



# IMPLEMENTING THE *UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES* THROUGH FEDERAL GOVERNMENT LEGISLATION

## **SUMMARY REPORT**

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Dialogue held February 4, 2021 on  
Canada's proposed Bill C-15

CONVENED BY THE  
**INDIAN RESIDENTIAL SCHOOL HISTORY & DIALOGUE CENTRE**

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## About the Indian Residential School History & Dialogue Centre

Located on the traditional, ancestral, and unceded territory of the hən̓q̓əmiñəm-speaking xʷməθkʷəy̓əm (Musqueam) people, the Indian Residential School History & Dialogue Centre (IRSHDC) at the University of British Columbia (UBC) supports access to residential school records for Survivors, their families, and communities. In support of this mandate, the Centre works to generate inclusive dialogue that is transparent and trauma-informed. This approach to dialogue is essential to the Centre's work building on information practices, research, and education around Residential Schools and related systems. With a framework that privileges respectful, equitable, and Indigenous-informed access to records and information, the IRSHDC is developing digital systems and spaces of inquiry to model a new platform for information stewardship.

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## Introduction

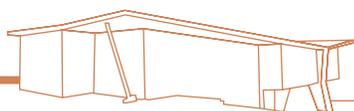
On February 4, 2021 the Indian Residential School History and Dialogue Centre at UBC held a virtual Dialogue on Bill C-15, the legislation proposed by the federal government to implement the *United Nations Declaration on the Rights of Indigenous Peoples*. The Dialogue brought together 12 Indigenous, federal, and provincial politicians and leading experts to share a range of views on Bill C-15, and what it represents.<sup>1</sup> More than 650 people attended the Dialogue, during which more than 50 questions were asked of the speakers (both oral and written questions). Expert and political panelists included:

- Honourable David Lametti, Minister of Justice, Attorney General of Canada
- Chief Don Tom, Vice President, Union of BC Indian Chiefs
- Honourable Minister Murray Rankin, BC Ministry of Indigenous Relations and Reconciliation
- Honourable Carolyn Bennett, Minister of Crown-Indigenous Relations
- National Chief Perry Bellegarde, Assembly of First Nations
- Doug White (*Kwulasultun*) QC, Chair of the BC First National Justice Council
- Jessica Wood (*Si Sityaawks*), ADM, BC Ministry of Indigenous Relations and Reconciliation
- Dr. Sheryl Lightfoot, Canada Research Chair of Global Indigenous Rights and Politics, and Sr. Advisor to the President on Indigenous Affairs at UBC
- Professor Brad Morse, Faculty of Law, Thompson Rivers University
- Laurie Sargent, ADM, Department of Justice Canada
- Professor Mary Ellen Turpel-Lafond (*Aki-Kwe*), UBC Professor at Allard Law and IRSHDC Academic Director, and Moderator
- Dr. Roshan Danesh, QC, Advisor to the IRSHDC and Moderator

Throughout the Dialogue an understanding emerged of Bill C-15 as a “starting point.” The legislation – which at the time of this report was before the House of Commons and may yet be amended – was described as a “step forward.” If the legislation passes, much work will have to be done in partnership with Indigenous Peoples to see it implemented and have meaningful impact. At the same time, many speakers identified areas for improvement and emphasized additional legislation will be needed for the work of recognizing and implementing Indigenous Peoples rights to fully advance.

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1 See Appendix A for Dialogue Agenda.



The far-reaching perspectives shared at the Dialogue – which included questions from attendees – revolved around three main topics:

- The limits and opportunities of Bill C-15
- The historical relationship between Indigenous rights and legislation in Canada
- The necessity for a principled approach to implementing Indigenous rights affirmed in the *UN Declaration*

This brief summary report provides a summary of how these topics were discussed, as part of contributing to the ongoing work of addressing the legacy of colonialism in Canada.

## Key Considerations

### 1 The Limits and Opportunities of Bill C-15

The Dialogue opened with an overview of Bill C-15<sup>2</sup> by IRSHDC Academic Director Dr. Mary Ellen Turpel-Lafond (*Aki-Kwe*), and throughout the Dialogue the core elements of the Bill were re-iterated and described, including by the federal Minister of Justice and Attorney General of Canada David Lametti and the federal Minister of Crown-Indigenous Relations Minister Carolyn Bennett.

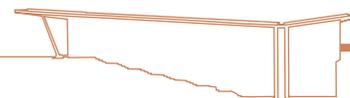
Bill C-15 is not a complicated statute.<sup>3</sup> Comprised of a Preamble and seven sections, it contains the following core elements:

- Affirmation that the Declaration is a universal international human rights instrument with application in Canadian law (section 4);
- An obligation is that the federal government must, in consultation and cooperation with Indigenous Peoples, “take all measures necessary to ensure that the laws of Canada are consistent with the Declaration” (section 5); An obligation to establish, in consultation and cooperation with Indigenous Peoples, “an action plan to achieve the objectives of the Declaration.” The “objectives of the Declaration” are far-ranging including ending racism, prejudice, and discrimination throughout society, and upholding the minimum standards

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<sup>2</sup> See Appendix B for the text of Bill C-15.

