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**INDIGENOUS ISSUES**

**Human rights and indigenous issues**

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

**Chairperson-Rapporteur: Luis-Enrique Chávez (Peru)**

**Summary**

The eleventh session of the open-ended inter-sessional working group on the draft United Nations declaration on the rights of indigenous peoples was held from 5 to 16 December 2005 and from 30 January to 3 February 2006. The present report provides a summary of these meetings. The revised Chairman's summary and proposal on the draft declaration is contained in annex I to the present report.\*

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\* Annex II is being circulated in the language of submission only.

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## Introduction

1. By resolution 1995/32 of 3 March 1995, the Commission on Human Rights decided to establish an open-ended inter-sessional working group of the Commission on Human Rights with the sole purpose of elaborating a draft declaration, considering the draft contained in the annex to resolution 1994/45 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (now the Sub-Commission on the Promotion and Protection of Human Rights) entitled “Draft United Nations declaration on the rights of indigenous peoples” for consideration and adoption by the General Assembly within the International Decade of the World’s Indigenous People. This decision was endorsed by the Economic and Social Council in its resolution 1995/32 of 25 July 1995. In its resolution 2005/50, the Commission decided to approve a further session of the working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994 so that it could complete its work.

### I. OPENING OF THE SESSION

2. The eleventh session of the working group on the draft United Nations declaration on the rights of indigenous people was opened by Julian Burger, on behalf of the Office of the United Nations High Commissioner for Human Rights (OHCHR). He welcomed the participants and conveyed the regrets of the High Commissioner and Deputy High Commissioner for not being present. He also expressed his gratitude to the Government of Mexico for organizing a seminar on the draft declaration in Pátzcuaro in September 2005.

3. The representative of Mexico, on behalf of the Latin American and Caribbean group, proposed to nominate Luis-Enrique Chávez (Peru) as Chairperson-Rapporteur of the session. The working group elected by acclamation Luis-Enrique Chávez as its Chairperson-Rapporteur.

4. The representative of Mexico introduced the report on the Pátzcuaro (Michoacán, Mexico) workshop (E/CN.4/2005/WG.15/CRP.1) organized by the Government of Mexico and OHCHR, which was held from 26 to 30 September 2005. The workshop, he said, was not a negotiating exercise aimed either at replacing the working group or at creating a parallel forum. Its main objective was to assist in an informal manner in the discussions on the major issues of the draft declaration, namely, self-determination, lands, territories and resources, and general provisions. About 90 representatives of governments, specialists from the main indigenous regions of the world, non-governmental organizations (NGOs), as well as scholars and the Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous peoples, participated. The workshop provided an opportunity for a frank and sincere exchange of different views that contributed positively to a better understanding of the issues and provided ideas of how to narrow positions for achieving a strong declaration on the rights of indigenous peoples.

5. An indigenous representative reported on a meeting of indigenous experts held in Montreal from 10 to 13 August 2005 (report not available). This meeting was aimed at preparing discussions for the eleventh session of the working group and brought together

about 30 indigenous peoples' representatives from all regions. The participants addressed the crucial issues of the indigenous right to self-determination, lands, territories and resources, and general provisions. In relation to self-determination, representatives affirmed their support for the overwhelming "emerging consensus" indigenous proposal. In regard to lands, territories and resources, they emphasized the fundamental right to restitution. Finally, their discussion on general provisions stressed the importance of indigenous peoples' collective human rights being affirmed in the declaration and to safeguard against the undermining of such distinct rights by State proposals.

6. The Co-Chairperson of the Indigenous Peoples Caucus requested that it be noted, with regard to the last session of the working group, that the Indigenous Caucus identified as ready for provisional adoption, the following provisions: preambular paragraphs 1, 2, 3, 5, 6, 7, 9, 12, 16, 17 and 18 and articles 2, 8, 9, 10, 19, 34, 40, 42 and 44.

7. In his opening comments, the Chairperson-Rapporteur said that the time for general comments was over. Time had come for concrete solutions based on texts. He emphasized that there should be clear signs of progress, as the first decade for indigenous peoples - which was the initial time frame for the adoption of the declaration - had come to an end. He therefore strongly recommended that all delegations be flexible and conciliatory because there was a need to show progress to the next Commission on Human Rights, and the measure for such progress was to reach agreement on the largest number of articles and, if possible, on the whole declaration.

8. The Chairperson-Rapporteur also introduced the Chairman's proposal on all articles which had been discussed at previous sessions (E/CN.4/2005/WG.15/2). He pointed out that his proposal was aimed at providing the working group with a text that could be used as the basis for consensus, as it was as close to the original text as possible, while including proposed amendments where they seemed to be required. He therefore suggested that the plenary focus on his proposals.

## II. ORGANIZATION OF WORK

9. The working group held 19 informal meetings during the period from 5 to 16 December 2005, and 10 meetings from the period 30 January to 3 February 2006. The present report includes a summary of all these meetings, as reflected by the Chairperson-Rapporteur. A total of 488 people attended the meetings of the working group, including representatives of 69 Governments, 8 United Nations and intergovernmental organizations and 49 indigenous and non-governmental organizations.

10. The Chairperson-Rapporteur proposed to dedicate the first two weeks to the consideration of articles related to: (a) self-determination; (b) lands, territories and resources; and (c) other articles where potential agreement might be reached. Accordingly, he announced that the work would be organized around three chapters:

(a) The preambular paragraphs and articles related to the right to self-determination, which are: preambular paragraphs 12, 14, 15, 15 bis, 18 and 18 bis, and articles 3, 31, 32, 33, 34, 35, 45 and 45 bis;

(b) The preambular paragraphs and articles related to lands, territories and resources, which are: preambular paragraphs 6, 8 and 10, and articles 10, 21, 25, 26, 26 bis, 27, 28, 28 bis, 29, and 30;

(c) Other articles of the draft.

### III. SUMMARY OF DISCUSSIONS

11. It was agreed that the group of articles on self-determination and lands and natural resources would be considered in informal plenary meetings whilst the third group of articles would be discussed in informal consultations.

12. The Chairperson-Rapporteur invited the representative of Norway to continue holding such consultations to identify amongst the remaining articles those articles which could be considered as a basis for provisional agreement. The Chairperson-Rapporteur requested that his proposals be taken into consideration as a basis for discussion.

