigenous peoples and individuals have the collective and individual right not to be subjected to ethnocide and cultural genocide forced assimilation or destruction of their culture including prevention of and States shall provide effective mechanisms for redress for with respect to:</p> <p>a Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;</p> <p>b Any action which has the aim or effect of dispossessing them of their lands, territories or resources;</p> <p>c Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;</p> <p>d Any form of forced assimilation or integration by other cultures or ways of life imposed on them by legislative, administrative or other measures;</p> <p>e Any form of propaganda designed to promote or incite racial or ethnic</p>	<p>Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.</p> <p>States shall provide effective mechanisms for redress with respect to:</p> <p>a Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;</p> <p>b Any action which has the aim or effect of dispossessing them of their lands, territories or resources;</p> <p>c Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;</p> <p>d Any form of forced assimilation or integration by other cultures or ways of life imposed on them by legislative, administrative or other measures;</p> <p>e Any form of propaganda designed to promote or incite racial or ethnic</p>

	<p style="text-align: center;">discrimination directed against them..</p> <p>Source: E/CN.4/2004/WG.15/CRP.1</p> <p style="text-align: center;">OR</p> <p>Indigenous peoples have the collective and individual right not to be subjected to [ethnocide and cultural genocide,] [genocide, forced assimilation or destruction of their culture] including prevention of and [fair] redress for:</p> <p style="padding-left: 40px;">(a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;</p> <p style="padding-left: 40px;">(b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;</p> <p style="padding-left: 40px;">(c) Any form of [forcible] population transfer which has the aim or effect of violating or undermining any of their rights;</p> <p style="padding-left: 40px;">(d) Any form of [forced] assimilation or integration by other cultures or ways of life imposed on them by legislative, administrative or other measures;</p> <p style="padding-left: 40px;">(e) Any form of propaganda [designed to promote and incite racial or ethnic discrimination] directed against them.</p> <p style="text-align: center;"><u>Alternative text to Article 7:</u></p> <p>7 (1) Indigenous peoples [and individuals] [have the [collective and] [individual] right not to be subjected to ethnocide and cultural genocide to prevention of and redress for [future breaches of]] [shall not be subjected to] any of the following:</p> <p>a) any action which has the intent and aim or effect of depriving them of their [integrity as distinct</p>	<p style="text-align: center;">discrimination directed against them. .</p>
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	<p>peoples][distinctive cultural values or identities][[and][or] ethnic identities]</p> <p>b) [any action which has the intended aim or effect of dispossessing them of their lands [territories] or resources without their consent and not in accordance with the principles of due process of law and appropriate compensation, on at least the same basis as is extended to other members of the populations of the States;]</p> <p>c) any form of population transfer which has the intended aim or effect of violating or undermining any of their [right] [distinctive cultural values and identities];</p> <p>d) [any form of assimilation or integration by other cultures or ways of life imposed on them by legislative, administrative or other measures; [the imposition of] any legislative, administrative or other measures [imposed upon them and] [that are inconsistent with human rights standards] [[and][or] that are adversely designed to assimilate or integrate] them into other cultures or ways of life;]</p> <p>e) [any form of propaganda directed against them [[by the State] [designed to promote and incite discrimination]]</p> <p>(2) States condemn all propaganda based on ideas of superiority of any race over indigenous peoples or which attempts to justify or promote racial hatred and discrimination against indigenous peoples and individuals. States shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination directed against indigenous peoples or individuals.](CERD, art. 4)</p> <p>(3) [States condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature.</p> <p>[[Indigenous peoples have the right to maintain their distinct cultures, beliefs, religion and language, subject to</p>	
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	<p>reasonable regulation consistent with international standards.</p> <p>Accordingly, States should take no actions which have the specific intent and effect of forcing [indigenous peoples] to assimilate or abandon their own customs in favor of different or more widespread customs.]</p> <p>[7. (1) Indigenous peoples and individuals shall not be subjected to genocide, forced assimilation or destruction of their culture, and shall not be subjected to any of the following:</p> <ul style="list-style-type: none">a) any action which has the aim and effect of depriving them of their distinctive cultural or ethnic identities;b) any action which has the aim and effect of dispossessing them of lands or resources that they own or have exclusive use of, without their consent or not in accordance with due process of law and appropriate compensation;c) any form of forced population transfer which has the aim and effect of violating any of their rights;d) the imposition of any legislative, administrative or other measures that are inconsistent with human rights standards and that are designed to forcibly assimilate them into other cultures or ways of life;e) States condemn all propaganda based on ideas of superiority of any race over indigenous peoples or which attempts to justify or promote racial hatred and discrimination against indigenous peoples and individuals. States shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination directed against indigenous peoples or individuals.] (CERD, art. 4)	
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	<p style="text-align: center;"><u>Alternative (2) text to Article 7:</u></p> <p>[States shall not take or permit measures aimed at depriving indigenous individuals or peoples of their cultural values or ethnic identities through their denigration, or their forced assimilation, integration, or population transfer.]</p> <p><i>Source: E/CN.4/2003/92</i></p>	
A8	A8	A8
<p>Indigenous peoples have the collective and individual right to maintain and develop their distinct identities and characteristics, including the right to identify themselves as indigenous and to be recognized as such.</p>	<p>Indigenous peoples have the collective and individual right to maintain and develop their distinct identities and characteristics, including the right to identify themselves as indigenous and to be recognized as such.</p> <p style="text-align: center;">OR</p> <p>Indigenous peoples have the collective and individual right to maintain and develop their own distinct identities and characteristics, including the right to and may identify themselves as indigenous and to be recognized as such.</p> <p>Indigenous peoples have the right to be recognized as such by the State through a transparent and reasonable process. When recognizing indigenous peoples States should include a variety of factors, including, but not limited to:</p> <ul style="list-style-type: none"> - Whether the group self-identifies as indigenous; - Whether the group is comprised of descendants of persons who inhabited a geographic area prior to the sovereignty of the State; - Whether the group historically had been sovereign; - Whether the group maintains a distinct community and aspects of governmental structure; - Whether the group has a cultural affinity with a particular area of land or territories; - Whether the group has distinct objective characteristics such as language, religion, culture; and, - Whether the group has been historically regarded 	<p>Indigenous peoples have the collective and individual right to maintain and develop their distinct identities and characteristics, including the right to identify themselves as indigenous and to be recognized as such.</p>

	<p>and treated as indigenous by the State.</p> <p>Source: US proposal</p>	
A9	A9	A9
<p>Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No disadvantage of any kind may arise from the exercise of such a right.</p>	<p>Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No disadvantage adverse discrimination of any kind may arise from the exercise of such a right.</p> <p>Source: E/CN.4/2004/WG.15/CRP.1</p> <p style="text-align: center;">OR</p> <p>Indigenous [peoples] [[and] individuals] [have the right to belong] [may belong] to an indigenous [community] [or [indigenous] nation] in accordance with the traditions and customs of the [community] [or nation] concerned. [They shall not be subject to any discrimination as a consequence of their belonging to such [community] [or nation].] [No [disadvantage] [discrimination] of any kind may arise from the exercise of such a right.]</p> <p>Source: E/CN.4/2002/98</p>	<p>Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No adverse discrimination of any kind may arise from the exercise of such a right.</p>
A10	A10	A10
<p>Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.</p>	<p>Indigenous peoples shall not be forcibly removed from [their] lands or territories [of their traditional residence and economic activities]. No relocation shall take place without the free and informed consent of the indigenous peoples concerned and after agreement on just and fair [compensation] and, where possible, with the option of return.</p> <p>Source: E/CN.4/2004/WG.15/CRP.1 amended</p> <p style="text-align: center;">OR</p> <p>No arbitrary removal or relocation of indigenous peoples shall take place.</p>	<p>Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.</p>

