

AMERICAN DECLARATION ON THE RIGHTS OF AMERICAN INDIAN PEOPLES
(Created at the first Council plenary session, held on August 26, 2023)

ESTABLISHING the rights of the Original Indigenous Peoples of the Americas, should be promoted, protected and be a priority of the Organization of American States; American Indians are the posterity of the timeless ancient American ancestors who dwelt in these lands from time immemorial. They are their ancestors and their ancestors are they, the same people found here by the Europeans before, during and after 1492, and were labeled Amerindians /American Indians in original treaties with the foreign colonizers. Whenever the term American Indian is used in this document, it means, original indigenous peoples, indigenous, Amerindians, Nijji, American Aborigines, American Aboriginal, Autochthonous Americans.

RECOGNIZING the valuable time and support provided by the Leaders and all American Indian individuals who dedicated their energy in Working to prepare this American Declaration on the Rights of the American Indian Peoples.

AMERICAN DECLARATION ON THE RIGHTS OF AMERICAN INDIAN PEOPLES

PREAMBLE

RECOGNIZING:

That the rights of American Indians are both essential and of historic significance to the present and future of the Americas;

The past and present immense contributions of the American Indians towards the development of foreign occupiers and immigrants, must be acknowledged, and so all governments, agencies and corporations et alia, must be committed and obligated to the economic and social well-being, as well as the obligation to respect the rights and cultural identity of all American Indians as individuals or a community;
and

That the existence of the American Indians and culture is important to all of humanity; and

REAFFIRMING that American Indians are in deed original to the Americas, with diverse societies, with their own identities that form the integral foundations of the Americas; it must be a

CONCERN that American Indians have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of lands, territories and resources, thus preventing them from exercising, their right to development in accordance with their own needs and interests; it must be

RECOGNIZED that there is an urgent need to respect and promote the inherent rights of all American Indians 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; it must be

RECOGNIZED FURTHER that respect for the American Indians knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment;

BEARING IN MIND the progress achieved at the international level in recognizing the rights of indigenous peoples as a whole, especially 169 ILO convention and the United Nations Declaration on the Rights of Indigenous Peoples and the American Declaration on the Rights of Indigenous Peoples;

BEARING IN MIND ALSO the progress made in the nations of the Americas, at the constitutional, legislative, and jurisprudential levels to safeguard, promote, and protect the rights of indigenous peoples, as well as the political will of states to continue their progress toward recognition of the rights of Indigenous peoples in the Americas, but more has to be done in the implementation of these inherent rights;

RECALLING the commitments undertaken by the Member States to guarantee, promote, and protect the rights and institutions of the Indigenous peoples;

RECALLING AS WELL the universality, inseparability, and interdependence of “human” rights recognized- under international law,

CONVINCED that recognition of the rights of American Indians in this Declaration will foster among states, and American Indians harmonious and cooperative relations based on the principles of justice, freedom, respect for the right of men and women, nondiscrimination, and good faith;

OBLIGATED TO the importance of eliminating all forms of discrimination that may affect American Indians, and taking into account the responsibility of states and nations to combat them;

ENCOURAGING States to respect and comply with and effectively implement all their obligations as they apply to indigenous peoples under “international instruments”, in particular those related to “human rights” but not limited to, and also in consultation and cooperation with the peoples concerned;

DECLARE:

SECTION ONE: American Indians. Scope of Application

Article I.

The American Declaration on the Rights of American Indian Peoples applies to the original peoples of the Americas, who have been politically, legally and historically been reclassified as slaves, negro, black, colored, Afro-American, African American, Nigger & ETC, via paper genocide individually or collectively.

Article II.

The states must recognized and respect the multicultural and multilingual character of American Indians, who are an an integral part of their societies.

Article III.

American Indians have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic and cultural development.

Article IV.

Nothing in this Declaration may be interpreted as implying for any state, corporation, organization, people, group or person any right to engage in any activity or perform any act contrary to love, peace, justice and freedom for all.

SECTION TWO: “Human” Rights and collective Rights

Article V. Full effect and observance of rights

American Indians and persons have the right to full enjoyment of all “human” rights but not limited to, and fundamental freedoms, as recognized in the Charter of the United Nations, the Charter of the Organization of American States and International human rights law, but not limited to.