13. Consultations also took place on preambular paragraphs 6, 13 and article 36 related to treaties. Facilitators reported on the outcome of these consultations.

14. At the end of the second week, before the working group suspended its work, the Chairperson-Rapporteur distributed three summaries containing the state of discussion on each article of the above-mentioned three chapters, including, in some cases, concrete proposals where decisions still have to be taken.

15. Concerning the two summaries on self-determination and lands, territories and resources, where some decisions still had to be made, the Chairperson-Rapporteur requested all participants to reflect in a spirit of consensus and flexibility during the break between the second and third week of the session, and to come back with alternatives for solutions and instructions for compromises.

16. Concerning the third summary on other articles provided by the representative of Norway as facilitator, the Chairperson-Rapporteur requested the participants to consider different alternatives for increasing the number of articles to be considered as ready for agreement. In this regard, he requested the facilitator to continue her work during the third week. He also stated that the language agreed upon during these consultations would be included in the Chairman's proposal at the appropriate moment.

17. At the beginning of the third week (30 January to 3 February), the Chairperson-Rapporteur reminded all participants that it was expected that the working group was meeting for the last time, and that efforts should therefore be made to reach consensus.

18. The working group continued in plenary its consideration of the Chairman's Summary of the discussions held during the first two weeks, contained in document E/CN.4/2005/WG.15/CRP.7, on the right to self-determination and the rights to lands and resources. The other articles continued to be discussed in several rounds of informal consultations held by the delegation of Norway and aimed at exploring the possibility of identifying as many articles as possible that could be considered as a basis for provisional agreement.

19. At the end of the discussion on the articles related to the right to self-determination, the Chairperson-Rapporteur summarized the status of these articles. He considered that preambular paragraphs 12, 14, 15 and 15 bis did not require further discussion.

20. Regarding article 3, the Chairperson-Rapporteur noted that consensus could be reached on the basis that article 31 be placed immediately after article 3. Furthermore, he added that article 31 could be improved taking into account the proposals made by the participants. These proposals are contained in annex I to the present report.

21. Referring to articles 32 and 34, the Chairperson-Rapporteur considered that no consensus was found as to whether or not the word “collective” should be kept. He further noted the lack of agreement on the word “spirituality” in article 33. The reference to “border control laws” still remained the outstanding issue in paragraph 2 of article 35. In this regard, the Chairperson-Rapporteur indicated that he would make a proposal in his revised text to be found in annex I to the present report.

22. The representative of Canada reported to the working group on the informal consultations carried out on article 45. The report is included in the summary of proposals contained in annex I to the present report. The Chairperson-Rapporteur indicated that he would provide a compromise text on the basis of the proposal that emerged from the consultations. He also reminded the working group that another proposal was tabled on an article 45 bis, aimed at addressing the concerns of some States regarding the issue of territorial integrity and that this proposal was reflected in his summary of proposals.

23. Regarding preambular paragraphs 6 and 13 and article 36 related to treaties, the Chairperson-Rapporteur proposed to include the outcome of the informal consultations, held during the first part of the session of the working group in December, in his summary of proposals. He considered that the proposals that emerged could be a basis for consensus. One governmental delegation stated however, that further discussion was required.

24. At the end of the discussion on the rights to lands and natural resources, the Chairperson-Rapporteur provided a summary of the status of these articles. He considered that preambular paragraphs 8 and 10 did not pose any difficulty. Regarding the operative part of the declaration, he stated that significant progress has been achieved during the last week of the session but that no compromise was found on many articles. He noted that articles 10, 21 and 38, as well as the new articles 26 bis and 28 bis, were close to agreement. However, outstanding issues still remained regarding articles 25, 26, 27 and 30, and would be reflected in his revised summary. He further proposed to include the constructive outcome of the discussion on article 28 and 29 in his revised summary.

25. The representative of Norway informed the working group on the outcome of the informal consultations she facilitated during the week. She identified the articles that could be considered as a basis for provisional agreement. In this regard, she stated that no further discussion was required regarding preambular paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 13, 16, 17, 18, 18 bis, 19, as well as articles 1, 2, 4, 6, 7, 9, 14, 15, 16, 17, 18, 19, 22, 22 bis, 23, 24, 37, 40, 41, 42 and 44. The text of these articles is included in the Chairman’s Summary contained in

annex I to the present report. The representative of Norway also reported that articles 12, 13 and 20 were close to consensus. The issues that were still remaining are reflected in his revised summary to be found in annex I of the present report.

26. A governmental representative stressed that the language of some articles considered in the informal consultations would have deserved more discussion. In particular, he expressed the view that preambular paragraph 1 and articles 1 and 2 could not be considered as a basis for provisional agreement. A number of governmental and indigenous peoples' representatives stated however that these consultations were based on the premise that the outcome, without exception, should be considered as a package for provisional agreement.

#### IV. CONCLUSIONS

27. **The open-ended intersessional working group on the draft United Nations declaration on the rights of indigenous peoples agreed on the adoption of the report of the first part of the session summarized in document E/CN.4/2005/WG.15/CRP.6, with slight changes that are reflected in the present report. It was also agreed that the oral summaries that the Chairperson-Rapporteur and the delegate of Norway provided at the last meeting would be included in the report. These summaries are contained in paragraphs 18 to 30 of the present report.**

28. **The Chairperson-Rapporteur further informed the working group that a revised version of the proposals he presented at the previous session, as contained in document E/CN.4/2005/WG.15/2, would be contained in annex I to the present report, taking into consideration the outcome of the plenary discussions and informal consultations held during the session. He indicated that his revised proposals would include all the language provided by the facilitators as it constituted a basis for provisional agreement. He also indicated that he would make proposals regarding articles that were still pending, based on the discussions held during the sessions.**

29. **One indigenous representative expressed some concerns as there was no consensus on many articles in the text that would be submitted to the Commission on Human Rights. One governmental representative recalled his preference for the use of the conjunction "or" between the words "lands" and "territories" in the Declaration. However, he said that his delegation would not oppose any consensus in this respect. Some governmental representatives regretted that fundamental issues such as self-determination, lands and resources, the nature of collective rights, third party rights and the rights of all other citizens still lack consensus after 11 years of negotiations, and called for clarity of meaning across the Declaration as a whole to ensure that the Declaration become a new standard of achievement rather than a source of disputation. They expressed the view that a Declaration that does not enjoy consensus amongst States would not be of real and practical benefit to indigenous peoples.**