	<p>Forced removal or relocation shall only take place in accordance with the principles of due process and just compensation, and, where possible, with the option of return.</p> <p><i>Source: E/CN.4/2004/81</i></p>	
A11	A11	A11
<p>Indigenous peoples have the right to special protection and security in periods of armed conflict. States shall observe international standards, in particular the Fourth Geneva Convention of 1949, for the protection of civilian populations in circumstances of emergency and armed conflict, and shall not:</p> <p>a. Recruit indigenous individuals against their will into the armed forces and, in particular, for use against other indigenous peoples;</p> <p>b. Recruit indigenous children into the armed forces under any circumstances;</p> <p>c. Force indigenous individuals to abandon their lands, territories or means of subsistence, or relocate them in special centres for military purposes;</p> <p>d. Force indigenous individuals to work for military purposes under any discriminatory conditions.</p>	<p>Indigenous peoples have the right to special protection and security in periods times of armed conflict. States recognise that there may be circumstances in which special protection and security may be necessary for indigenous peoples in times of armed conflict.</p> <p>States shall observe international standards, in particular the Fourth Geneva Convention of 1949 applicable international human rights standards and international humanitarian law, for the protection of civilian populations in circumstances of emergency and armed conflict, and shall not:</p> <p>a Recruit indigenous individuals against their will into the armed forces except in cases prescribed by law for all citizens and, in particular, for direct use against other indigenous peoples or against other members of the same indigenous people;</p> <p>b Recruit indigenous children into the armed forces or use them in armed conflict contrary to international law under any circumstances;</p> <p>c Force indigenous individuals to abandon their lands, territories or means of subsistence, or relocate them in special centres for military purposes;</p> <p>d Force indigenous individuals to work for military purposes under any discriminatory conditions.</p> <p><i>Source: E/CN.4/2004/WG.15/CRP.1</i></p>	<p>Indigenous peoples have the right to protection and security in times of armed conflict. States recognise that there may be circumstances in which special protection and security may be necessary for indigenous peoples in times of armed conflict.</p> <p>States shall observe applicable international human rights standards and international humanitarian law, for the protection of civilian populations in circumstances of emergency and armed conflict, and shall not:</p> <p>a Recruit indigenous individuals against their will into the armed forces for direct use against other indigenous peoples or against other members of the same indigenous people;</p> <p>b Recruit indigenous children into the armed forces;</p> <p>c Force indigenous individuals to abandon their lands, territories or means of subsistence, or relocate them in special centres for military purposes;</p> <p>d Force indigenous individuals to work for military purposes under any discriminatory conditions.</p>

	<p style="text-align: center;">OR</p> <p>Indigenous peoples have the right to [special] protection and security in periods of armed conflict.</p> <p style="text-align: center;">States shall observe <i>[applicable international human rights standards and international humanitarian law,]</i> [international standards, in particular the Fourth Geneva Convention of 1949,] for the protection of civilian populations in circumstances of emergency and armed conflict, and shall not:</p> <p style="padding-left: 40px;">(a) Recruit indigenous individuals <i>[into military service against their will, except in cases prescribed by law for all citizens, and to which there are no specific exemptions for indigenous individuals;]</i> [against their will into the armed forces and, in particular, for use against other indigenous peoples <i>[or against other members of the same indigenous people]</i> ;]</p> <p style="padding-left: 40px;">(b) Recruit indigenous children into the armed forces under any circumstances;</p> <p style="padding-left: 40px;">(c) Force indigenous individuals to abandon their lands, territories or means of subsistence, or relocate them in special centers for military purposes;</p> <p style="padding-left: 40px;">(d) Force indigenous individuals to work for military purposes under any discriminatory conditions.</p> <p style="text-align: center;"><u>Alternative text to Article 11:</u></p> <p>Indigenous peoples have the right to protection and security in [times] of armed conflict. States shall [respect and ensure respect] of the [rules and principles of international humanitarian law, in particular concerning the protection of civilian persons in times of armed conflicts according] to the Fourth Geneva Convention of 1949. They shall [namely abstain from] (or: shall not)</p>	
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	<p>(a) [Compel(ing) indigenous persons to serve in the forces of a hostile Power;</p> <p>(b) Compulsorily or voluntarily recruit(ing) indigenous persons under the age of 18 into their national armed forces;]</p> <p>(c) Force (Forcing) indigenous individuals [(persons)] to abandon their lands, territories or means of subsistence, or relocate them in special centers for military purposes;</p> <p>(d) Force (Forcing) indigenous individuals [(persons)] to work for military purposes under any discriminatory conditions.</p> <p style="text-align: center;"><u>Alternative text to Article 11:</u></p> <p>[States shall not recruit indigenous individuals into the armed forces in a discriminatory manner.</p> <p>Indigenous individuals are entitled to all protections provided by international humanitarian law, in particular those in the Fourth Geneva Convention of 1949.</p> <p>States recognize that there may be circumstances in which special protection and security may be appropriate for indigenous peoples in times of armed conflict.</p> <p style="text-align: center;">Alternative (2) text to Article 11:</p> <p>[1. Indigenous individuals and peoples are entitled to all protections provided by international humanitarian law in times of armed conflict.</p> <p>In particular, States shall observe international humanitarian law including in particular the Fourth Geneva Convention of 1949 for the protection of civilians in armed conflict, and shall not:</p>	
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	<p>(a) Recruit indigenous individuals against their will into the armed forces and, in particular, for use against other indigenous peoples, in a discriminatory manner or otherwise contrary to international law;</p> <p>(b) Recruit indigenous children into the armed forces or deploy indigenous children in hostilities under any circumstances contrary to international law;</p> <p>(c) Force indigenous individuals to abandon the lands they own, use or occupy, or means of subsistence, or relocate them in special centres for military purposes contrary to international law;</p> <p>(e) Force indigenous individuals to work for military purposes under any discriminatory conditions or otherwise contrary to international law]</p> <p style="text-align: center;"><u>Alternative text to Article 11:</u></p> <p>[In times of conflict indigenous individuals are entitled to all protection afforded by international humanitarian laws, in particular the Fourth Geneva Convention. In any form of recruitment of indigenous individuals into the armed forces, States shall not act in a discriminatory manner. States shall not forcibly recruit or conscript indigenous individuals solely for the purpose of engaging those individuals, by virtue of their indigenous identity, in hostilities specifically directed at other indigenous peoples. Indigenous children are entitled to all protection afforded by applicable international law regarding the recruitment of children into the armed forces.]</p> <p><i>Source:</i> E/CN.4/2003/92</p>	
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PART III		
A12	A12	A12
<p>Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artifacts, designs, ceremonies, technologies and visual and performing arts and literature, as well as the right to the restitution of cultural, intellectual, religious and spiritual property taken without their free and informed consent or in violation of their laws, traditions and customs.</p>	<p>Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artifacts, designs, ceremonies, technologies and visual and performing arts and literature, as well as the right to the restitution of States shall provide effective mechanisms for redress with respect to [their/ indigenous peoples'] cultural, intellectual, religious and spiritual property taken without their free and informed consent or in violation of their laws, traditions and customs.</p> <p>Source: E/CN.4/2004/WG.15/CRP.1 amended</p> <p style="text-align: center;">OR</p> <p>1. Indigenous [peoples] have the right to practice and revitalize their cultural traditions and customs [in conformity with domestic laws]. [Recognizing this right,] [States should/shall facilitate the efforts of indigenous [peoples]]. [This includes the right [as far as practicable] to maintain, protect and develop the [past, present and future] manifestations of [their] cultures, such as archaeological and historical sites, artifacts, designs, ceremonies, technologies and visual and performing arts and literature.</p> <p>2. States should/shall [make [best] [appropriate] efforts], [to] [promote] [facilitate] the return to indigenous [peoples] of their cultural, [intellectual], and religious [and spiritual] property [taken without their free and informed consent] [after the present Declaration comes into effect], [or in violation of [their] laws, traditions and customs] [and] [or] [in violation of relevant laws and regulations].</p> <p>Source: E/CN.4/2002/98</p>	<p>Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artifacts, designs, ceremonies, technologies and visual and performing arts and literature.</p> <p>States shall provide effective mechanisms for redress with respect to their cultural, intellectual, religious and spiritual property taken without their free and informed consent or in violation of their laws, traditions and customs.</p>