<sup>3</sup> For a high-level overview and analysis of Bill C-15 see the paper prepared by IRSHDC for the Dialogue, *A Commentary on the Federal Government’s Legislation to Implement the United Nations Declaration on the Rights of Indigenous Peoples* which can be accessed at [https://irshdc.ubc.ca/files/2021/01/UNDRIPArticle7\\_CommentaryFedGovt\\_FINAL.pdf](https://irshdc.ubc.ca/files/2021/01/UNDRIPArticle7_CommentaryFedGovt_FINAL.pdf)



for the survival, dignity, and well-being of Indigenous Peoples. The action plan is to be established within three years and is supported by reporting requirements (section 6); and

- An obligation to report to Parliament annually on the work to align laws, and on the action plan (section 7), with opportunity for examination of progress through the Parliamentary system.

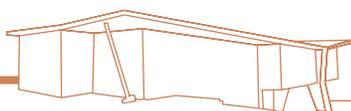
Many of the questions and discussion at the Dialogue focused on what some of these elements mean, and how they may operate in practice. The questions and discussion also explored if Bill C-15 is adequate to address the Calls to Action from the Truth and Reconciliation Commission final report, and the areas identified by residential school Survivors as necessary to confront the legacy of colonial laws, policies and practices.

One area of discussion was on what Bill C-15 would mean, if and when it passed. Would it have an immediate impact on the ground after Royal Assent? Does it “implement” the *UN Declaration*? What will change? As Vice-President of the Union of BC Indian Chiefs, Chief Don Tom, stated “the true test is whether this will make life better for our peoples.”

It is clear that Bill C-15, like BC’s *Declaration Act*, does set the stage for extensive work to come. This includes establishing immediate requirements and processes for the alignment of laws with the *UN Declaration*, and building an action plan to meet the objectives of the *UN Declaration*. National Chief Perry Bellegarde highlighted that the *UN Declaration* already has legal effect in Canada, and the legislation affirms this while also identifying obligations and steps that must be taken for its full implementation. Chief Don Tom put a fine point on this by emphasizing that “the rights of Indigenous People cannot be subject to implementation only when those in political power agree to them.”

BC’s Minister of Indigenous Relations and Reconciliation Murray Rankin described how BC has been taking steps under its legislation to get an action plan in place, and how cooperation, transparency and engagement continue to be cornerstones of the work. Minister Lametti clarified that having accepted the standards in the *UN Declaration* means that the *UN Declaration* has “interpretive weight in the court as a persuasive authority.” This interpretive weight is reinforced by section 4 which affirms that the *UN Declaration* is an instrument with application in Canadian law. Also emphasized, was how the *UN Declaration* is part of a long line of Indigenous advocacy and work that, as Doug White, Q.C., stated, is about recognizing and affirming Indigenous sovereignty. The *UN Declaration*, and its formal implementation in Canadian law, can be a part of setting the foundation for proper relations between sovereigns.

Another area of discussion was the issue of the alignment of laws, and how that will occur. Will governments really work to align laws with the *UN Declaration*? How will Indigenous Peoples be



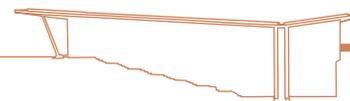
involved? What will the process look like? It was clarified in both Bill C-15 and BC's *Declaration Act* that the provisions requiring the alignment of laws create obligations that must be met on both new and existing legislation. There was a clear recognition that this is an "enormous" task. Minister Lametti observed that it requires "an audit of what already exists," and agreed with National Chief Bellegarde that it is not limited to legislation; it includes "policy" as well. Various panelists also emphasized that Indigenous Peoples must be around the table in this process - it cannot be one where government unilaterally determines and assesses whether alignment exists. It is clear, however, that significant and complex work remains to be done to determine what the process of alignment will look like, and how priorities will be set and advanced.

It was also clearly re-iterated by all panelists, some more strongly than others, that Bill C-15 does have flaws, and is, as Chief Don Tom said, "not perfect." In a speech on the recognition and implementation of Indigenous rights in February 2018, Prime Minister Trudeau called for a much more expansive agenda of legislative change - the Bill is limited in scope and more modest than even BC's *Declaration Act*. Not present in Bill C-15 are provisions in the BC *Declaration Act* that facilitate the implementation through agreements of the standard of free, prior, and informed consent. In response, a number of participants challenged the panelists about whether there was an opportunity to make amendments, and what the amendments should be. Consent, such as including similar provisions as in BC's *Declaration Act*, was one major focus of ideas about amendments. Another was regarding a more explicit rejection of the "doctrine of discovery" and "terra nullius." The presenters from Canada all spoke to an openness to amendments, but it remains to be seen how the legislative process unfolds.

Centre Academic Director Professor Mary Ellen Turpel-Lafond (*Aki-Kwe*) identified key areas of improvement for Bill C-15 based on the discussion to date by First Nations leaders, scholars and advisors. These included improvements to ensure the Bill fully respects the requirement that the meaning and intent of former private member's Bill, Romeo Saganash's Bill C-262, is matched.