30. **The Chairperson-Rapporteur concluded that the revised Chairman's proposals would be presented to the Commission on Human Rights with the hope that it would be considered as a final compromise text.**

**Annex I**

**REVISED CHAIRMAN'S SUMMARY AND PROPOSAL**

**Draft Declaration on the Rights of Indigenous Peoples**

<b>ORIGINAL TEXT</b>	<b>CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session</b>	<b>CHAIRMAN'S PROPOSAL Eleventh session</b>
<b>Preambular paragraph (PP1)</b>	<b>PP1</b>	<b>PP1</b>
<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 to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such,  Source: consultations, eleventh session	<i>Affirming</i> that indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such,
<b>PP2</b>	<b>PP2</b>	<b>PP2</b>
<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,  Source: consultations, eleventh session	<i>Affirming</i> also that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind,



<b>ORIGINAL TEXT</b>	<b>CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session</b>	<b>CHAIRMAN'S PROPOSAL Eleventh session</b>
<b>PP3</b>	<b>PP3</b>	<b>PP3</b>
<p><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,</p>	<p><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,</p> <p>Source: consultations, eleventh session</p>	<p><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,</p>
<b>PP4</b>	<b>PP4</b>	<b>PP4</b>
<p><i>Reaffirming</i> also that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind,</p>	<p><i>Reaffirming</i> also that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind,</p> <p>Source: consultations, eleventh session</p>	<p><i>Reaffirming</i> also that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind,</p>

<b>ORIGINAL TEXT</b>	<b>CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session</b>	<b>CHAIRMAN'S PROPOSAL Eleventh session</b>
<p><b>PP5</b></p> <p><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,</p>	<p><b>PP5</b></p> <p><i>Concerned</i> that indigenous peoples have suffered from historic injustices as a result of, inter alia, 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,</p> <p>Source: consultations, eleventh session</p>	<p><b>PP5</b></p> <p><i>Concerned</i> that indigenous peoples have suffered from historic injustices as a result of, inter alia, 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,</p>
<p><b>PP6</b></p> <p><i>Recognizing</i> the urgent need to respect and promote the inherent rights and characteristics of indigenous 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,</p>	<p><b>PP6</b></p> <p><i>Recognizing</i> the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources;</p>	<p><b>PP6</b></p> <p><i>Recognizing</i> the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources;</p>

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
PP6	PP6	PP6
	<p><i>Further</i> recognizing the urgent need to respect and promote the rights of Indigenous Peoples affirmed in treaties, agreements and other constructive arrangements with States.</p> <p>Source: consultations, eleventh session</p> <p style="text-align: center;">OR</p> <p><i>Recognizing</i> the urgent need to respect and promote the inherent rights of Indigenous 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;</p> <p><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;</p> <p>Source: United States of America</p>	<p><i>Further</i> recognizing the urgent need to respect and promote the rights of Indigenous Peoples affirmed in treaties, agreements and other constructive arrangements with States.</p>

<b>ORIGINAL TEXT</b>	<b>CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session</b>	<b>CHAIRMAN'S PROPOSAL Eleventh session</b>
<p><b>PP7</b></p> <p><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,</p>	<p><b>PP7</b></p> <p><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,</p> <p>Source: consultations, eleventh session</p>	<p><b>PP7</b></p> <p><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,</p>
<p><b>PP8</b></p> <p><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,</p>	<p><b>PP8</b></p> <p><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,</p> <p>Source: consultations, eleventh session</p>	<p><b>PP8</b></p> <p><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,</p>

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
<b>PP9</b>	<b>PP9</b>	<b>PP9</b>
<p><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,</p>	<p><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,</p> <p>Source: consultations, eleventh session</p>	<p><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,</p>
<b>PP10</b>	<b>PP10</b>	<b>PP10</b>
<p><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,</p>	<p><i>Emphasizing</i> the contribution of the demilitarization of the lands and territories of indigenous peoples to peace, economic and social progress and development, understanding and friendly relations among nations and peoples of the world,</p> <p>Source: informal plenary, eleventh session</p>	<p><i>Emphasizing</i> the contribution of the demilitarization of the lands and territories of indigenous peoples to peace, economic and social progress and development, understanding and friendly relations among nations and peoples of the world,</p>

<b>ORIGINAL TEXT</b>	<b>CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session</b>	<b>CHAIRMAN'S PROPOSAL Eleventh session</b>
<b>PP11</b>	<b>PP11</b>	<b>PP11</b>
<p><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,</p>	<p><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,</p> <p>Source: consultations, eleventh session</p>	<p><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,</p>
<b>PP12</b>	<b>PP12</b>	<b>PP12</b>
<p><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,</p>	<p><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,</p> <p>Source: informal plenary, eleventh session</p>	<p><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,</p>
<b>PP13</b>	<b>PP13</b>	<b>PP13</b>
<p><i>Considering</i> that treaties, agreements and other arrangements between States and indigenous peoples are properly matters of international concern and responsibility,</p>	<p><i>Considering</i> that the rights affirmed in treaties, agreements and constructive arrangements between States and Indigenous Peoples are, in some situations, matters of international concern, interest, responsibility and character.</p>	<p><i>Considering</i> that the rights affirmed in treaties, agreements and constructive arrangements between States and Indigenous Peoples are, in some situations, matters of international concern, interest, responsibility and character.</p>

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
PP13	PP13	PP13
	<p><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.</p> <p>Source: consultations, eleventh session</p> <p style="text-align: center;">OR</p> <p><i>Recognizing</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;</p> <p>Source: United States of America</p>	<p><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.</p>

<b>ORIGINAL TEXT</b>	<b>CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session</b>	<b>CHAIRMAN'S PROPOSAL Eleventh session</b>
<p><b>PP14</b></p> <p><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,</p>	<p><b>PP14</b></p> <p><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,</p> <p>Source: informal plenary, eleventh session</p>	<p><b>PP14</b></p> <p><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,</p>
<p><b>PP15</b></p> <p><i>Bearing in mind</i> that nothing in this Declaration may be used to deny any peoples their right of self-determination,</p>	<p><b>PP15</b></p> <p><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 international law,</p> <p>Source: informal plenary, eleventh session</p>	<p><b>PP15</b></p> <p><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 international law,</p>



ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
	<b>PP15 bis</b>	<b>PP15 bis</b>
	<p><i>Convinced</i> that the recognition of the rights of indigenous peoples in this declaration will enhance harmonious and cooperative relations between the State and indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith,</p> <p>Source: informal plenary, eleventh session</p> <p style="text-align: center;">OR</p> <p><i>Encouraging</i> harmonious and cooperative relations between States and indigenous peoples based on principles of justice, democracy, respect for human rights, non-discrimination and good faith,</p> <p>Source: Australia, New Zealand, United States of America</p>	<p><i>Convinced</i> that the recognition of the rights of indigenous peoples in this declaration will enhance harmonious and cooperative relations between the State and indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith,</p>

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
<p><b>PP16</b></p> <p><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,</p>	<p><b>PP16</b></p> <p><i>Encouraging</i> States to comply with and effectively implement all their obligations as they apply to indigenous peoples under international instruments, in particular those related to human rights, in consultation and cooperation with the peoples concerned,</p> <p>Source: consultations, eleventh session</p>	<p><b>PP16</b></p> <p><i>Encouraging</i> States to comply with and effectively implement all their obligations as they apply to indigenous peoples under international instruments, in particular those related to human rights, in consultation and cooperation with the peoples concerned,</p>
<p><b>PP17</b></p> <p><i>Emphasizing</i> that the United Nations has an important and continuing role to play in promoting and protecting the rights of indigenous peoples,</p>	<p><b>PP17</b></p> <p><i>Emphasizing</i> that the United Nations has an important and continuing role to play in promoting and protecting the rights of indigenous peoples,</p> <p>Source: consultations, eleventh session</p>	<p><b>PP17</b></p> <p><i>Emphasizing</i> that the United Nations has an important and continuing role to play in promoting and protecting the rights of indigenous peoples,</p>

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
<p><b>PP18</b></p> <p><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,</p>	<p><b>PP18</b></p> <p><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,</p> <p>Source: consultations, eleventh session</p>	<p><b>PP18</b></p> <p><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,</p>
	<p><b>PP18 bis</b></p>	<p><b>PP18 bis</b></p>
	<p><i>Recognizing</i> and reaffirming that indigenous individuals are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples,</p> <p>Source: consultations, eleventh session</p>	<p><i>Recognizing</i> and reaffirming that indigenous individuals are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples,</p>

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
<b>PP19</b>	<b>PP19</b>	<b>PP19</b>
<p><i>Solemnly proclaims</i> the following United Nations Declaration on the Rights of Indigenous Peoples:</p>	<p><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.</p> <p>Source: consultations, eleventh session</p>	<p><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,</p>
<b>PART I</b>		
<b>Article (A)1</b>	<b>A1</b>	<b>A1</b>
<p>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>	<p>Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.</p> <p>Source: consultations, eleventh session</p>	<p>Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.</p>

<b>ORIGINAL TEXT</b>	<b>CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session</b>	<b>CHAIRMAN'S PROPOSAL Eleventh session</b>
<b>A2</b>	<b>A2</b>	<b>A2</b>
<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>Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.</p> <p>Source: consultations, eleventh session</p>	<p>Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.</p>
<b>A3</b>	<b>A3</b>	<b>A3</b>
<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 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 style="text-align: center;">OR</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>

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
A3	A3	A3
	<p>Indigenous peoples have the right of self-determination as enunciated in this article.</p> <p>(a) By virtue of that right they freely participate in determining their political status and freely pursue their economic, social and cultural development.</p> <p>(b) In exercising this right of self-determination, they have the right to autonomy and self-management in matters relating directly to their internal and local affairs.</p> <p>(c) The right shall be exercised in accordance with rule of law with due respect to legal procedures and arrangements and in good faith.</p> <p>Source: Australia, New Zealand, United States of America</p>	

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
	<b>A3 bis (former A31)</b>	<b>A3 bis (former A31)</b>
	<p>Indigenous peoples, <b>as a specific form of/in</b> exercising their right to self-determination, have the right to autonomy or self-government in <b>all</b> matters relating to their internal and local affairs, as well as ways and means for financing <b>their</b> autonomous functions.</p> <p>Source: informal plenary, eleventh session</p> <p><b>2. This right shall be exercised in accordance with the rule of law, with due respect to legal procedures and arrangements and in good faith.</b></p> <p>Source: Russian Federation</p>	<p>Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.</p>

<b>ORIGINAL TEXT</b>	<b>CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session</b>	<b>CHAIRMAN'S PROPOSAL Eleventh session</b>
<b>A4</b>	<b>A4</b>	<b>A4</b>
<p>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.</p>	<p>Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their rights to participate fully, if they so choose, in the political, economic, social and cultural life of the State.</p> <p>Source: consultations, eleventh session</p>	<p>Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their rights to participate fully, if they so choose, in the political, economic, social and cultural life of the State.</p>
<b>A5</b>	<b>A5</b>	<b>A5</b>
<p>Every indigenous individual has the right to a nationality.</p>	<p>Every indigenous individual has the right to a nationality.</p>	<p>Every indigenous individual has the right to a nationality.</p>



ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
<b>PART II</b>		
<b>A6</b>	<b>A6</b>	<b>A6</b>
<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>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>Source: consultations, eleventh session</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>
<b>A7</b>	<b>A7</b>	<b>A7</b>
<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>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 prevention of, and redress for:</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 prevention of, and redress for:</p>

<b>ORIGINAL TEXT</b>	<b>CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session</b>	<b>CHAIRMAN'S PROPOSAL Eleventh session</b>
<b>A7</b>	<b>A7</b>	<b>A7</b>
<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>(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 discrimination directed against them.</p> <p>Source: consultations, eleventh session</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 discrimination directed against them.</p>

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
A8	A8	A8 (Deleted)
<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;"><b>OR</b></p> <p>Indigenous peoples have the collective and individual right to maintain and develop their own distinct identities and characteristics, <del>including the right to</del> <b>and may</b> identify themselves as <del>indigenous and to be recognized</del> as such.</p> <p><b>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:</b></p>	

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
A8	A8	A8 (Deleted)
	<ul style="list-style-type: none"> <li>– Whether the group self-identifies as indigenous;</li> <li>– Whether the group is comprised of descendants of persons who inhabited a geographic area prior to the sovereignty of the State;</li> <li>– Whether the group historically had been sovereign;</li> <li>– Whether the group maintains a distinct community and aspects of governmental structure;</li> <li>– Whether the group has a cultural affinity with a particular area of land or territories;</li> <li>– Whether the group has distinct objective characteristics such as language, religion, culture; and,</li> </ul>	