<p>A13</p> <p>Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of ceremonial objects; and the right to the repatriation of human remains.</p> <p>States shall take effective measures, in conjunction with the indigenous peoples concerned, to ensure that indigenous sacred places, including burial sites, be preserved, respected and protected.</p>	<p>A13</p> <p>Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have [reasonable] access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.</p> <p>States shall take effective measures, in conjunction with the indigenous peoples concerned, to ensure that indigenous sacred places, including burial sites, be preserved, respected and protected.</p> <p>Source: E/CN.4/2004/WG.15/CRP.1 amended</p> <p style="text-align: center;">OR</p> <p>Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have [reasonable] access in privacy to their religious and cultural sites; the right to the use and control of [their] ceremonial objects; and the right to the repatriation of human remains.</p> <p>States shall/should take effective measures, in conjunction with the indigenous peoples concerned, to ensure that indigenous sacred places, including burial sites, be reserved, respected and protected.</p> <p>Source: E/CN.4/2004/81</p>	<p>A13</p> <p>Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.</p> <p>States shall take effective measures, in conjunction with the indigenous peoples concerned, to ensure that indigenous sacred places, including burial sites, be preserved, respected and protected.</p>
<p>A14</p>	<p>A14</p>	<p>A14</p>
<p>Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.</p>	<p>[Indigenous peoples have the right to] [States shall take effective measures to ensure that indigenous peoples can] revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.</p>	<p>Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.</p>

<p>States shall take effective measures, whenever any right of indigenous peoples may be threatened, to ensure this right is protected and also to ensure that they can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.</p>	<p>States shall take effective [reasonable] measures, [whenever any right of indigenous peoples may be threatened], [to ensure this right is protected and also] to ensure that [they/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.</p> <p>Source: E/CN.4/2004/WG.15/CRP.1 amended</p> <p style="text-align: center;">OR</p> <p>Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.</p> <p>States shall/should take [effective] [reasonable] measures, [whenever any right of indigenous peoples may be threatened], to ensure this right is protected and also to ensure that they can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.</p> <p>Source: E/CN.4/2004/81</p>	<p>States shall take reasonable measures to ensure this right is protected and also 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.</p>
<p>PART IV</p>		
<p>A15</p>	<p>A15</p>	<p>A15</p>
<p>Indigenous children have the right to all levels and forms of education of the State. All indigenous peoples also have this right and the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.</p> <p>Indigenous children living outside their communities have the right to be provided access to education in their own culture and language.</p> <p>States shall take effective measures to provide appropriate resources for these purposes.</p>	<p>All indigenous peoples also have this right and the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.</p> <p>Indigenous individuals, particularly children, have the right to all levels and forms of education of the State on the same basis as other members of the society</p> <p>Indigenous individuals, particularly children, living outside their communities have the right to be provided</p>	<p>Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.</p> <p>Indigenous individuals, particularly children, have the right to all levels and forms of education of the State on the same basis as other members of the society.</p> <p>Indigenous individuals, particularly children, living</p>

	<p>access to education in their own culture and language.</p> <p>States shall take effective measures to provide appropriate resources for these purposes.</p> <p>Source: E/CN.4/2004/WG.15/CRP.1</p> <p style="text-align: center;">OR</p> <p>All indigenous peoples [also] have [this right and] the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning [in consultation with competent authorities in the State, and in accordance with applicable educational laws and standards] [and which meet agreed educational standards].</p> <p>[To the fullest extent possible] Indigenous [individuals, particularly] children have the right to all levels and forms of education of the State [on the same basis as other members of the society].</p> <p>Indigenous [individuals, particularly] children living outside their communities have the right to be provided access to education in their own culture and language.</p> <p>States shall take effective measures to provide appropriate resources for these purposes.</p> <p>Source: E/CN.4/2004/81</p>	<p>outside their communities have the right to be provided access to education in their own culture and language.</p> <p>States shall take effective measures to provide appropriate resources for these purposes.</p>
<p>A16</p> <p>Indigenous peoples have the right to have the dignity and diversity of their cultures, traditions, histories and aspirations appropriately reflected in all forms of education and public information.</p> <p>States shall take effective measures, in consultation with the indigenous peoples concerned, to eliminate prejudice and discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all segments of society.</p>	<p>A16</p> <p>[Indigenous peoples have the right to have] The dignity and diversity of indigenous peoples' [their] cultures, traditions, histories and aspirations should be appropriately reflected in all forms of education and public information.</p> <p>States shall/should take effective measures, in consultation with the indigenous peoples concerned, to [eliminate] combat prejudice and discrimination and to</p>	<p>A16</p> <p>Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.</p> <p>States shall take effective measures, in consultation with indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations</p>