## 2 The Historical Relationship Between Indigenous Rights and Legislation in Canada

A recurring topic throughout the Dialogue was situating Bill C-15 and the implementation of the *UN Declaration* within the broader history and reality of colonialism in Canada. It was re-iterated time and again that the ultimate focus of this work is about dismantling Canada's colonial legacy. This includes the legacy of systemic racism, doctrines of superiority and other legal strategies to suppress the human rights of Indigenous Peoples. As Minister Bennett stated



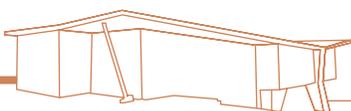
in her comments, systemic racism is “embedded in our country’s institutions... and that has had catastrophic generational effects on First Nations, Inuit, and Métis communities.”

This reality gives rise to deserved strong skepticism by Indigenous Peoples’ government representatives and rights holders of government action, and a deep reality of “mistrust.” As was touched on during the Dialogue, one of the enduring legacies of colonialism in Canada is that the main piece of legislation relating to Indigenous Peoples in Canada today is the Indian Act - a statute designed to effect land dispossession, cultural assimilation, segregation, the destruction of families, and the outlawing of governance systems and practices. Indeed, there exists no tradition in Canada, until very recently, of using legislation to uphold and implement the basic human and constitutional rights of First Nations, Inuit, or Métis peoples. Rather, the tradition is of using legislation as a tool of oppression. Most of the legislative frameworks in place, at the federal and provincial levels, were the unilateral product of governments’ intent on limiting the rights of Indigenous Peoples while denying Indigenous Peoples remedies and legal recourse for those state actions.

A number of the presenters, recognizing that we did not get here by chance and that this appalling reality is a function of a lack of political will, knowledge, and care by government after government - situated the *UN Declaration* as an instrument that can be used to break from this tradition. Dr. Sheryl Lightfoot provided a window into elements of the international human rights system, and how international law and doctrine must continue to guide the implementation of the *UN Declaration* in Canada to maintain the necessary principled, comprehensive, and systematic approach.

Presenters also described how decades of intense advocacy by Indigenous Peoples has been necessary to change the reality of oppressive legislation, and that part of the solutions brought forward by Indigenous Peoples have included entrenching the recognition and implementation of Indigenous rights in legislation. This has involved explicitly affirming the right of self-determination and the inherent right of self-government and creating pathways for First Nations out of the Indian Act, and establishing new mechanisms of accountability and oversight regarding how the Crown governments relate to Indigenous Peoples and uphold Indigenous rights. The *UN Declaration* was presented as an instrument for advancing all of this, although it was widely recognized that implementation was a beginning of what must be a serious process. As National Chief Bellegarde emphasized “transformational change can be mobilized and the promise of the UNDRIP can be realized.”

There was also dialogue about the opposition to legislation from various peoples and groups. Federal legislation to implement the *UN Declaration* has been promoted by many Indigenous



Peoples and leaders since 2007. The public impetus for legislation increased in 2015 when the Truth and Reconciliation Commission stated:

***Action 43:** We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation.*

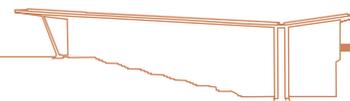
In 2016, the federal government fully endorsed the *UN Declaration* without reservation, and subsequently endorsed private members Bill C-262 which would have implemented the *UN Declaration* in the laws of Canada. While that Bill had broad Indigenous Peoples' support and passed third reading in the House of Commons, it ultimately died in the Senate.

The presenters touched on the various forms of opposition Bill C-15 has garnered. Six provinces have expressed opposition to the Bill. Minister Lametti and Minister Bennett stated they do not agree with that position, and Minister Rankin pledged that BC is ready to encourage the other provinces. Both Minister Rankin and BC Assistant Deputy Minister Jessica Wood, as well as Professor Brad Morse, spoke of how the British Columbia *Declaration Act* garnered unanimous support in the BC legislature, and broad support amongst First Nations, industry, and other stakeholders. It was felt that it was important and worthwhile to pursue unanimity in the House of Commons as well, and that the Government of Canada should work toward that through strong all-party outreach.

Responses were also offered to concerns from some Indigenous Peoples that Bill C-15 somehow waters down or domesticates the standards in the *UN Declaration* by subjecting them to section 35 of the *Constitution*. Dr. Turpel-Lafond touched on why such an interpretation is not legally credible, and a number of presenters including federal Assistant Deputy Minister Laurie Sargent and Doug White, Q.C., explained aspects of the interaction and relationship between section 35, the *UN Declaration*, and Bill C-15. It was also noted that many industry groups have gained a better understanding of free, prior, and informed consent than during the debates and dialogue on Bill C-262, though more education and understanding on how to operationalized free, prior, and informed consent is needed.

### **3** The Necessity for a Principled Approach to Implementing the UN Declaration

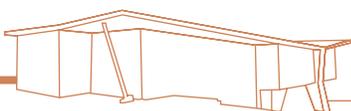
A third topic that emerged throughout the Dialogue was the need for a principled approach to



the *UN Declaration*. Simply stated, implementing the *UN Declaration* means change. As National Chief Bellegarde emphasized “systemic solutions and actions are needed.” Minister Bennett called this the “unfinished work of Confederation.” Finishing something means moving forward, beyond where we have been in the past, and beyond where we are today. The work must “renew and strengthen the relationship between the Crown and Indigenous Peoples” (Minister Lametti) or it will not be achieving what it must.