Article VI. Collective rights

American Indians collective rights are indispensable for their existence, well-being, and integral development as peoples. In this regard, the states must recognize and respect, the right of American Indians to their collective action; to their juridical, social, and economic systems or institutions; to their own cultures; to profess and practice their spiritual way of life; to use their own tongues, dialects and languages; and to their lands, territories and resources. States must promote with the full and effective participation of American Indians the harmonious coexistence of rights and systems of the different population, groups, and cultures, but not limited to.

Article VII. Gender equality

1. American Indian women have the right to recognition, protection, and enjoyment of all “human” rights and fundamental freedoms provided for in international law but not limited, and free of all forms of discrimination.
2. States must recognize that violence against American Indians and or persons, particularly women, hinders or nullifies the enjoyment of all rights and fundamental freedoms.
3. States must adopt the necessary measures, in conjunction with American Indians, to prevent and eradicate all forms of violence and discrimination, particularly against indigenous women and children.

Article VIII. Right to belong to Indigenous peoples

American Indians and communities have the right to belong to one or more indigenous peoples, in accordance with their identity, traditions, customs, and systems of belonging of each people. No discrimination of any kind may arise from the exercise of such a right.

Article IX. Juridical personality

The states must recognize fully the juridical personality of American Indians, respecting American Indian forms of organization and promoting the full exercise of the rights recognized in this Declaration.

Article X. Rejection of assimilation

1. American Indians have the right to maintain, express, and freely develop their cultural identity in all respects, free from any external attempt at assimilation.

2. The States must not carry out, adopt, support, or favor any policy to assimilate American Indians or to destroy their cultures.

Article XI. Protection against genocide

American Indians have the right not to be subjected to any form of genocide or attempts to exterminate them. Every indigenous individual has the right to a nationality.

Article VII. Guarantees against racism, racial discrimination, xenophobia, and other related forms of intolerance

American Indians have the right not to be subject to racism, xenophobia, and other related forms of intolerance. The states must adopt the preventive and corrective measures for the full and effective protection of this right.

SECTION THREE: Cultural identity

Article XIII. Right to cultural identity and integrity

1. American Indians have the right to their own identity and integrity and to their cultural heritage, both tangible and intangible, including historic and ancestral heritage for their collective continuity and that of their members and so as to transmit that heritage to future generations.

2. States must provide redress through effective mechanisms, which must include restitution, developed in conjunction with American Indians, 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.

3. American Indians have the right to recognition and respect for all their ways of life, cosmovisions, spirituality, uses, customs, norms, traditions, forms of social, economic, and political organization; forms of transmission of knowledge, institutions, practices, beliefs, values, dress, and languages, recognizing their inter-relationship as established in this Declaration.

Article XIV. Systems of knowledge, Language, Dialect, Slang and Communication

1. American Indians have the right to preserve, use, develop, revitalize, and transmit to future generations their own histories, languages, oral traditions, philosophies, systems of knowledge, writing, and literature, and to designate and retain their own names for their communities, individuals, and places.

2. States must adopt adequate and effective measures to protect the exercise of this right with the full and effective participation of American Indians.

3. American Indians have the right to promote and develop all their systems and media of communication, including their own radio and television programs, and to have equal access to all other means of communication and information. States must take measures to promote the broadcast of radio and

television programs in indigenous languages, particularly in areas with an American Indian presence. States must support and facilitate the creation of American Indian radio and television stations, as well as other means of information and communication.

4. States, in conjunction with American Indians, must make efforts to ensure that those peoples can understand and be understood in their own languages, Slang, Dialects in administrative, political, and judicial proceedings, if necessary through the provision of interpretation or by other effective means.

Article XV. Education

1. American Indians and individuals, particularly indigenous children, have the right to all levels and forms of education and knowledge, without discrimination.

2. States and American Indians, in keeping with the principle of equality of opportunity, must promote the reduction of disparities in education and knowledge based programs between American Indians and non-American Indian peoples.

3. American Indians have the right to establish and control their own educational and knowledge based systems and institutions, providing education and knowledge in their own languages, slang, and dialect, in a manner appropriate to their cultural methods of teaching and learning.

4. In conjunction with American Indians, the states must take effective measures to ensure that American Indians living outside their communities, particularly children, may have access to education and knowledge in their own means of communication and cultures.

5. States shall promote harmonious intercultural relations, ensuring that the curricula of state educational systems reflect the pluricultural and multilingual nature of their societies and encourage respect for, and knowledge of, the different indigenous cultures. States, in conjunction with American Indians, shall promote intercultural education that reflects the cosmovision, histories, languages, knowledge, values, cultures, practices, and ways of life of those peoples.

