Main Issues:

- The 2007 UN Declaration on the Rights of Indigenous Peoples (UNDRIP) contains a series of substantive articles that are relevant to indigenous peoples’ political and political participation rights (the distinction is discussed below).

- UNDRIP does not prescribe any particular form of political organisation or system at the state level (i.e., proportional representation), and acknowledges that different countries and regions may employ different systems, wholly or partially. The preamble recognises in this respect 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.”

- While the UNDRIP does not prescribe any particular form of political system it does require that the political systems employed by states conform to and respect indigenous peoples’ rights, as set forth in UNDRIP and elsewhere.

- UNDRIP recognises that indigenous peoples hold the right to self-determination, a right also recognised in common Article 1 of the ICCPR and ICESCR. Because of this right, indigenous peoples are collective juridical and political entities and must be recognised and treated as such.

- Indigenous peoples’ right to self-determination is viewed as a right that is to be exercised within existing states rather than conveying an automatic or unilateral right of secession. What this means is that the right has two main spheres of operation, an internal (meaning internal to indigenous peoples) and a relational/external aspect (meaning relations with the state and its institutions):

  1) indigenous peoples’ (internal) political rights (Arts. 2, 3, 4, 5, 9, 23, 32(1), 33, 34, 35) and;

  2) rights to participate as collective entities in various (sometimes prescribed) ways in the political system of the state (relationship/external) (Arts. 3, 5, 18, 19, 32(2), 38)
This distinction is clearly expressed (in rights language) in Article 5 which provides that “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.”

**Relevant Preambular Language and Substantive Articles:**

*Acknowledging* 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 as well as the Vienna Declaration and Programme of Action, 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,

**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 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 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.

**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 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.

**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 38**
States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.