What does this change look like? Presenters outlined a number of elements of this change.

- The *UN Declaration* must be implemented as a whole – “comprehensively” as explained by Dr. Lightfoot. Minister Rankin pointed to how expansive the 46 articles of the *UN Declaration* are in their scope, touching on a full range of social, cultural, economic, spiritual, political, and legal matters and meeting all of these standards must be part of the action plan to meet the “objectives of the Declaration.”
- Bill C-15 cannot delay the implementation of the *UN Declaration*, and taking action does not wait for the “action plan.” As Minister Lametti emphasized, the *UN Declaration* is “a standard to judge all legislation moving forward.” As ADM Sargent further stated “nothing in Bill C-15 should be construed as delaying the application of the *Declaration* in Canadian law.”
- We can not pick and choose between the articles of the *UN Declaration*. As Doug White and Dr. Lightfoot highlighted, all of the standards have to be met, including related to redress (e.g. article 28), treaty implementation (article 37), free, prior, and informed consent (e.g. article 19 and 32), and others.
- The affirmation of the standards of the *UN Declaration* has the potential to assist in areas where the promise of section 35 of the *Constitution Act*, 1982 has not yet been met, such as the implementation of historic treaties. Doug White, QC, expressed hope that new legislation may be a “turning point in our history together where the Crown shifts into real recognition of those treaties and idea of self determination... direction is given to Crown mechanisms and institutions to do that work.” Dr. Lightfoot clarified how having treaties recognized was why Indigenous Peoples originally appeared before the United Nations, and this fact is now reflected in Article 37.



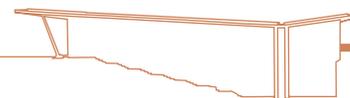
## Going Forward and Further Information

Bill C-15 went to second reading in the House of Commons on February 16, 2021. The process forward will likely include examination by the Indigenous and Northern Affairs Committee and the consideration of improvements that will no doubt be raised by Indigenous Peoples. BC First Nations leadership are expected to outline areas for improvement as they have convened leaders forums to examine their approach to the Bill throughout the first few months of 2021.

It is expected that as this process continues, debate and dialogue will continue to grow, and potential amendments to Bill C-15 will be included in the discussion. To inform this on-going dialogue, the IRSHDC will continue to produce and disseminate materials that support public discourse, and in particular advance progress in the vital work of recognition and implementation of Indigenous rights. We also invite those interested in further information to access the following sources:

- The video of February 4 Dialogue is available on the IRSHDC website: <https://irshdc.ubc.ca/2021/01/25/dialogue-on-implementing-undrip-bill-c-15/> and via Youtube: <https://youtu.be/6hRitpe1mp4>.
- The Centre has published a series of papers on the implementation of the *UN Declaration* or UNDRIP. The seventh paper in the series offers a commentary on the federal government's proposed legislation (Bill C-15) to implement the *UN Declaration*. Read the paper or others in the series: <https://irshdc.ubc.ca/undrip-papers>
- Dr. Roshan Danesh. *Confronting Myths About Indigenous Consent*. October 2019. <https://irshdc.ubc.ca/2019/10/22/editorial-confronting-myths-about-indigenous-consent/>
- Special Dialogue on Bill 41 *Declaration on the Rights of Indigenous Peoples Act* (DRIPA). November 2019. <https://irshdc.ubc.ca/2019/11/28/indian-residential-school-history-and-dialogue-centre-congratulates-bc-on-implementing-a-key-call-to-action-from-the-truth-and-reconciliation-commission/>
- BC's *Declaration on the Rights of Indigenous Peoples Act*. <https://www2.gov.bc.ca/gov/content/governments/indigenous-people/new-relationship/united-nations-declaration-on-the-rights-of-indigenous-peoples>. Accessed February 17, 2021.

The Indian Residential School History & Dialogue Centre will be convening additional dialogues to improve the understanding of critical matters that call for a relational approach. This is pivotal to a better future for Indigenous Nations and all British Columbians and Canadians. For more information on the Indian Residential School History and Dialogue Centre at UBC, visit <https://irshdc.ubc.ca> or contact [irshdc.info@ubc.ca](mailto:irshdc.info@ubc.ca).



## References

BC's *Declaration on the Rights of Indigenous Peoples Act*. (2019). <https://www2.gov.bc.ca/gov/content/governments/indigenous-people/new-relationship/united-nations-declaration-on-the-rights-of-indigenous-peoples>. Accessed February 17, 2021.