6. States, in conjunction with the original indigenous peoples, shall adopt necessary and effective measures to ensure the exercise and observance of those rights.

Article XVI. American Indian spirituality

1. American Indians have the right to freely exercise their own spirituality and religious customs and, by virtue of that right, to practice, develop, transmit, and teach their traditions, customs, and ceremonies, and to carry them out in public and in private, whether individually or collectively.

2. No American Indian as a group or individual shall be subjected to pressures or impositions, or any other type of coercive measures that might impair or limit their right freely to exercise their indigenous spirituality and customs.

3. American Indians have the right to preserve, protect, and access their

sacred sites, including their burial grounds, to use and control their sacred objects and relics, and to recover their human remains.

4. American Indians in conjunction with States, shall adopt effective measures, to promote respect for American Indians spirituality and knowledge, and to protect the integrity of the symbols, practices, ceremonies, expressions, and spiritual protocols of indigenous peoples, in accordance with international law, but not limited to.

Article XVII. American Indian Lineage

1. The “family” is the natural and fundamental group unit of society. American Indians have the right to preserve, maintain, and promote their own “family” systems. States shall recognize, respect, and protect the various American Indian forms of “family”, in particular, the extended “family”, as well as their forms of matrimonial union, filiation, descent, and “family” name. In all cases, gender and generational equity shall be recognized and respected.

2. In matters relating to custody, adoption, severance of “family” ties, and related matters, American Indian parents best interests of the child must be a priority. In determining the best interests of the child, courts and other relevant institutions cannot take any American Indian child away from the community of his or her people. American Indian children must be in the custody of their own community to enjoy his or her own culture, to profess and practice his or her own spirituality, and to use his or her own language, dialect and or slang.

Article XVIII. Health

1. American Indians have the collective and individual right to the enjoyment of the highest attainable standard of physical, mental, and spiritual health.

2. American Indians have the right to their own health systems and practices, as well as to the use and protection of their vital remedy, healing and or medicinal plants, animals and minerals, and other natural resources for healing use in their ancestral lands and territories.

3. States must take measures to prevent and prohibit American Indians as a group or individuals from being subjects of research programs, biological or medical experimentation, or sterilization. Likewise, American Indians as a group or individuals have the right, to access to their data, medical records, and documentation of research conducted by individuals and institutions done with their consent, whether public or private.

3. American Indians have the right to use, without discrimination of any kind, all the health and medical care institutions and services accessible to the general population. States, in consultation and coordination with American Indians, must promote intercultural systems and practices in the medical and health services provided in American Indian communities, including training of American Indian technical and professional health care personnel.

5. American Indian women, cannot be forced to birth their children in

institutions that may violate spiritual and or religious customs of the American Indians. If any American Indian children are to be birthed in any health, and or medical institution, the rights of the American Indian mother must always be a priority, respected and honored.

6. States must ensure the effective exercise of the rights contained in this article.

Article XIX. Right to protection of a healthy environment

1. American Indians have the right to live in harmony with nature and to a healthy, safe, and sustainable environment, essential conditions for the full enjoyment of the rights to life and to their spirituality, cosmovision, and collective well-being.

2. American Indians have the right to conserve, restore, and protect the environment and to manage their lands, territories and resources in a sustainable way according to their customs.

3. American Indians have the right to be protected against the introduction of, abandonment, dispersion, transit, indiscriminate use, or deposit of any harmful substance that could adversely affect indigenous communities, lands, territories and resources.

4. American Indians 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 programs for American Indian peoples for such conservation and protection, without discrimination.

SECTION FOUR: Organizational and Political Rights

Article XX. Rights of association, assembly, and freedom of expression and thought

1. American Indians have the rights of association, assembly, organization and expression, and are entitled to exercise them without interference and in accordance, inter alia, with their cosmovision, values, uses, customs, ancestral traditions, knowledge, spirituality, and other cultural practices.

2. American Indians have the right to assemble on their sacred and ceremonial sites and areas. For that purpose they shall have free access to, and use of, such sites and areas.

3. American Indians, in particular those who are divided by international borders, have the right to travel as their ancestors did, and maintain and develop contacts, relations, and direct cooperation, including activities for spiritual, cultural, political, economic, and social purposes, with their members and other peoples.

4. American Indians have their ancestral inherent rights to travel all lands of the Americas, without any discrimination. They also have the right to take asylum within all lands of the Americas due to uncontrolled and ignored discrimination and or genocide.