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
A8	A8	A8 (Deleted)
	<p data-bbox="783 418 1320 545">– <b>Whether the group has been historically regarded and treated as indigenous by the State.</b></p> <p data-bbox="783 573 1136 602">Source: United States proposal</p>	
A9	A9	A9
<p data-bbox="222 743 762 1008">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 data-bbox="783 743 1320 1008">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 discrimination of any kind may arise from the exercise of such a right.</p> <p data-bbox="783 1040 1224 1070">Source: consultations, eleventh session</p>	<p data-bbox="1341 743 1879 1008">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 discrimination of any kind may arise from the exercise of such a right.</p>

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
<b>A10</b>	<b>A10</b>	<b>A10</b>
<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. No relocation shall take place without the free, <b>prior</b> 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: informal plenary, eleventh session</p>	<p>Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior 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>
<b>A11</b>	<b>A11</b>	<b>A11 (Deleted)</b>
<p>Indigenous peoples have the right to special protection and security in periods of armed conflict.</p> <p>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>Indigenous peoples have the right to <del>special</del> protection and security in <del>periods</del> <b>times</b> of armed conflict. <b>States recognize that there may be circumstances in which special protection and security may be necessary for indigenous peoples in times of armed conflict.</b></p> <p>States shall observe <del>international standards, in particular the Fourth Geneva Convention of 1949</del> <b>applicable international human rights</b></p>	

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
<b>A11</b>	<b>A11</b>	<b>A11 (Deleted)</b>
<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><b>standards and international humanitarian law</b>, 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 <b>except in cases prescribed by law for all citizens</b> and, in particular, for <b>direct</b> use against other indigenous peoples <b>or against other members of the same indigenous people</b>;</p> <p>(b) Recruit indigenous children into the armed forces <b>or use them in armed conflict contrary to international law</b> <del>under any circumstances</del>;</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>	

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
A11	A11	A11 (Deleted)
	<p>(d) Force indigenous individuals to work for military purposes under any discriminatory conditions.</p> <p>Source: E/CN.4/2004/WG.15/CRP.1</p> <p style="text-align: center;"><i>OR</i></p> <p>Indigenous peoples have the right to [special] protection and security in periods of armed conflict.</p> <p>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>	



ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
A11	A11	A11 (Deleted)
	<p>(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>(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>	

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
A11	A11	A11 (Deleted)
	<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> <p style="padding-left: 40px;">(a) [Compel(ing) indigenous persons to serve in the forces of a hostile Power;</p> <p style="padding-left: 40px;">(b) Compulsorily or voluntarily recruit(ing) indigenous persons under the age of 18 into their national armed forces;]</p> <p style="padding-left: 40px;">(c) Force (Forcing) indigenous individuals [(persons)] to abandon their lands, territories or means of subsistence, or relocate them in special centres for military purposes;</p>	

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
A11	A11	A11 (Deleted)
	<p>(d) Force (Forcing) indigenous individuals [(persons)] to work for military purposes under any discriminatory conditions.</p> <p><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>	

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
A11	A11	A11 (Deleted)
	<p style="text-align: center;"><u>Alternative (2) text to article 11:</u></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> <p style="padding-left: 40px;">(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>	

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
A11	A11	A11 (Deleted)
	<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>	

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
A11	A11	A11 (Deleted)
	<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>Source: E/CN.4/2003/92</p>	

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
<b>PART III</b>		
<b>A12</b>	<b>A12</b>	<b>A12</b>
<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, artefacts, 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, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.</p> <p>States shall provide <b>effective mechanisms for redress/redress through effective mechanisms</b>, which may include restitution, developed in conjunction with Indigenous Peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.</p> <p>Source: consultations, eleventh session</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, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.</p> <p>States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with Indigenous Peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.</p>

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
<b>A13</b>	<b>A13</b>	<b>A13</b>
<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>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 seek to enable the access <b>and/or/and</b> repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.</p> <p>Source: consultations, eleventh session</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 seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.</p>



<b>ORIGINAL TEXT</b>	<b>CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session</b>	<b>CHAIRMAN'S PROPOSAL Eleventh session</b>
<b>A14</b>	<b>A14</b>	<b>A14</b>
<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>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 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>Source: consultations, eleventh session</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 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>

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
<b>PART IV</b>		
<b>A15</b>	<b>A15</b>	<b>A15</b>
<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>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 without discrimination.</p> <p>States shall, in conjunction with indigenous peoples, take, effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.</p> <p>Source: consultations, eleventh session</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 without discrimination.</p> <p>States shall, in conjunction with indigenous peoples, take, effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.</p>

<b>ORIGINAL TEXT</b>	<b>CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session</b>	<b>CHAIRMAN'S PROPOSAL Eleventh session</b>
<b>A16</b>	<b>A16</b>	<b>A16</b>
<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>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 and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.</p> <p>Source: consultations, eleventh session</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 and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.</p>

<b>ORIGINAL TEXT</b>	<b>CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session</b>	<b>CHAIRMAN'S PROPOSAL Eleventh session</b>
<b>A17</b>	<b>A17</b>	<b>A17</b>
<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 to access to all forms of non-indigenous media without discrimination.</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>Source: consultations, eleventh session</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 without discrimination.</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>
<b>A18</b>	<b>A18</b>	<b>A18</b>
<p>Indigenous peoples have the right to enjoy fully all rights established under international labour law and national labour legislation.</p> <p>Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour, employment or salary.</p>	<p>Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law.</p>	<p>Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law.</p>

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
<b>A18</b>	<b>A18</b>	<b>A18</b>
	<p>States shall in consultation and cooperation with Indigenous Peoples 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 or 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: consultations, eleventh session</p>	<p>States shall in consultation and cooperation with Indigenous Peoples 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 or 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>

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
<b>A19</b>	<b>A19</b>	<b>A19</b>
<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>Indigenous peoples have the right to participate in decision-making in matters which would 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>Source: consultations, eleventh session</p>	<p>Indigenous peoples have the right to participate in decision-making in matters which would 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>
<b>A20</b>	<b>A20</b>	<b>A20</b>
<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>States shall <b>consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions /seek the free and informed consent of the indigenous peoples concerned/use their best efforts to obtain the free, prior and informed consent of indigenous peoples</b> before adopting and implementing legislative or administrative measures that may affect <b>them/their rights</b>.</p> <p>Source: consultations, eleventh session</p>	<p>States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.</p>

