

UNDRIP & Self-Determination

Article 3

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

Article 4

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.

Article 18

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.

UNDRIP: Free, Prior and Informed Consent (FPIC)

Article 19

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.

UNDRIP: Maintain and Develop Political, Economic, and Social Systems or Institutions

Article 20

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.

UNDRIP: Lands & Territory

Article 26

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

Article 27

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

Article 28

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

UNDRIP: Enforcement of Treaties

Article 37

1. 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.
2. Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements, and other constructive arrangements

On June 16, 2021, the Senate officially passed Bill C-15, an Act respecting the United Nations Declaration on the Rights of Indigenous Peoples.

Resource Links:

- Implementing the United Nations Declaration on the Rights of Indigenous Peoples in Canada
<https://justice.gc.ca/eng/declaration/index.html>
- United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)
https://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