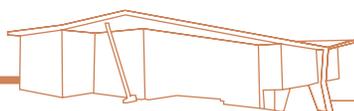
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The Indian Residential School History and Dialogue Centre at UBC presents:

*A Virtual Dialogue on Implementing the United Nations Declaration of the Rights of Indigenous Peoples through Canada's Bill C-15*

**WHEN: 9:00am - 12:30pm PST February 4, 2021**

**WHERE: This is a live virtual event. Participation links will be sent to all who register. Register [here](#).**

TIME (PST)	PROGRAM ITEM
9:00am - 9:10am	<b>Welcome and territorial/ceremonial opening</b> A territorial welcome provided by x <sup>w</sup> məθk <sup>w</sup> əy 'əm (Musqueam) Elder Shane Pointe ( <i>Ti' te-in</i> )
9:10am - 9:20am	<b>Overview of event program</b> Dr. Roshan Danesh, QC
9:20am - 9:30am	<b>Overview of Bill C-15</b> Dr. Mary Ellen Turpel-Lafond ( <i>Aki-Kwe</i> )
9:30am - 10:50am	<b>Panel 1: Political Perspectives</b> Chair: Dr. Roshan Danesh, QC <ul style="list-style-type: none"><li>• Honourable David Lametti, Minister of Justice, Attorney General of Canada</li><li>• Chief Don Tom, V.P., Union of BC Indian Chiefs</li><li>• Honourable Minister Murray Rankin, BC Ministry of Indigenous Relations and Reconciliation</li><li>• Honourable Carolyn Bennett, Minister of Crown-Indigenous Relations</li><li>• National Chief Perry Bellegarde, Assembly of First Nations</li></ul>
10:50am - 12:10am	<b>Panel 2: Expert Perspectives</b> Chair: Dr. Roshan Danesh, QC <ul style="list-style-type: none"><li>• Doug White (<i>Kwulasultun</i>) QC, Chair of the BC First National Justice Council</li><li>• Jessica Wood (<i>Si Sityaawks</i>), ADM, BC Ministry of Indigenous Relations and Reconciliation</li><li>• Dr. Sheryl Lightfoot, Canada Research Chair of Global Indigenous Rights and Politics, and Sr. Advisor to the President on Indigenous Affairs at UBC</li><li>• Professor Brad Morse, Faculty of Law, Thompson Rivers University</li><li>• Laurie Sargent, ADM, Department of Justice Canada</li></ul>
12:10am - 12:30pm	<b>Concluding Remarks</b> Dr. Mary Ellen Turpel-Lafond ( <i>Aki-Kwe</i> ) and Dr. Roshan Danesh, QC

# BILL C-15: An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples

Second Session, Forty-third Parliament,  
69 Elizabeth II, 2020  
HOUSE OF COMMONS OF CANADA

## **BILL C-15**

### ***An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples***

FIRST READING, DECEMBER 3, 2020

MINISTER OF JUSTICE

## SUMMARY

This enactment provides that the Government of Canada must take all measures necessary to ensure that the laws of Canada are consistent with the *United Nations Declaration on the Rights of Indigenous Peoples*, and must prepare and implement an action plan to achieve the objectives of the Declaration.

1. Short Title  
*United Nations Declaration on the Rights of Indigenous Peoples Act*
  2. Interpretation  
*Definitions*
  3. Designation of Minister  
*Order designating Minister*
  4. Purpose of Act  
*Purpose*  
Measures for Consistency of Laws and Achieving the Objectives of the Declaration
  5. *Consistency*
  6. *Action plan*
  7. Report to Parliament  
*Annual report*
- SCHEDULE

## BILL C-15

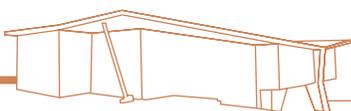
### *An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples*

#### **Preamble**

Whereas the *United Nations Declaration on the Rights of Indigenous Peoples* provides a framework for reconciliation, healing and peace, as well as harmonious and cooperative relations based on the principles of justice, democracy, respect for human rights, non-discrimination and good faith;

Whereas the rights and principles affirmed in the Declaration constitute the minimum standards for the survival, dignity and well-being of Indigenous peoples of the world, and must be implemented in Canada;

Whereas, in the outcome document of the high-level plenary meeting of the General Assembly of the United Nations known as the World Conference on Indigenous Peoples, Canada and other States reaffirm their solemn commitment to respect, promote and advance the rights of Indigenous peoples of the world and to uphold the principles of the Declaration;



Whereas, in its document entitled *Calls to Action*, the Truth and Reconciliation Commission of Canada calls upon federal, provincial, territorial and municipal governments to fully adopt and implement the Declaration as the framework for reconciliation, and the Government of Canada is committed to responding to those *Calls to Action*;

Whereas, in its document entitled *Calls for Justice*, the National Inquiry into Missing and Murdered Indigenous Women and Girls calls upon federal, provincial, territorial, municipal and Indigenous governments to implement the Declaration, and the Government of Canada is committed to responding to those *Calls for Justice*;

Whereas First Nations, Inuit and the Métis Nation have, throughout history and to this day, lived in the lands that are now in Canada with their distinct identities, cultures and ways of life;

Whereas Indigenous peoples have suffered historic injustices as a result of, among other things, colonization and dispossession of their lands, territories and resources;

Whereas the implementation of the Declaration must include concrete measures to address injustices, combat prejudice and eliminate all forms of violence and discrimination, including systemic discrimination, against Indigenous peoples and Indigenous elders, youth, children, women, men, persons with disabilities and gender-diverse persons and two-spirit persons;

Whereas all doctrines, policies and practices based on or advocating the superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust;

Whereas the Government of Canada rejects all forms of colonialism and is committed to advancing relations with Indigenous peoples that are based on good faith and on the principles of justice, democracy, equality, non-discrimination, good governance and respect for human rights;