	<p>promote tolerance, understanding and good relations among indigenous peoples and all [other] segments of society.</p> <p><i>Source: E/CN.4/2004/81</i></p>	among indigenous peoples and all other segments of society.
A17	A17	A17
<p>Indigenous peoples have the right to establish their own media in their own languages. They also have the right to equal access to all forms of non-indigenous media.</p> <p>States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity.</p>	<p>Indigenous peoples have the right to establish their own media in their own languages and They also have the right to equal access to all forms of non-indigenous media on the same basis as the other members of the society.</p> <p>States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity.</p> <p>States, without prejudice to ensuring full freedom of expression, should encourage privately-owned media to adequately reflect indigenous cultural diversity.</p> <p><i>Source: E/CN.4/2004/WG.15/CRP.1</i></p> <p style="text-align: center;">OR</p> <p>Indigenous peoples have the right to establish their own media in their own languages [and] They also have the right to equal access [to] all forms of non-indigenous media, [on the same basis as the other members of the society].</p> <p>States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity. [States, without prejudice to ensuring full freedom of expression, should encourage privately-owned media to adequately reflect indigenous cultural diversity].</p> <p><i>Source: E/CN.4/2004/81</i></p>	<p>Indigenous peoples have the right to establish their own media in their own languages and to access to all forms of non-indigenous media on the same basis as the other members of the society.</p> <p>States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity. States, without prejudice to ensuring full freedom of expression, should encourage privately-owned media to adequately reflect indigenous cultural diversity.</p>
A18	A18	A18
<p>Indigenous peoples have the right to enjoy fully all rights established under international labour law and</p>	<p>Indigenous individuals [peoples] [have the right] to enjoy fully all rights established under applicable international</p>	<p>Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable</p>

<p>national labour legislation. Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour, employment or salary.</p>	<p>labour law and national labour legislation/law.</p> <p>States shall take specific measures to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health o physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.</p> <p>Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia employment or salary.</p> <p>Source: E/CN.4/2004/WG.15/CRP.1</p>	<p>international and domestic labor law.</p> <p>States shall take specific measures to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health o physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.</p> <p>Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, <i>inter alia</i>, employment or salary.</p>
<p>A19</p> <p>Indigenous peoples have the right to participate fully, if they so choose, at all levels of decision-making in matters which may affect their rights, lives and destinies through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.</p>	<p>A19</p> <p>Indigenous peoples have the right to participate fully, [if they so choose], [at all levels of] [in] decision-making in matters which [may] directly affect their rights, lives and destinies through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.</p> <p>Source: E/CN.4/2004/WG.15/CRP.1 amended</p> <p style="text-align: center;">OR</p> <p>Indigenous peoples have the right to participate fully, if they so choose, at all levels of decision-making in matters which may affect their rights, lives and destinies through representatives chosen by [themselves/their members] in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.</p> <p>Source: E/CN.4/2004/81</p>	<p>A19</p> <p>Indigenous peoples have the right to participate fully, if they so choose, at all levels of decision-making in matters which may affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.</p>

<p>A20</p> <p>Indigenous peoples have the right to participate fully, if they so choose, through procedures determined by them, in devising legislative or administrative measures that may affect them</p> <p>States shall obtain the free and informed consent of the peoples concerned before adopting and implementing such measures.</p>	<p>A20</p> <p>Indigenous peoples have the right to participate fully, if they so choose, through procedures determined by them, be actively involved in [devising] legislative or administrative measures that may affect them.</p> <p>States shall seek obtain the free and informed consent of the peoples concerned before adopting and implementing such measures.</p> <p>Source: E/CN.4/2004/WG.15/CRP.1 amended</p> <p style="text-align: center;">OR</p> <p>Indigenous peoples have the right to participate fully, if they so choose, through procedures determined by them, in devising legislative or administrative measures that may affect them.</p> <p>States shall obtain the free and informed consent of the peoples concerned before adopting and implementing such measures.</p> <p style="text-align: center;">OR</p> <p style="text-align: center;">Articles 19-20</p> <p>Indigenous peoples have the right to participate, through representatives chosen by them, in decision-making processes of the State in relation to matters which directly affect their rights, in a manner not incompatible with national legislation.</p> <p>Source: E/CN.4/2004/81</p>	<p>A20</p> <p>States shall seek the free and informed consent of the indigenous peoples concerned before adopting and implementing legislative or administrative measures that may affect them.</p>
<p>A21</p> <p>Indigenous peoples have the right to maintain and develop their political, economic and social systems, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.</p>	<p>A21</p> <p>Indigenous peoples have the right to maintain and develop their political, economic and social systems, to be secure in the enjoyment of their own means of subsistence [and development], and to engage freely in all their traditional and other economic activities.</p>	<p>A21</p> <p>Indigenous peoples have the right to maintain and develop their political, economic and social systems, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.</p>

<p>Indigenous peoples who have been deprived of their means of subsistence and development are entitled to just and fair compensation.</p>	<p>Indigenous peoples who [have been][and] are deprived of their means of subsistence [and development] are entitled to just and fair effective mechanisms for redress, [including compensation].</p> <p>Source: E/CN.4/2004/WG.15/CRP.1 amended</p> <p style="text-align: center;">OR</p> <p>Indigenous peoples have the right [to maintain and develop their political, economic and social systems], to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities. [Indigenous peoples who have been deprived of their means of subsistence and development are entitled to just and fair compensation/just, fair and agreed redress].</p> <p>Source: E/CN.4/2004/81</p>	<p>Indigenous peoples who have been and are deprived of their means of subsistence and development are entitled to effective mechanisms for redress.</p>
<p>A22</p> <p>Indigenous peoples have the right to special measures for the immediate, effective and continuing improvement of their economic and social conditions, including in the areas of employment, vocational training and retraining, housing, sanitation, health and social security.</p> <p>Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and disabled persons.</p>	<p>A22</p> <p>Indigenous peoples have the an equal right to special measures for the immediate, effective and continuing improvement of disadvantage in their economic and social conditions, including in the areas of employment, vocational training and retraining, housing, sanitation, health and social security.</p> <p>Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and disabled persons with disabilities.</p> <p>Source: E/CN.4/2004/WG.15/CRP.1</p>	<p>A22</p> <p>Indigenous peoples have the right to the improvement of their economic and social conditions, including, <i>inter alia</i>, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.</p> <p>States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.</p>
<p>A23</p> <p>Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to determine and develop all health, housing and other</p>	<p>A23</p> <p>Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to determine and develop all be actively involved in developing and determining health,</p>	<p>A23</p> <p>Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and</p>

<p>economic and social programs affecting them and, as far as possible, to administer such programs through their own institutions.</p>	<p>housing and other economic and social programs affecting them and, as far as possible, to administer such programs through their own institutions.</p> <p>Source: E/CN.4/2004/WG.15/CRP.1</p> <p style="text-align: center;">OR</p> <p>Indigenous peoples [and individuals] have the right/are free to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to determine and develop all [be involved [actively] in determining and developing] health, housing and other economic and social programs affecting them and, [as far as possible,] [to administer/to participate in the administration of] such programs through their own institutions.</p> <p style="text-align: center;">OR</p> <p>Indigenous individuals and peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized. Indigenous peoples have the right to participate in the development and delivery of special measures designed to assist their economic, social, cultural and political development.</p> <p>Indigenous peoples have the right to determine and develop priorities and strategies for their development. Indigenous individuals and peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development.</p> <p>Source: E/CN.4/2004/81</p>	<p>other economic and social programs affecting them and, as far as possible, to administer such programs through their own institutions.</p>
<p>A24</p>	<p>A24</p>	<p>A24</p>
<p>Indigenous peoples have the right to their traditional medicines and health practices, including the right to the protection of vital medicinal plants, animals and minerals.</p>	<p>Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the right to the protection conservation of vital medicinal plants, animals and minerals.</p>	<p>Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of vital medicinal plants, animals and minerals. They also have the right to</p>