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
A21	A21	A21
<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.</p>	<p>Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, 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 deprived of their means of subsistence and development are entitled to just and fair <b>mechanisms for</b> redress, <b>through effective mechanisms</b>.</p> <p>Source: informal plenary, eleventh session</p> <p style="text-align: center;">OR</p> <p>In no case may Indigenous Peoples be deprived of their own means of subsistence.</p> <p>Source: International Organization of Indigenous Resource Development (IOIRD)</p>	<p>Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, 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 deprived of their means of subsistence and development are entitled to just and fair redress.</p>

<b>ORIGINAL TEXT</b>	<b>CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session</b>	<b>CHAIRMAN'S PROPOSAL Eleventh session</b>
<b>A22</b>	<b>A22</b>	<b>A22</b>
<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>Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, 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>Source: consultations, eleventh session</p>	<p>Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, 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>



ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
	<b>A22 bis</b>	<b>A22 bis</b>
	<p>Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.</p> <p>States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.</p> <p>Source: consultations, eleventh session</p>	<p>Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.</p> <p>States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.</p>
<b>A23</b>	<b>A23</b>	<b>A23</b>
<p>Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development.</p> <p>In particular, indigenous peoples have the right to determine and develop all health, housing and other economic and social programmes</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 other economic</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 other economic</p>

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
<b>A23</b>	<b>A23</b>	<b>A23</b>
affecting them and, as far as possible, to administer such programmes through their own institutions.	and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.  Source: consultations, eleventh session	and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
<b>A24</b>	<b>A24</b>	<b>A24</b>
<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>They also have the right to access, without any discrimination, to all medical institutions, health services and medical care.</p>	<p>Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to 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>Source: consultations, eleventh session</p>	<p>Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to 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>

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
<b>PART IV</b>		
<b>A25</b>	<b>A25</b>	<b>A25</b>
<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 <del>and material</del> relationship with their <b>traditionally owned or otherwise occupied and used</b> lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.</p> <p>Source: informal plenary, eleventh session</p> <p><b>2. The State shall, in conjunction with indigenous peoples, take measures to facilitate the access of indigenous peoples concerned to lands or territories not exclusively occupied or used by them, for carrying out their spiritual traditional activities. In this respect, particular attention shall be paid to the situation of nomadic peoples and shifting cultivators.</b></p> <p>Source: Mexico, Greece</p>	<p>Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.</p>

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
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>Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess/<b>hold</b> by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.</p> <p>Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.</p> <p>States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be <b>conducted with due respect to</b>/in accordance with the customs, traditions and land tenure systems of the indigenous peoples concerned.</p> <p>Source: informal plenary, eleventh session</p>	<p>Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.</p> <p>Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.</p> <p>States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.</p>

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
	<b>A26 bis</b>	<b>A26 bis</b>
	<p>States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. <b>Indigenous peoples shall have the right to participate in this process.</b></p> <p>Source: informal plenary, eleventh session</p>	<p>States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.</p>

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
	A26 ter	A26 ter
	<p><b>In addition, effective measures shall be taken in appropriate cases to safeguard and legally recognize the right of the peoples concerned to use lands, territories and resources not exclusively owned, occupied, used or otherwise acquired by them, but to which they have traditionally had access for their subsistence and traditional activities.</b></p> <p>Source: Norway</p> <p><b>States shall take measures, as appropriate, to increase indigenous peoples' ownership of or access to lands and resources, taking into account present and historical circumstances and their traditional use of land.</b></p> <p>Source: Canada</p>	

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
A27	A27	A27
<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, 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>Indigenous peoples <b>and/or individuals</b> have the right to <b>submit/pursue claims for</b> redress, by means <b>that can include</b> <del>of</del> restitution or, when this is not possible, of a just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.</p> <p><b>Whenever possible, and unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate relief/redress.</b></p> <p>Source: informal plenary, eleventh session</p>	<p>Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, of a just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.</p> <p>Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.</p>

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
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>Indigenous peoples have <del>the rights pertaining</del> to the conservation, <del>restoration</del> and protection of the environment and the productive capacity of their lands or territories and resources. States <b>shall/should</b> establish and implement assistance programmes for indigenous peoples for such conservation and protection, <b>without discrimination</b>.</p> <p>States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.</p>	<p>Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.</p> <p>States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.</p>



<b>ORIGINAL TEXT</b>	<b>CHAIRMAN'S SUMMARY OF PROPOSALS</b> <b>Eleventh session</b>	<b>CHAIRMAN'S PROPOSAL</b> <b>Eleventh session</b>
<b>A28</b>	<b>A28</b>	<b>A28</b>
States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.	States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.  Source: informal plenary, eleventh session	States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.
	<b>A28 bis</b>	<b>A28 bis</b>
	Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a significant threat to relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.	Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a significant threat to relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
	<b>A28 bis</b>	<b>A28 bis</b>
	<p><b>Where possible</b>, States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities. <b>In all such activities, States shall ensure full respect of all human rights and fundamental freedoms.</b></p> <p>Source: informal plenary, eleventh session</p>	<p>States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities.</p>
<b>A29</b>	<b>A29</b>	<b>A29</b>
<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,</p>	<p>Indigenous peoples have the right to maintain, <b>control</b>, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic</p>	<p>Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic</p>

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
A29	A29	A29
<p>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>resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, <b>control</b>, protect and develop their <b>collective</b> intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.</p> <p>In conjunction with indigenous peoples, States shall take effective measures, <b>including special measures</b>, to recognize and protect the exercise of these rights.</p> <p>Source: informal plenary, eleventh session</p>	<p>resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.</p> <p>In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.</p>

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
A29	A29	A29
	<p style="text-align: center;">OR</p> <p>Indigenous peoples have the right to maintain, preserve and develop their cultural heritage, including traditional knowledge and traditional cultural expressions, such as 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, in particular in their sciences, technologies and cultural manifestations. States shall cooperate, including through appropriate international organizations, to encourage and contribute to the awareness-raising among the indigenous individuals concerning their intellectual property rights.</p> <p>Source: Russian Federation</p>	

