



United Nations Declaration on the Rights of Indigenous Peoples

Questions and answers

WHAT IS IT?

The Declaration consists of an introduction, called the Preamble, and 46 articles that set out the rights and responsibilities of the Declaration. It was described by the United Nations as “a landmark declaration that brought to an end nearly 25 years of contentious negotiations over the rights of native people to protect their lands and resources, and to maintain their unique cultures and traditions.”

WHEN WAS IT ADOPTED?

The United Nations General Assembly adopted the Declaration on the Rights of Indigenous Peoples in September 2007.

HOW DOES THE DECLARATION APPLY TO NEW ZEALAND?

Māori are the indigenous people of New Zealand and the rights set out in the Declaration apply to them. The Declaration reflects and elaborates on the provisions of the Treaty of Waitangi as well as the Universal Declaration of Human Rights.

WHAT DOES THE PREAMBLE SAY?

The **Preamble** proclaims the Declaration to be “a standard of achievement to be pursued in a spirit of partnership and

mutual respect”. It is an aspirational document, whose text is not legally binding on States.

The Preamble sets out some of the reasons which led to the development of a declaration on indigenous peoples’ rights, and the principles that underpin it.

- **Everyone has human rights:** Indigenous peoples are equal to all other peoples and have all the human rights that everyone has – including the right to self-determination; the right to be free from discrimination; the right to be respected as distinct peoples; and collective, as well as individual rights.
- **Indigenous peoples have not always been able to fully realise their human rights:** Historical injustices, including through colonisation and the loss of lands and resources, have prevented indigenous peoples from fully exercising all of their rights. Therefore, there is an urgent need to respect and promote the rights of indigenous peoples.
- **The Declaration offers assistance to better ensure indigenous peoples are able to fully enjoy their rights, and to strengthen the relationship between States and indigenous peoples:** The Declaration is a standard of achievement to be pursued in a spirit of partnership and mutual respect.

WHAT DO THE DECLARATION’S ARTICLES SAY?

The **articles** of the Declaration set out the rights indigenous peoples have, as well as States’ responsibilities to respect and protect those rights.

Indigenous peoples have the right to:

1. **All human rights**, including collective rights
2. **Equality** and non-discrimination
3. **Self-determination**
4. Autonomy or **self-government**
5. Their own **institutions**
6. A **nationality**
7. **Life, liberty** and **security**
8. Protection from **cultural destruction** or assimilation
9. **Belong to indigenous communities** or nations
10. Freedom from forced **removal** from their lands
11. Their **culture** and cultural property
12. Their **spiritual and religious customs**
13. Their **languages**, stories and names
14. **Education**, including in their own language
15. The **dignity** and **diversity** of their culture
16. Their own **media** and equal access to all other media

17. Protection in **employment**
18. **Participation** in decisions that affect them
19. **Good faith consultation** on **laws** and **policies** that affect them
20. Their own **political, social and economic institutions** and activities
21. **Improvement** of their **economic and social conditions**
22. Particular attention to the needs of **elders, women, youth, children** and **disabled people**
23. **Development**
24. **Health**, and to their traditional medicinal resources and health practices
25. Their **spiritual relationship** with their lands and resources
26. Recognition and protection of their **lands** and **resources**
27. **Fair processes** for dealing with their rights to lands and resources
28. **Redress** for lands and resources taken or damaged without consent
29. **Environmental protection**
30. Consultation before their lands are used for **military activities**
31. Their **cultural and intellectual property**
32. **Use and develop their lands and resources**, and consultation on projects that would affect these
33. Determine their own **identity** and **membership**
34. Their own **institutions, laws** and **customs**
35. Determine the **responsibilities** of individuals to their communities
36. Maintain and develop contacts across **borders**
37. Observance of their **treaties** with States

WHO DOES THE DECLARATION APPLY TO?

The final articles of the Declaration provide guidance on how it is to be interpreted and applied.

The Declaration is applied:

38. By States, in consultation and cooperation with indigenous peoples, through appropriate measures, including legislation
39. Through financial and other assistance to indigenous peoples
40. By ensuring indigenous peoples have access to fair procedures for resolving disputes with States, and to remedies for breaches of their rights
41. With financial and other assistance from the United Nations and other international organisations, and by establishing ways to ensure indigenous peoples' participation in matters that affect them
42. Through promotion and follow up by the United Nations and States.

The rights set out in the Declaration:

43. Are minimum standards
44. Apply equally to males and females
45. Do not diminish any other rights that indigenous peoples have
46. Do not allow actions that are contrary to the Charter of the United Nations, or which diminish the territorial integrity of States.

WHAT ARE THE GROUND RULES?

The Declaration is to be interpreted in accordance with the principles of justice, democracy, and respect for human rights, equality, non-discrimination, good governance and good faith.

In the exercise of the rights set out in the Declaration, the rights and freedoms of all people must be respected. Any limitations on the rights in the Declaration must be consistent with human rights standards, and strictly necessary to protect the rights of others and society.

To view the full Declaration, visit www.hrc.co.nz.

Tāmaki Makaurau – Auckland

Level 4 Tower Centre, 45 Queen Street
PO Box 6751, Wellesley Street
Tāmaki Makaurau Auckland 1141
Waea Telephone 09 309 0874
Waea Whakāhua Fax 09 377 3593

Te Whanganui ā Tara – Wellington

Level 1 Vector Building, 44-52 The Terrace
PO Box 12411, Thorndon
Te Whanganui ā Tara Wellington 6144
Waea Telephone 04 473 9981
Waea Whakāhua Fax 04 471 6759

Otautahi – Christchurch

Level 3 Guardian Building,
79-83 Hereford Street
PO Box 1578, Otautahi Christchurch 8140
Waea Telephone 03 379 2015
Waea Whakāhua Fax 03 353 0959

Human Rights Commission InfoLine

0800 496 877 (toll free)
Fax 09 377 3593 (Attn: InfoLine)
Email infoline@hrc.co.nz
TTY (teletypewriter) 0800 150 111

Language Line and NZ Sign Language interpreter available.

<http://www.hrc.co.nz>

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