<p>They also have the right to access, without any discrimination, to all medical institutions, health services and medical care.</p>	<p>They also have the right to access, without any discrimination, to all medical institutions, social and health services and medical care.</p> <p>Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.</p> <p>Source: E/CN.4/2004/WG.15/CRP.1</p>	<p>access, without any discrimination, to all social and health services.</p> <p>Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.</p>
<p>PART IV</p>		
<p>A25</p>	<p>A25</p>	<p>A25</p>
<p>Indigenous peoples have the right to maintain and strengthen their distinctive spiritual and material relationship with the lands, territories, waters and coastal seas and other resources which they have traditionally owned or otherwise occupied or used, and to uphold their responsibilities to future generations in this regard.</p>	<p>Indigenous peoples have the right to maintain and strengthen their distinctive spiritual and material relationship with their traditionally owned or otherwise occupied and used lands or territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.</p> <p>Source: Consultations 10th session OR</p> <p>Indigenous peoples have the right to maintain and strengthen their distinctive spiritual and material relationship with the their [traditional] lands, territories, waters and coastal seas and other resources which they have traditionally owned, or otherwise occupied or used and to uphold their responsibilities to future generations in this regard.</p> <p>Source: E/CN.4/2004/WG.15/CRP.1 amended OR</p> <p>Indigenous peoples have the right to maintain and strengthen their distinctive spiritual and material relationship with the lands[,] [or] territories, waters and coastal seas and other resources [including the total</p>	<p>Indigenous peoples have the right to maintain and strengthen their distinctive spiritual and material relationship with their lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.</p>

	<p>environment of the lands, air, waters, coastal seas, sea ice, flora and fauna and other surface and subsurface resources,] [which they have traditionally owned or otherwise occupied or used] [as well as other lands, territories and resources they have otherwise acquired], and to uphold their responsibilities to future generations in this regard.</p> <p><i>Source: E/CN.4/2004/81</i></p>	
A26	A26	A26
<p>Indigenous peoples have the right to own, develop, control and use the lands and territories, including the total environment of the lands, air, waters, coastal seas, sea-ice, flora and fauna and other resources which they have traditionally owned or otherwise occupied or used. This includes the right to the full recognition of their laws, traditions and customs, land-tenure systems and institutions for the development and management of resources, and the right to effective measures by States to prevent any interference with, alienation of or encroachment upon these rights.</p>	<p>States shall give full legal recognition and protection to the lands, territories and resources that are possessed by indigenous peoples by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired. Such recognition shall be in accordance with the customs, traditions and land tenure systems of the indigenous peoples concerned. Indigenous peoples have the right to [own/posses], use, develop and control such lands, territories and resources.</p> <p><i>Source: Consultations 10th session</i></p> <p style="text-align: center;">OR</p> <p>Indigenous peoples have the rights pertaining to ownership development, control and use of their lands and resources, including those of their lands and resources which were traditionally owned, occupied or used, and This includes the right to the recognition of their laws, traditions and customs, land-tenure systems and institutions for the development and management of resources, and the right to States shall/should take effective measures by States to prevent any unwarranted interference with, alienation of or encroachment upon these rights.</p> <p><i>Source: US proposal/ CRP1 (with amendments)</i></p> <p style="text-align: center;">OR</p> <p>Indigenous peoples have the right to own, develop,</p>	<p>States shall give full legal recognition and protection to the lands, territories and resources that are possessed by indigenous peoples by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired. Such recognition shall be in accordance with the customs, traditions and land tenure systems of the indigenous peoples concerned. Indigenous peoples have the right to own, use, develop and control such lands, territories and resources.</p>

	<p>control and use the their lands and territories, including the total environment of the lands, air, waters, coastal seas, sea ice, flora and fauna and other resources which they have traditionally owned or otherwise occupied or used. This includes the right to the full recognition of their laws, traditions and customs, land-tenure systems and institutions for the development and management of resources, and the right to effective measures by States to prevent any unwarranted interference with, alienation of or encroachment upon these rights.</p> <p>Source: E/CN.4/2004/WG.15/CRP.1</p> <p style="text-align: center;">OR</p> <p>Indigenous peoples have the right to own, develop, control and use the lands [and territories, including the total environment of the lands, air, waters, coastal seas, sea ice, flora and fauna] and other resources [which they have traditionally owned or otherwise occupied or used], [as well as other lands, territories, and resources they have otherwise acquired]. This includes the right to the [full] recognition of their laws, traditions and customs, land-tenure systems and institutions for the development and management of resources, and the right to effective measures by States to prevent any [unwarranted] interference with, alienation of or encroachment upon these rights.</p> <p>[Indigenous ownership based on traditional or aboriginal use and occupancy shall be given the same legal respect and protection as other forms of full and complete property ownership, and such indigenous lands, territories, and waters shall be promptly demarcated and titled with the free and informed consent of the indigenous people or peoples concerned. Indigenous peoples have the right to the full recognition of the laws, traditions and customs, land tenure systems of the indigenous peoples concerned as well as their institutions for the development and management of lands, territories and resources, and the right to effective measures by</p>	
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	States to prevent any interference with, alienation of, encroachment upon these rights] <i>Source: E/CN.4/2004/81</i>	
	A26 bis	A26 bis
	States shall establish a fair, open and transparent process to adjudicate and recognize the rights of indigenous peoples pertaining to their lands and resources, including those which were traditionally owned or otherwise occupied or used. The indigenous peoples shall have the right to participate or, where appropriate, to be consulted in this process. <i>Source: Consultations 10th session</i>	States shall establish a fair, open and transparent process to adjudicate and recognize the rights of indigenous peoples pertaining to their lands and resources, including those which were traditionally owned or otherwise occupied or used. The indigenous peoples shall have the right to participate or, where appropriate, to be consulted in this process.
A27	A27	A27
Indigenous peoples have the right to the restitution of the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, occupied, used or damaged without their free and informed consent. Where this is not possible, they have the right to just and fair compensation. 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.	Indigenous peoples have the right to [restitution of] [reparation for] [redress for] the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, occupied, used or damaged without their free and informed consent. Where this is not possible States shall provide, in collaboration/cooperation with the indigenous peoples, effective mechanisms for redress. In cases where restitution is not possible, and unless the indigenous people concerned have given their free and informed consent to other forms of full and effective [restitution] [reparation] [redress], they shall have the right to fair and equitable compensation and indemnification. <i>Source: Consultations 10th session</i> OR Indigenous peoples have the right to redress, which may include restitution or compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been unlawfully confiscated, occupied, used or damaged.	Indigenous peoples have the right to redress, by means of restitution or compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, occupied, used or damaged without their free and informed consent.