Whereas the Declaration emphasizes the urgent need to respect and promote the inherent rights of Indigenous peoples of the world which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories, philosophies and legal systems, especially their rights to their lands, territories and resources;

Whereas the Government of Canada recognizes that all relations with Indigenous peoples must be based on the recognition and implementation of the inherent right to self-determination, including the right of self-government;

Whereas the Government of Canada is committed to taking effective measures — including legislative, policy and administrative measures — at the national and international level, in consultation and cooperation with Indigenous peoples, to achieve the objectives of the Declaration;

Whereas the Government of Canada is committed to exploring, in consultation and cooperation with Indigenous peoples, measures related to monitoring, oversight, recourse or remedy or other accountability measures that will contribute to the achievement of those objectives;

Whereas the implementation of the Declaration can contribute to supporting sustainable development and responding to growing concerns relating to climate change and its impacts on Indigenous peoples;

Whereas the Government of Canada acknowledges that provincial, territorial and municipal governments each have the ability to establish their own approaches to contributing to the implementation of the Declaration by taking various measures that fall within their authority;

Whereas the Government of Canada welcomes opportunities to work cooperatively with those governments, Indigenous peoples and other sectors of society towards achieving the objectives of the Declaration;

Whereas the Declaration is affirmed as a source for the interpretation of Canadian law;

Whereas the protection of Aboriginal and treaty rights — recognized and affirmed by section 35 of the Constitution Act, 1982 — is an underlying principle and value of the Constitution of Canada;

Whereas there is an urgent need to respect and promote the rights of Indigenous peoples affirmed in treaties, agreements and other constructive arrangements, and those treaties, agreements and arrangements can contribute to the implementation of the Declaration;

Whereas respect for human rights, the rule of law and democracy are underlying principles of the Constitution of Canada which are interrelated, interdependent and mutually reinforcing and are also recognized in international law;

And whereas measures to implement the Declaration in Canada must take into account the diversity of Indigenous peoples and, in particular, the diversity of the identities, cultures, languages, customs, practices, rights and legal traditions of First Nations, Inuit and the Métis and of their institutions and governance structures, their relationships to the land and Indigenous knowledge;

Now, therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

### Short Title

#### Short title

1 This Act may be cited as the *United Nations Declaration on the Rights of Indigenous Peoples Act*.

### Interpretation

#### Definitions

2 (1) The following definitions apply in this Act.

**Declaration** means the United Nations Declaration on the Rights of Indigenous Peoples that was adopted by the General Assembly of the United Nations as General Assembly Resolution 61/295 on September 13, 2007 and that is set out in the schedule. (*Déclaration*)

**Indigenous peoples** has the meaning assigned by the definition aboriginal peoples of Canada in subsection 35(2) of the *Constitution Act, 1982*. (*peuples autochtones*)

**Minister**, for the purposes of any provision of this Act, means the federal minister designated as the Minister for the purposes of that provision under section 3. (*ministre*)

#### Rights of Indigenous peoples

(2) This Act is to be construed as upholding the rights of Indigenous peoples recognized and affirmed by section 35 of the *Constitution Act, 1982*, and not as abrogating or derogating from them.

### Clarification

(3) Nothing in this Act is to be construed as delaying the application of the Declaration in Canadian law.

#### Designation of Minister

### Order designating Minister

3 The Governor in Council may, by order, designate any federal minister to be the Minister for the purposes of any provision of this Act.

### Purpose of Act

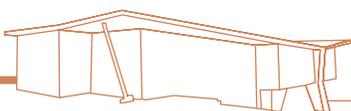
#### Purpose

4 The purpose of this Act is to

- (a) affirm the Declaration as a universal international human rights instrument with application in Canadian law; and
- (b) provide a framework for the Government of Canada's implementation of the Declaration.

### Measures for Consistency of Laws and Achieving the Objectives of the Declaration

#### Consistency



5 The Government of Canada must, in consultation and cooperation with Indigenous peoples, take all measures necessary to ensure that the laws of Canada are consistent with the Declaration.

#### Action plan

6 (1) The Minister must, in consultation and cooperation with Indigenous peoples and with other federal ministers, prepare and implement an action plan to achieve the objectives of the Declaration.

#### Content

(2) The action plan must include

(a) measures to

(i) address injustices, combat prejudice and eliminate all forms of violence and discrimination, including systemic discrimination, against Indigenous peoples and Indigenous elders, youth, children, women, men, persons with disabilities and gender-diverse persons and two-spirit persons, and

(ii) promote mutual respect and understanding as well as good relations, including through human rights education; and

(b) measures related to monitoring, oversight, recourse or remedy or other accountability measures with respect to the implementation of the Declaration.

#### Other elements

(3) The action plan must also include measures related to monitoring the implementation of the plan and reviewing and amending the plan.

#### Time limit

(4) The preparation of the action plan must be completed as soon as practicable, but no later than three years after the day on which this section comes into force.

#### Tabling in Parliament

(5) The Minister must cause the action plan to be tabled in each House of Parliament as soon as practicable after it has been prepared.

#### Action plan made public

(6) After the action plan is tabled, the Minister must make it public.