5. States, in consultation and cooperation with American Indians, must adopt effective measures to ensure the exercise and enforcement of these rights.

Article XXI. Right to autonomy or self-government

1. American Indians, in exercising their right to self determination, have the right to autonomy or self government in matters relating to their International, internal and local affairs, as well as ways and means for financing their autonomous functions.

2. American Indians have the right to maintain and develop their own decision-making institutions. They also have the right to participate in decision-making in matters which would affect their rights. They may do so directly or through their representatives, and in accordance with their own norms, procedures, and traditions. They also have the right to equal opportunities in accessing and participating fully and effectively as peoples in all national institutions and forums, including deliberative bodies.

3. American Indians cannot be forced to have any credentials issued by States, corporations, agencies or any of their subsidiaries! As self identification and determination is a natural inherent right, American Indians have the right to create their own government, and form of identification that will be acknowledged as valid by all entities that are on their ancestral lands.

Article XXII. American Indian law and jurisdiction

1. American Indians 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, but not limited to.

2. American Indian law and legal systems must be recognized and respected by national, regional and international legal systems.

3. The Matters concerning American Indians or to their rights or interests in the jurisdiction of each State, must be conducted in such a way as to afford American Indians the right to full representation with and from their own councils, and within the scope of American Indian laws and court venue.

4. If any American Indians are accused of committing an alleged crime, he or she can produce their organization and or nation issued valid ID. American Indians have the right to call any of their representative due to any threat of being detained. American Indians must not be detained, imprisoned, fined by any foreign entity on their ancestral lands, or overseas, he/she can only be detained or arrested by their own indigenous law enforcement until the situation is resolved. This is due to the former history of brutalities, discrimination & disproportionate detainment and arresting by agents of States and or agencies. As a result of such discrimination, millions of American Indians are incarcerated by an unfair legal system that continue to label American Indians as black, colored and or African American.

5. States must take effective measures in conjunction with American Indians to ensure the implementation of this article.

Article XXIII. Contributions of the American Indian legal and organizational systems

1. American Indians have the right to full and effective participation in decision-making, through representatives chosen by themselves in accordance with their own institutions, in matters which affect their rights, and which are related to the development and execution of laws, public policies, programs, plans, and actions related to American Indian matters.

2. States shall consult and cooperate in good faith with American Indians 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 XXIV. Treaties, agreements and other constructive arrangements

1. American Indians have the right to the recognition, observance, and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors, in accordance with their true spirit and intent in good faith and to have States honor and respect same. States must give due consideration to the understanding of American Indians as regards to treaties, agreements and other constructive arrangements.

2. American Indian peoples have the right to question and validate all treaties, contracts, constructive arrangements made with their ancestors. American Indians also reserve the right to renegotiate any treaties, agreements and other constructive arrangements that affect them, by means of taking any of their rights, liberties, freedom and ancestral lands.

3. American Indians invoke the original continental agreement known as the 1787 Constitution for the United States of America in which American Indians status stood before all nations as "tribal" Indians, as "Indians not taxed," as not "subject to the jurisdiction" of the United States". This is, as it was meant to be the status of all tribes of American Indians and not to be confused as a temporary status nor as a tax "exemption"

4. When disputes in relation to such treaties, agreements and other constructive arrangements cannot be resolved between the parties, they shall be submitted to competent impartial bodies, including regional and international bodies, by the states and American Indians concerned.

5. Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of American Indians contained in treaties, agreements and other constructive arrangements.

SECTION FIVE: Social, Economic, and Property Rights

Article XXV. Traditional forms of property and cultural survival. Right to land, territory, and resources

1. American Indians have the right to maintain and strengthen their distinctive spiritual, cultural, and material relationship with their lands, territories, and resources and to uphold their responsibilities to preserve them for themselves and for future generations.

2. American Indians have the right to the lands, territories and resources their ancestors inhabited since time immemorial, and also in which they have owned traditionally, occupied or otherwise used or acquired.

3. American Indians have the right to own, use, develop and control their ancestral 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.

4. States must give legal recognition and protection to these lands, territories and resources. Such recognition must be conducted with due respect to the customs, traditions and land tenure systems of American Indian peoples concerned.

5. American Indians have the right to lawful recognition of the various and particular modalities and forms of property, possession and ownership of their lands, territories, and resources, in accordance with the laws and customs of American Indian peoples.