	<p>Source: Canada proposal/ CRP1</p> <p style="text-align: center;">OR</p> <p>Indigenous peoples have the right to pursue claims for the restitution of, or compensation or other redress for, the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, occupied, used or damaged without their free and informed consent. Where this is not possible States shall provide effective mechanisms for redress.</p> <p>Source: US proposal / CRP1 (with amendments)</p> <p style="text-align: center;">OR</p> <p>Indigenous peoples have the right to the restitution of the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, occupied, used or damaged without their free and informed consent. Where this is not possible, States shall provide [just, fair and] effective mechanisms[and procedures] [in consultation with indigenous peoples] for redress they have the right to just and fair compensation. 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.</p> <p>Source: E/CN.4/2004/WG.15/CRP.1amended</p> <p style="text-align: center;">OR</p> <p>Indigenous peoples have the right to the restitution of the lands, territories and resources which they have traditionally owned or otherwise occupied or used [or which they have otherwise acquired], and which have been confiscated, occupied, used or damaged without their free and informed consent. Where this is not</p>	
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	<p>possible, they have the right to just [, fair and agreed redress determined through fair procedures] and fair compensation. [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.]</p> <p>[States shall not take or appropriate the lands, territories, or resources of indigenous peoples under any circumstances]</p> <p><i>Source: E/CN.4/2004/81</i></p>	
A28	A28	A28
<p>Indigenous peoples have the right to the conservation, restoration and protection of the total environment and the productive capacity of their lands, territories and resources, as well as to assistance for this purpose from States and through international cooperation. Military activities shall not take place in the lands and territories of indigenous peoples, unless otherwise freely agreed upon by the peoples concerned.</p> <p>States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands and territories of indigenous peoples.</p> <p>States shall also take effective measures to ensure, as needed, that programs for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.</p>	<p>Indigenous peoples have the right to the conservation, restoration and protection of the environment and the productive capacity of their lands or territories and resources, as well as an equal right to any assistance available for this purpose from States and through international cooperation.</p> <p>States shall take effective measure to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples.</p> <p>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 dully implemented.</p> <p>Source: Consultations 10th session</p> <p style="text-align: center;">OR</p> <p>Indigenous peoples have the rights pertaining to the conservation and protection of the environment and the productive capacity of their lands, territories and resources . States shall/should establish and implement , as well as an equal right to any assistance available for these this purposes, and Indigenous peoples may also seek assistance for these purposes programs available for these purposes, and Indigenous peoples may also seek assistance for these purposes</p>	<p>Indigenous peoples have the right to the conservation, restoration and protection of the environment and the productive capacity of their lands or territories and resources, as well as an equal right to any assistance available for this purpose from States and through international cooperation.</p> <p>States shall take effective measure to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples.</p> <p>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 dully implemented.</p>

	<p>from States and through international cooperation. [Alternatively, “States shall/should take appropriate and effective measures to provide for the conservation and protection of the environment and the productive capacity of the lands and resources of indigenous peoples.”]</p> <p>States shall* undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to use of their lands and territories for military activities.</p> <p>States shall* take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands and territories of indigenous peoples, without their free and informed consent.</p> <p>States shall* also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health environment of indigenous peoples affected by hazardous materials stored or disposed on their lands without their free and informed consent, as developed and implemented by the peoples affected by such materials, are duly implemented, as needed.</p> <p>Source: US proposal/ CRP1 (with amendments)</p> <p style="text-align: center;">OR</p> <p>Indigenous peoples have the right to the conservation, restoration and protection of the total environment and the productive capacity of their lands, [territories] and resources, as well as an equal right to any/all assistance available for this purpose from States and through international cooperation. Military activities shall not take place in the lands and territories of indigenous peoples, unless otherwise freely agreed upon by the peoples concerned.</p> <p>States shall undertake effective consultations with the indigenous peoples concerned, through appropriate</p>	
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	<p>procedures and in particular through their representative institutions, whenever consideration is being given to use of their lands and territories for military activities.</p> <p>States shall take effective measures to ensure that no storage [or transit] or disposal of hazardous materials shall take place in the lands and territories of indigenous peoples.</p> <p>States shall also take effective measures to ensure, as needed, that programs for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.</p> <p>Source: E/CN.4/2004/WG.15/CRP.1 amended</p> <p style="text-align: center;">OR</p> <p>Indigenous peoples have the right to the conservation, restoration and protection of the [total] environment and the productive capacity of their lands, territories and resources, as well as [an equal right] to [any] assistance [available] for this purpose from States and through international cooperation. Military activities shall not take place in the lands and territories of indigenous peoples, unless otherwise freely agreed upon by the peoples concerned.</p> <p>States shall take effective measures to ensure that no storage or disposal [or transportation] of hazardous materials shall take place in the lands and territories of indigenous peoples.</p> <p>States shall also take effective measures to ensure, as needed, that programs for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.</p> <p>Source: E/CN.4/2004/81</p>	
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	<p>A28 bis</p> <p>Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by imminent risk to relevant public interest or otherwise freely requested by the indigenous peoples concerned.</p> <p>States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to use of their lands or territories for military activities.</p> <p>Source: Consultations 10th session</p>	<p>A28 bis</p> <p>Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by imminent risk to relevant public interest or otherwise freely requested by the indigenous peoples concerned.</p> <p>States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to use of their lands or territories for military activities.</p>
<p>A29</p> <p>Indigenous peoples are entitled to the recognition of the full ownership, control and protection of their cultural and intellectual property.</p> <p>They have the right to special measures to control, develop and protect their sciences, technologies and cultural manifestations, including human and other genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs and visual and performing arts.</p>	<p>A29</p> <p>Indigenous peoples have the right to, and are entitled to full recognition of, full ownership, control and protection of their genetic resources, traditional knowledge, manifestations of their culture, their cultural heritage [and intellectual property].</p> <p>States must take effective measures, including special measures, to protect the right of indigenous peoples to control, develop and protect their sciences, technologies and cultural manifestations, including human [and genetic resources], seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts.</p> <p>Source: Consultations 10th session</p> <p style="text-align: center;">OR</p> <p>[Indigenous peoples are entitled to the recognition of the full ownership, control and protection of their cultural and intellectual property.</p> <p>They have the right to special measures to control, develop and protect their sciences, technologies and cultural manifestations, including human and other</p>	<p>A29</p> <p>Indigenous peoples have the right to maintain, control, protect and develop their cultural and intellectual property and the tangible manifestations of their cultural and intellectual property in their sciences, technologies and cultural manifestations, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts.</p> <p>States shall take effective measures, including special measures, to protect the exercise of this right.</p>

~~genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs and visual and performing arts.~~

Indigenous peoples have the right to maintain, protect and develop their cultural and intellectual property and the tangible manifestations of their cultural and intellectual property]

Source: E/CN.4/2004/WG.15/CRP.1

OR

Indigenous peoples have the right to, and are entitled to the recognition of the full ownership, control and protection of their genetic resources, traditional knowledge, expressions of culture and cultural heritage [cultural and intellectual property].

They have the right to special measures to control, develop and protect their sciences, technologies and cultural manifestations, including human and other genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs and visual and performing arts.