### Report to Parliament

#### Annual report

7 (1) Within 90 days after the end of each fiscal year, the Minister must, in consultation and cooperation with Indigenous peoples, prepare a report for the previous fiscal year on the measures taken under section 5 and the preparation and implementation of the action plan referred to in section 6.

#### Tabling in Parliament

(2) The Minister must cause the report to be tabled in each House of Parliament on any of the first 15 days on which that House is sitting after the report is completed.

#### Referral to committee

(3) The report stands permanently referred to the committee of each House of Parliament that is designated or established to review matters relating to Indigenous peoples.

#### Report made public

(4) After the report is tabled, the Minister must make it public.

## SCHEDULE

(Subsection 2(1))

### United Nations Declaration on the Rights of Indigenous Peoples

Resolution adopted by the General Assembly on 13 September 2007

[without reference to a Main Committee (A/61/L.67 and Add.1)]

61/295. United Nations Declaration on the Rights of Indigenous Peoples

The General Assembly,

*Taking note* of the recommendation of the Human Rights Council contained in its resolution 1/2 of 29 June 2006<sup>1</sup>, by which the Council adopted the text of the *United Nations Declaration on the Rights of Indigenous Peoples*,

*Recalling* its resolution 61/178 of 20 December 2006, by which it decided to defer consideration of and action on the Declaration to allow time for further consultations thereon, and also decided to conclude its consideration before the end of the sixty-first session of the General Assembly,

*Adopts* the *United Nations Declaration on the Rights of Indigenous Peoples* as contained in the annex to the present resolution.

107th plenary meeting

13 September 2007

The General Assembly,

*Guided* by the purposes and principles of the Charter of the United Nations, and good faith in the fulfillment of the obligations assumed by States in accordance with the Charter,

*Affirming* 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,

*Affirming* also that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind,

*Affirming* further that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust,

Reaffirming that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind,

*Concerned* 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,

*Recognizing* the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their

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<sup>1</sup> See Official Records of the General Assembly, Sixty-first Session, Supplement No. 53 (A/61/53), part one, chap. II, sect. A.

political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources,

**Recognizing** also the urgent need to respect and promote the rights of indigenous peoples affirmed in treaties, agreements and other constructive arrangements with States,

**Welcoming** the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement and in order to bring to an end all forms of discrimination and oppression wherever they occur,

**Convinced** 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,

**Recognizing** that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment,

**Emphasizing** 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,

**Recognizing** 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,

**Considering** that the rights affirmed in treaties, agreements and other constructive arrangements between States and indigenous peoples are, in some situations, matters of international concern, interest, responsibility and character,

**Considering** also that treaties, agreements and other constructive arrangements, and the relationship they represent, are the basis for a strengthened partnership between indigenous peoples and States,

**Acknowledging** that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights<sup>2</sup> and the International Covenant on Civil and Political Rights, as well as the Vienna Declaration and Programme of Action,<sup>3</sup> affirm the fundamental importance of the right to self-determination of all peoples, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

**Bearing** in mind that nothing in this Declaration may be used to deny any peoples their right to self-determination, exercised in conformity with international law,

**Convinced** 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,

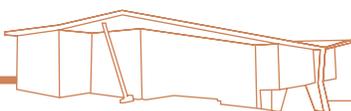
**Encouraging** States to comply with and effectively implement all their obligations as they apply to indigenous peoples under international instruments, in particular those related to human rights, in consultation and cooperation with the peoples concerned,

**Emphasizing** that the United Nations has an important and continuing role to play in promoting and protecting the rights of indigenous peoples,

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<sup>2</sup> See resolution 2200 A (XXI), annex.

<sup>3</sup> A/CONF.157/24 (Part 1), chap. III.



**Believing** 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,

**Recognizing** 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,

**Recognizing** that the situation of indigenous peoples varies from region to region and from country to country and that the significance of national and regional particularities and various historical and cultural backgrounds should be taken into consideration,

**Solemnly proclaims** 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:

**Article 1**

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<sup>4</sup> and international human rights law.

**Article 2**

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.

**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 5**

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

**Article 6**

Every indigenous individual has the right to a nationality.

**Article 7**

1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
2. 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.

**Article 8**

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.

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<sup>4</sup> Resolution 217 A (III).

2. States shall provide effective mechanisms for prevention of, and redress for:
  - (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;
  - (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
  - (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
  - (d) Any form of forced assimilation or integration;
  - (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

**Article 9**

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.

**Article 10**

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.

**Article 11**

1. Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artifacts, designs, ceremonies, technologies and visual and performing arts and literature.
2. 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.

**Article 12**

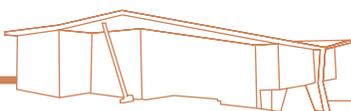
1. Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.
2. 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.

**Article 13**

1. 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.
2. States shall take effective measures to ensure that 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.

**Article 14**

1. 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.
2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.



3. 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.

#### *Article 15*

1. 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.
2. 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.

#### *Article 16*

1. Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.
2. 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.

#### *Article 17*

1. Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law.
2. 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.
3. Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary.

#### *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.

#### *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.

#### *Article 20*

1. 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.
2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

#### *Article 21*

1. 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.
2. 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.