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
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.</p> <p>States shall <b>seek or, in accordance with their legal obligations, obtain</b> 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 appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.</p> <p>Source: informal plenary, eleventh session</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 consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to 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 appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.</p>

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
<b>A30</b>	<b>A30</b>	<b>A30</b>
	<p style="text-align: center;">OR</p> <p>Indigenous Peoples have the rights to the possession, ownership and control of surface and subsurface resources within their traditional lands and territories.</p> <p>Source: IOIRD</p>	
<b>PART VII</b>		
<b>A31</b>	<b>A31</b>	<b>A31 (Deleted - New A3 bis)</b>
<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>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, <del>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.</del></p> <p>Source: E/CN.4/2004/WG.15/CRP.1</p>	

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
A31	A31	A31 (Deleted - New A3 bis)
	<p style="text-align: center;"><b>OR</b></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 [<del>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,</del>] [as well as/including ways and means for financing these autonomous functions].</p>	

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
A31	A31	A31 (Deleted - New A3 bis)
	<p style="text-align: center;"><b>OR</b></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>	
	<b>A31 bis</b>	<b>A31 bis</b>
	<p>With the goal of enhancing harmonious and cooperative relations, States, in conjunction with indigenous peoples, shall establish processes to assure the timely and effective exercise of the right to autonomy or self-government of indigenous peoples.</p> <p>Source: Canada</p>	



ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
<b>A32</b>	<b>A32</b>	<b>A32</b>
<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 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>Indigenous peoples have the <del>collective</del> 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 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>Source: informal plenary, eleventh session</p>	<p>Indigenous peoples have the 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 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>

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
<p><b>A33</b></p> <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><b>A33</b></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> <p>Source: informal plenary, eleventh session</p>	<p><b>A33</b></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>
<p><b>A34</b></p> <p>Indigenous peoples have the collective right to determine the responsibilities of individuals to their communities.</p>	<p><b>A34</b></p> <p>Indigenous peoples have the <del>collective</del> right to determine the responsibilities of individuals to their communities.</p> <p>Source: informal plenary, eleventh session</p>	<p><b>A34</b></p> <p>Indigenous peoples have the right to determine the responsibilities of individuals to their communities.</p>

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
A35	A35	A35
<p>Indigenous peoples, in particular those divided by international borders, have the right to maintain and 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>Indigenous peoples, in particular those divided by international borders, have the right to maintain and 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 <del>in accordance with border control laws.</del></p> <p>Source: informal plenary, eleventh session</p>	<p>Indigenous peoples, in particular those divided by international borders, have the right to maintain and 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.</p>

<b>ORIGINAL TEXT</b>	<b>CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session</b>	<b>CHAIRMAN'S PROPOSAL Eleventh session</b>
<b>A36</b>	<b>A36</b>	<b>A36</b>
<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>Indigenous Peoples have the right to the recognition, observance and enforcement of Treaties, Agreements and Other Constructive Arrangements concluded with States or their successors and to have States honour and respect such Treaties, Agreements and other Constructive Arrangements.</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>Source: informal plenary, eleventh session</p> <p style="text-align: center;">OR</p> <p>States should take all necessary steps under domestic law to recognize, observe and enforce treaties, agreements, and other constructive arrangements concluded with 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 and to have States honour and respect such Treaties, Agreements and other Constructive Arrangements.</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>

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
A36	A36	A36
	<p>Disputes that arise under such treaties and agreements should be resolved pursuant to any processes specified in the treaties, agreements, and other constructive arrangements, or otherwise submitted to competent domestic bodies or processes for timely resolution in accordance with principles of equity and justice.</p> <p>Nothing in this Declaration may be interpreted as to diminish or eliminate the rights of Indigenous Peoples contained in treaties, agreements, and other constructive arrangements.</p> <p>Source: United States of America</p>	

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
<b>PART VIII</b>		
<b>A37</b>	<b>A37</b>	<b>A37</b>
<p>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.</p>	<p>States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.</p> <p>Source: consultations, eleventh session</p>	<p>States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.</p>
<b>A38</b>	<b>A38</b>	<b>A38</b>
<p>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.</p>	<p>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.</p> <p>Source: informal plenary, eleventh session</p>	<p>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.</p>

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
<b>A39</b>	<b>A39</b>	<b>A39</b>
<p>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.</p>	<p>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 <b>and third parties</b>, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall [take into/give] consideration [to] the customs, traditions, rules and legal systems of the indigenous peoples concerned <b>and international human rights standards/law [relevant provisions of national legislations] [including those of this declaration]</b>.</p> <p>Source: E/CN.4/2004/WG.15/CRP.1 amended</p>	<p>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>

<b>ORIGINAL TEXT</b>	<b>CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session</b>	<b>CHAIRMAN'S PROPOSAL Eleventh session</b>
<b>A40</b>	<b>A40</b>	<b>A40</b>
<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>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: consultations, eleventh session</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>
<b>A41</b>	<b>A41</b>	<b>A41</b>
<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>The United Nations, its bodies, including 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>Source: consultations, eleventh session</p>	<p>The United Nations, its bodies, including 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>



ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
<b>PART IX</b>		
<b>A42</b>	<b>A42</b>	<b>A42</b>
The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.	The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.  Source: consultations, eleventh session	The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.
<b>A43</b>	<b>A43</b>	<b>A43</b>
All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.	All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.	All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.
<b>A44</b>	<b>A44</b>	<b>A44</b>
Nothing in this Declaration may be construed as diminishing or extinguishing existing or future rights indigenous peoples may have or acquire.	Nothing in this Declaration may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future.  Source: consultations, eleventh session	Nothing in this Declaration may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future.