[Indigenous individuals have the right to enjoy the benefits of scientific progress and its applications, and to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which she is the author, and are entitled to protection under the law, as other members of the national population.

States should take special measures, as appropriate, to facilitate the efforts of indigenous peoples to develop and protect their sciences, technologies and traditional knowledge, and cultural manifestations including their oral traditions, literatures, designs and visual and performing arts, and their knowledge of the properties of flora and fauna, genetic resources, seeds and medicines.]

Source: E/CN.4/2003/92

A30	A30	A30
<p>Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands, territories and other resources, including the right to require that States obtain their free and informed consent prior to the approval of any project affecting their lands, territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.</p> <p>Pursuant to agreement 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.</p>	<p>Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources. This includes the right to require that States obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of their mineral, water or other resources. Pursuant to agreement with the indigenous peoples concerned, States or when the case any third party, shall provide just and fair [compensation] for [redressing] any environmental, economic, social, cultural and spiritual adverse impact.</p> <p>Source: Consultations 10th session</p> <p style="text-align: center;">OR</p> <p>Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands, territories and other resources. This includes the right to require that States shall/should seek their the free and informed consent of Indigenous peoples prior to the State's approval of any project on their lands or significantly affecting their lands or, territories and other resources, particularly in connection with the development, utilisation or exploitation of their mineral, water or other resources. States shall* provide effective mechanisms for redress, including appropriate mitigation for any such activities and measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impacts, for any such activities.</p> <p>Source: US proposal / CRP1 (with amendments)</p> <p style="text-align: center;">OR</p> <p>Indigenous peoples have rights to the possession, ownership and control of surface and subsurface</p>	<p>Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.</p> <p>States shall obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of their mineral, water or other resources.</p> <p>States shall provide effective mechanisms for just and fair redress for any such activities, and measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.</p>

	<p>resources within their traditional lands and territories.</p> <p>Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands, territories and other resources. This includes the right to require that States obtain seek their free and informed consent prior to the approval of any project affecting their lands, territories and other resources, particularly in connection with the development, utilization or exploitation of their mineral, water or other resources.</p> <p>Pursuant to agreement with the indigenous peoples concerned, just, and fair compensation shall be provided States shall provide effective mechanisms for redress for any such activities, and measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.</p> <p>Source: E/CN.4/2004/WG.15/CRP.1 amended</p> <p style="text-align: center;">OR</p> <p>Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands, territories and other resources, including the right to require that States obtain [seek] their free and informed consent prior to the approval of any project affecting their lands, territories and other resources, particularly in connection with the development, utilization or exploitation of [their] mineral, water or other resources. Pursuant to agreement with the indigenous peoples concerned, just and fair [and agreed] compensation [redress] shall be provided for any such activities and measures [shall be] taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.</p> <p>Source: E/CN.4/2004/81</p>	
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PART VII		
<p>A31</p> <p>Indigenous peoples, as a specific form of exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, including culture, religion, education, information, media, health, housing, employment, social welfare, economic activities, land and resources management, environment and entry by non-members, as well as ways and means for financing these autonomous functions.</p>	<p>A31</p> <p>Indigenous peoples, as a specific form of exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, including culture, religion, education, information, media, health, housing, employment, social welfare, economic activities, land and resources management, environment and entry by non-members, as well as ways and means for financing these autonomous functions.</p> <p>Source: E/CN.4/2004/WG.15/CRP.1</p> <p style="text-align: center;">OR</p> <p>Indigenous peoples, as a specific form of exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs [including/inter alia but not limited to culture, religion, education, information, media, health, housing, employment, social welfare, economic activities, land and resources management, environment and entry by non-members,] [as well as/including ways and means for financing these autonomous functions].</p> <p style="text-align: center;">OR</p> <p>Indigenous peoples have the right to self-government of their internal and local affairs, including through their institutional structures. The exercise of this right shall be a matter for arrangement/agreement/negotiation/resolution between indigenous peoples and States.</p> <p>Source: E/CN.4/2004/81</p>	<p>A31</p> <p>Indigenous peoples, as a specific form of exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs.</p>
<p>A32</p> <p>Indigenous peoples have the collective right to determine their own citizenship in accordance with their customs and traditions. Indigenous citizenship does not impair the right of indigenous individuals to</p>	<p>A32</p> <p>Indigenous peoples have the collective right to determine their own identity [citizenship] and membership in accordance with their customs and traditions. Indigenous citizenship. This does not impair the right of indigenous</p>	<p>A32</p> <p>Indigenous peoples have the collective right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to</p>

<p>obtain citizenship of the States in which they live.</p> <p>Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.</p>	<p>individuals to obtain citizenship of the States in which they live.</p> <p>Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.</p>	<p>obtain citizenship of the States in which they live.</p> <p>Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.</p>
A33	A33	A33
<p>Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive juridical customs, traditions, procedures and practices, in accordance with internationally recognized human rights standards.</p>	<p>Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive juridical customs, traditions, procedures and practices, and juridical customs, in accordance with internationally recognized human rights standards.</p> <p>Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive [juridical] customs, traditions, procedures and practices [and juridical characteristics], in accordance with internationally recognized human rights standards.</p> <p><i>Source: E/CN.4/2004/81</i></p>	<p>Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.</p>
A34	A34	A34
<p>Indigenous peoples have the collective right to determine the responsibilities of individuals to their communities.</p>	<p>Indigenous peoples have the collective right to determine the responsibilities of individuals to their communities, in accordance with international human rights standards.</p> <p>In the exercise of the rights contained in this declaration, should there be tension between a collective an individual right, or the rights of third parties, account shall be taken of the interests protected by each right in ensuring consistency with relevant international human rights standards and the responsibility of Governments to govern for the good of all.</p> <p><i>Source: E/CN.4/2004/WG.15/CRP.1</i></p>	<p>Indigenous peoples have the collective right to determine the responsibilities of individuals to their communities.</p>
A35	A35	A35
<p>Indigenous peoples, in particular those divided by international borders, have the right to maintain and</p>	<p>Indigenous peoples, in particular those divided by international borders, have the right to maintain and</p>	<p>Indigenous peoples, in particular those divided by international borders, have the right to maintain and</p>