**Article 22**

1. 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.
2. 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.

**Article 23**

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 and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

**Article 24**

1. 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.
2. 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.

**Article 25**

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

**Article 26**

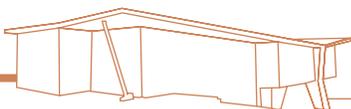
1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional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

**Article 27**

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

**Article 28**

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



**Article 29**

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

**Article 30**

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

**Article 31**

1. 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 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.
2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

**Article 32**

1. 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.
2. 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 mineral, water or other resources.
3. 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.

**Article 33**

1. 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.
2. Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

**Article 34**

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.

**Article 35**

Indigenous peoples have the right to determine the responsibilities of individuals to their communities.

**Article 36**

1. 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.
2. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.

**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.

**Article 38**

States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

**Article 39**

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.

**Article 40**

Indigenous peoples have the right to 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.

**Article 41**

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.

**Article 42**

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.

**Article 43**

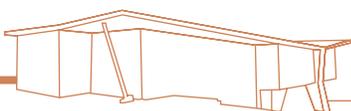
The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

**Article 44**

All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.

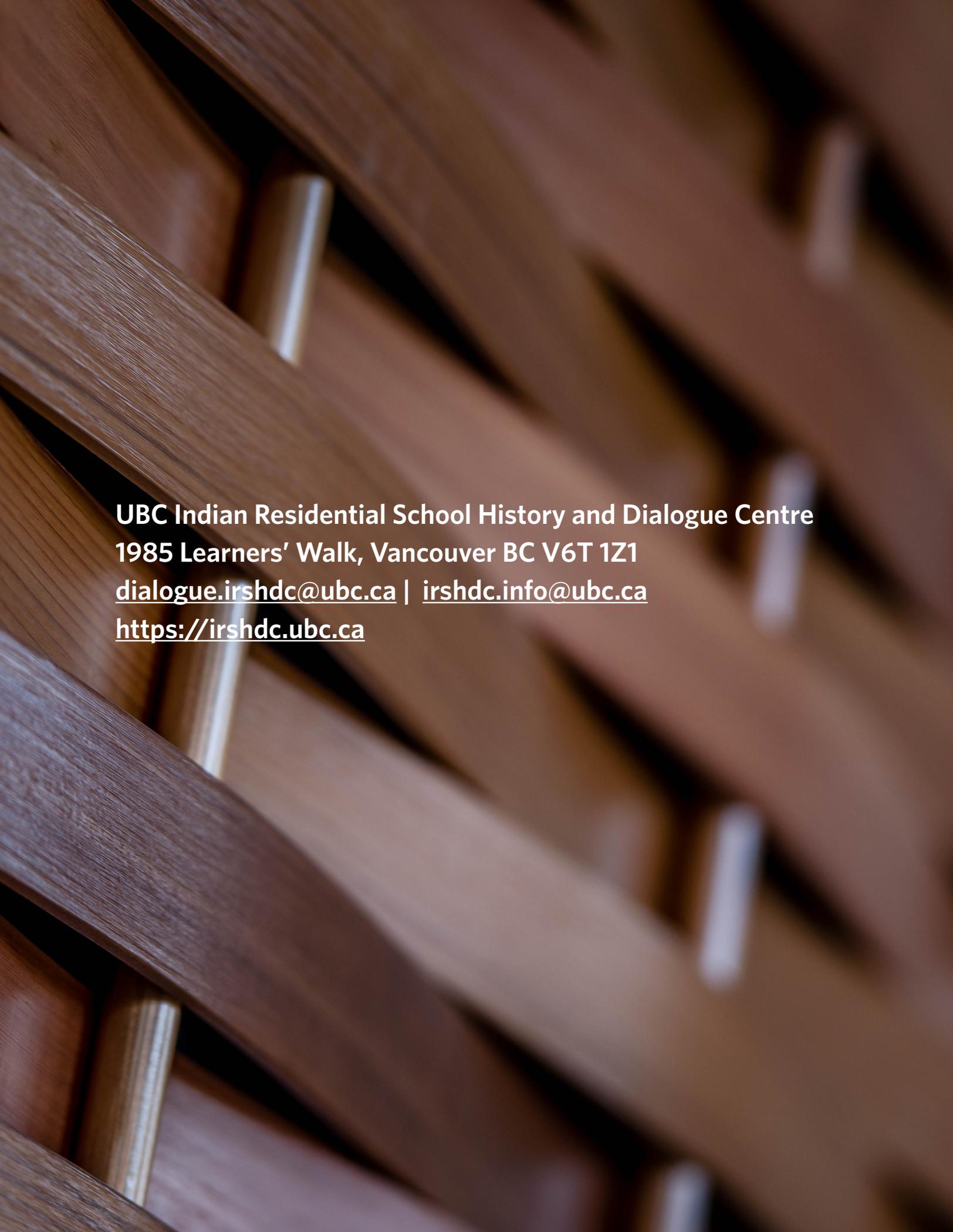
**Article 45**

Nothing in this Declaration may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future.



*Article 46*

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 or 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.
2. 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 and 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 and for meeting the just and most compelling requirements of a democratic society.
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 and good faith.



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