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
A45	A45	A45
<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>1. Nothing in this Declaration may be interpreted as implying for any State, people, 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>2. In the exercise of the rights enunciated in the present Declaration, all human rights and fundamental freedoms of all <b>[persons]</b> shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law <b>and that is</b> in accordance with international <b>human rights law/standards</b>.</p> <p style="text-align: center;"><b>[Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and</b></p>	<p>Nothing in this Declaration may be interpreted as implying for any State, people, 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>In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law, in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others</p>

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
A45	A45	A45
	<p><b>freedoms of others and for meeting the just and most compelling requirements of a democratic society.]</b></p> <p><b>[In the exercise of the rights set out in this Declaration, 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 or meeting the just requirements of morality, public order and the general welfare in a democratic society.]</b></p> <p><i>(Universal Declaration of Human Rights, art. 29.2)</i></p>	<p>and for meeting the just and most compelling requirements of a democratic society.</p> <p>The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.</p>

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
A45	A45	A45
	<p>3. The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance, <b>common good</b> and good faith. <b>These principles shall also be essential elements in resolving any differences as to the application of the rights of indigenous peoples and individuals, States and other parties concerned.</b></p> <p>Source: consultations, eleventh session</p>	

ORIGINAL TEXT	CHAIRMAN'S SUMMARY OF PROPOSALS Eleventh session	CHAIRMAN'S PROPOSAL Eleventh session
	<b>A45 bis</b>	
	<p>Nothing in this Declaration shall be construed as authorizing 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 principles 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: Australia, New Zealand, United States of America</p> <p style="text-align: center;">OR</p> <p><b>Without prejudice to the rights envisaged in this Declaration, no provisions contained herein shall be invoked for the purposes of impairing the sovereignty of a State, its national and political unity or territorial integrity.</b></p> <p>Source: Russian Federation</p>	

## Annex II

### A. DOCUMENTATION

1. The working group had before it the following documents:

E/CN.4/2005/WG.15/1	Provisional agenda (December session)
E/CN.4/2006/WG.15/1	Provisional agenda (January session)
E/CN.4/2005/WG.15/2*	Chairman's Summary and Proposal
E/CN.4/2005/WG.15/CRP.1	Report by the Government of Mexico on the International workshop on the draft United Nations Declaration on the Rights of Indigenous Peoples, Patzcuaro, Michoacán, Mexico, 26 to 30 September 2005
E/CN.4/2005/WG.15/CRP.2	Joint submission of indigenous organizations on the "General provisions" of the Draft United Nations Declaration on the Rights of Indigenous Peoples
E/CN.4/2005/WG.15/CRP.3	Joint submission by indigenous organizations on the urgent need to improve the United Nations Standard-setting process Importance of criteria of "Consistent with international law and its progressive development"
E/CN.4/2005/WG.15/CRP.4	Joint submission of indigenous organizations on the Indigenous Peoples' Right to Restitution
E/CN.4/2005/WG.15/CRP.5	Observaciones y enmiendas a los artículos examinados del proyecto de declaración sobre los derechos de los pueblos indígenas y la introducción de nuevos párrafos en la parte dispositiva by the Movimiento Indio Tupaj Katari el Consejo Mundial por la Paz
E/CN.4/2005/WG.15/CRP.6	Draft report of the working group
E/CN.4/2005/WG.15/CRP.7	Chairperson's summary of proposals

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\* This document was submitted to the Commission on Human Rights at its sixty-first session as document E/CN.4/2005/89/Add.2, in English only.

2. The following background documents were made available to the working group:

Draft United Nations declaration on the rights of indigenous peoples Sub-Commission resolution 1994/45, annex.

Report of the working group established in accordance with Commission on Human Rights resolution 1995/32 of 3 March 1995 on its tenth session (E/CN.4/2005/89, and Add.1 and Add.2).

## **B. PARTICIPATION**

3. The following States Members of the United Nations were represented by observers:

Angola, Argentina, Australia, Austria, Azerbaijan, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Israel, Italy, Japan, Kenya, Latvia, Libyan Arab Jamahiriya, Malaysia, Mexico, Morocco, Myanmar, Netherlands, New Zealand, Nigeria, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Slovakia, South Africa, Spain, Sudan, Sweden, Switzerland, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Zimbabwe.

4. The following non-Member State was represented by an observer: Holy See.

5. The following United Nations bodies, specialized agencies and intergovernmental organizations were represented by observers: United Nations Institute for Training and Research, United Nations Institute for Disarmament Research, United Nations Permanent Forum on Indigenous Issues, International Labour Organization, World Bank, International Fund for Agricultural Development, European Union and European Commission.

6. The following national institution was represented by an observer: Aboriginal and Torres Strait Islander Social Justice Commissioner, Human Rights and Equal Opportunity Commission.

7. The following non-governmental organizations in consultative status with the Economic and Social Council were represented as observers: American Indian Law Alliance, Asian Indigenous and Tribal Peoples Network, Assembly of First Nations, Asociacion Kunas Unidos por Napguana, Association of Indigenous Peoples of The North, Siberia and Far East of the Russian Federation, Association of World Citizens, Centre for Organisation Research and Education, Comision Juridica para el Autodesarrollo de los Pueblos Originarios Andinos, Communities Forestry and Development Organization, Congress of Aboriginal Peoples, Foundation for Aboriginal and Islander Research Action, Franciscans International, Friends World Committee for Consultation (Quakers), Grand Council of the Crees, Incomindios, Indian Council of South America, Indian Law Resource Centre, Indigenous Peoples and Nations Coalition, Indigenous Peoples' Centre For Documentation, Research and Information, Indigenous World Association, Innu Council of Nitassinan, Interfaith International, International Centre for Human Rights and Democratic Development, International Federation of Human Rights Leagues, International Indian Treaty Council, International League for the Rights and

Liberation of Peoples, International Organization of Indigenous Resources Development, International Service for Human Rights, International Society for Threatened Peoples, International Work Group for Indigenous Affairs, Inuit Circumpolar Conference, Lutheran World Association, Mandat International, Metis National Council, National Congress of American Indians, National Indian Youth Council, Native American Rights Fund, Native Women's Association of Canada, Netherlands Centre for Indigenous Peoples, Saami Council, Shimin Gaikou Centre, South Asia Human Rights, Documentation Centre, Tebtebba Foundation, World Council of Churches.

8. The following organizations of indigenous people accredited in accordance with Commission on Human Rights resolution 1995/32 were represented as observers: Ainu Association of Hokkaido, Association of the Shor People, Association pour le developpement global des Batwa du Rwanda, Association Tamaynut, Confederación Sindical Unica de Trabajadores Campesinos de Bolivia, Consejo de Todas las Tierras, Consultative Committee of Finno Ugric Peoples, Cordillera Peoples Alliance, Indian Confederation of Indigenous and Tribal Peoples, Movimiento Indio Tupaj Kataru, Na Koa Ikaika Kalahui, Hawaii, Navajo Nation, Organización de la Nacion Aymara, Teton Sioux Nation Treaty Council.

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