<p>develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with other peoples across borders.</p> <p>States shall take effective measures to ensure the exercise and implementation of this right.</p>	<p>develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.</p> <p>States, in consultation and cooperation with indigenous peoples shall take effective measures to facilitate the exercise and to ensure the implementation of this right in accordance with border control laws.</p> <p>Source: E/CN.4/2004/WG.15/CRP.1</p>	<p>develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.</p> <p>States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right in accordance with border control laws.</p>
<p>A36</p>	<p>A36</p>	<p>A36</p>
<p>Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors, according to their original spirit and intent, and to have States honour and respect such treaties, agreements and other constructive arrangements. Conflicts and disputes which cannot otherwise be settled should be submitted to competent international bodies agreed to by all parties concerned.</p>	<p>presented by the facilitators in decembre 2004 [Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors, taking into account, among other things, the original spirit and intent of the indigenous peoples/parties concerned, and to have States honour and respect such treaties, agreements and other constructive arrangements.] [States should/shall take all necessary steps under domestic law to implement obligations to indigenous peoples under treaties and other agreements negotiated with them.] Disputes should be submitted to competent domestic bodies or processes for timely resolution. Where such [submission] [resolution] is not possible [and the concerned parties agree], disputes may be submitted to competent international bodies.</p> <p><u>proposal by the Indigenous caucus at the Organization of American States, November 11, 2004</u></p> <p>Indigenous peoples have the right to have the treaties, agreements and constructive arrangements concluded with States, their predecessors and successors be recognized, respected, observed, implemented and enforced in accordance with their original spirit and intent, in good faith, and as understood by indigenous peoples. Disputes that cannot otherwise be settled shall be submitted to competent international bodies by the States' parties or indigenous peoples</p>	<p>Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors, taking into account, among other things, the original spirit and intent of the parties concerned, and to have States honour and respect such treaties, agreements and other constructive arrangements.</p> <p>Disputes should be submitted to competent domestic bodies or processes for timely resolution. Where such resolution is not possible and the concerned parties agree, disputes may be submitted to competent international bodies.</p>

	<p>concerned.</p> <p>Nothing in this Declaration may be interpreted as to diminish or eliminate the rights of indigenous peoples contained in treaties, agreements and constructive arrangements.</p> <p><u>proposal in CRp1:</u> Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors, according to their original spirit and intent, and to have States honour and respect such treaties, agreements and other constructive arrangements. Conflicts and disputes, which cannot otherwise be settled, should be submitted to competent national bodies or processes for negotiations and resolution or, where they do not operate or are unreasonably prolonged, to international bodies agreed to by all parties concerned.</p> <p><u>proposal by Canada, based on Sub-Commission and CRp1 texts:</u> Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors, according to their the original spirit and intention of the parties, and to have States honour and respect such treaties, agreements and other constructive arrangements. Conflicts and disputes, which cannot otherwise be settled should be submitted to competent national bodies or processes for negotiations and resolution. Where this is not possible or resolution is unreasonably prolonged, conflicts and disputes may be submitted to competent international bodies agreed to by indigenous and states parties concerned.</p> <p><u>proposal by the United States of America, 2003:</u> States should/shall take all necessary steps under domestic law to implement obligations to indigenous peoples under treaties and other agreements negotiated with them and where appropriate to</p>	
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	establish procedures for resolving grievances arising under such treaties and agreements in accordance with principles of equity and justice.	
PART VIII		
A37	A37	A37
States shall take effective and appropriate measures, in consultation with the indigenous peoples concerned, to give full effect to the provisions of this Declaration. The rights recognized herein shall be adopted and included in national legislation in such a manner that indigenous peoples can avail themselves of such rights in practice.	States shall take effective and appropriate measures, in consultation with the indigenous peoples concerned, to give full effect to the provisions of this Declaration. The rights recognized herein shall be adopted and included in national legislation in such a manner that indigenous peoples can avail themselves of such rights in practice. Source: E/CN.4/2004/WG.15/CRP.1	States in cooperation/collaboration with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.
A38	A38	A38
Indigenous peoples have the right to have access 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 recognized in this Declaration.	Indigenous peoples have the right to have access to adequate financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration and in other international human rights instruments. to pursue freely their political, economic, social, cultural and spiritual development and for the enjoyment of the rights and freedoms recognized in this Declaration. Source: E/CN.4/2004/WG.15/CRP.1	Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration and in other international human rights instruments.
A39	A39	A39
Indigenous peoples have the right to have access to and prompt decision through mutually acceptable and fair procedures for the resolution of conflicts and disputes with States, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall take into consideration the customs, traditions, rules and legal systems of the indigenous peoples concerned.	Indigenous peoples have the right to have access to and prompt decision through [mutually acceptable/appropriate] and fair procedures for the resolution of conflicts and disputes with States and third parties , as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall [take into/giv e] consideration [to]the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights standards/law [relevant provisions of national legislations][including those of this declaration] Source: E/CN.4/2004/WG.15/CRP.1 amended	Indigenous peoples have the right to have access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

<p>A40</p> <p>The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.</p>	<p>A40</p> <p>The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.</p> <p>Source: E/CN.4/2004/WG.15/CRP.1 amended</p>	<p>A40</p> <p>The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established</p>
<p>A41</p> <p>The United Nations shall take the necessary steps to ensure the implementation of this Declaration including the creation of a body at the highest level with special competence in this field and with the direct participation of indigenous peoples. All United Nations bodies shall promote respect for and full application of the provisions of this Declaration.</p>	<p>A41</p> <p>The United Nations shall take the necessary steps to ensure the implementation of this Declaration including the creation of a body at the highest level with special competence in this field and with the direct participation of indigenous peoples. All relevant United Nations bodies including at the country level, shall promote respect for and full application of the provisions of this Declaration.</p> <p>The United Nations Permanent Forum on Indigenous Issues and States shall follow-up the effectiveness of this Declaration</p> <p>Source: E/CN.4/2004/WG.15/CRP.1</p>	<p>A41</p> <p>The United Nations, its bodies, especially the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States, shall promote respect for and full application of the provisions of this Declaration and follow-up the effectiveness of this Declaration.</p>
<p>PART IX</p>		
<p>A42</p> <p>The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.</p>	<p>A42</p> <p>[[Provisions of] this Declaration] [The rights recognized herein] constitute[s] the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.</p> <p>Source: E/CN.4/2004/WG.15/CRP.1 amended</p>	<p>A42</p> <p>The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.</p>
<p>A43</p> <p>All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.</p>	<p>A43</p> <p>All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.</p>	<p>A43</p> <p>All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.</p>

<p>A44</p> <p>Nothing in this Declaration may be construed as diminishing or extinguishing existing or future rights indigenous peoples may have or acquire.</p>	<p>A44</p> <p>Nothing in this Declaration may be construed as diminishing or extinguishing existing or future rights indigenous peoples may have or acquire.</p> <p><i>Source: E/CN.4/2004/81</i></p>	<p>A44</p> <p>Nothing in this Declaration may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future.</p>
<p>A45</p> <p>Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations.</p>	<p>A45</p> <p>Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations aimed at the destruction of any of the rights or freedoms recognized in the Charter of the United Nations and in international human rights law, or at their limitations to a greater extent than is provided for therein.</p> <p>Source: E/CN.4/2004/WG.15/CRP.1 or</p> <p>Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations.</p> <p>Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized in applicable international human rights law, or at their limitations to a greater extent than is provided for therein.</p> <p>Source: E/CN.4/2004/81</p>	<p>A45</p> <p>Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations.</p> <p>The exercise of the rights set forth in this Declaration shall not prejudice the enjoyment by all persons of universally recognized human rights and fundamental freedoms.</p> <p>Nothing in this Declaration shall prevent the fulfillment of international obligations of States in relation to persons and peoples. In particular, States shall fulfill in good faith the obligations and commitments they have assumed under international treaties and agreements to which they are parties.</p> <p>In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.</p>