Article XXVI. American Indians in voluntary isolation or initial contact

1. American Indians in voluntary isolation or initial contact have the right to remain in that condition and to live freely and in accordance with their ancestral cultures.

2. States must, with the knowledge and participation of American Indians and organizations, adopt appropriate policies and measures to recognize, respect, and protect the lands, territories, environment, and cultures of these peoples as well as their life, and individual and collective integrity.

Article XXVII. Labor Rights

1. American Indians as groups and or individuals have the rights and guarantees recognized in national and international labor law. States shall take all special measures necessary to prevent, punish and remedy any discrimination against American Indians as a group and or individuals.

2. States, in conjunction with American Indians, must adopt immediate and effective measures to eliminate exploitative labor practices with regard to American Indian peoples, in particular, American Indian children, women and elderly persons.

3. Where American Indians are not effectively protected by the Laws

applicable to workers in general, States, in conjunction with American Indians, shall adopt all necessary measures to:

- a. protect indigenous workers and employees in relation to hiring under fair and equal conditions in both formal and informal employment;
- b. establish, apply, or improve labor inspection and the enforcement of rules with particular attention to, inter alia, regions, companies, and labor activities in which indigenous workers or employees participate;
- c. establish, apply, or enforce laws so that both men and women indigenous workers:
 - i. enjoy equal opportunities and treatment in all terms, conditions, and benefits of employment, including training and capacity building, under national and international law but not limited to;
 - ii. enjoy the right of association, the right to form trade unions and participate in trade union activities, and the right to collective bargaining with employers through representatives of their own choosing or through workers' organizations, including traditional authorities;
 - iii. are not subject to discrimination or harassment on the basis of, inter alia, race, sex, origin, or original indigenous identity;
 - iv. are not subject to coercive hiring systems, including debt servitude or any other form of forced or compulsory labor, regardless of whether the labor arrangement arises from law, custom, or an individual or collective arrangement, in which case the labor arrangement shall be deemed absolutely null and void;
 - v. are not forced to work in conditions that endanger their health and personal safety; and are protected from work that does not conform to occupational health and safety standards;
 - vi. receive full and effective legal protection, without discrimination, when they provide their services as seasonal, occasional, or migrant workers, as well as when they are hired by employers, such that they receive the benefits of national laws and practices, which shall be in accordance with international human rights laws and standards for this category of workers but not limited to;
- d. ensure that indigenous workers and their employers are informed of the rights of indigenous workers under national law and international and indigenous standards, and of the remedies and actions available to them to protect those rights.

4. States shall take measures to promote employment of American Indians.

Article XXVIII. Protection of Cultural Heritage and Intellectual Property

1. American Indians have the right to full recognition and respect for the ownership, dominion, possession, control, development, and protection of their tangible and intangible cultural heritage and intellectual property, including its collective nature, transmitted over time immemorial from generation to generation.

2. The collective intellectual property of American Indians includes, inter alia, traditional knowledge and traditional cultural expressions, including traditional knowledge associated with genetic resources, ancestral designs and procedures, cultural, artistic, spiritual, technological, and scientific expressions, tangible and intangible cultural heritage, as well as knowledge and developments of their own related to biodiversity and the utility and qualities of all seeds, healing plants, flora, and fauna.

3. States, with the full and effective participation of American Indians, must adopt measures necessary to ensure that national and international agreements and regimes provide recognition and adequate protection for the cultural heritage of original indigenous peoples and intellectual property associated with that heritage. In adopting such measures, consultations shall be held to obtain the free, prior and informed consent of American Indian peoples.

Article XXIX. Right to development

1. American Indians have the right to maintain and determine their own priorities with respect to their political, economic, social, and cultural development in conformity with their own cosmovision. They also have the right to be guaranteed the enjoyment of their own means of subsistence and development, and to engage freely in all their economic activities.

2. This right includes the development of policies, plans, programs, and strategies in the exercise of their right to development and to implement them in accordance with their political and social organization, norms and procedures, own cosmovisions, and institutions.

3. American Indians have the right to be actively involved in developing and determining development programs that affect them and, have the right to administer such programs through their own institutions.

4. States shall consult and cooperate in good faith with American Indian 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.

5. American Indians have the right to effective measures to mitigate adverse ecological, economic, social, cultural, or spiritual impacts of the implementation of development projects that affect their rights. American Indian peoples who have been deprived of their means of subsistence and development have the right to restitution and, where this is not possible, to fair and equitable compensation. This includes the right to compensation for any harm caused to them by the implementation of plans, programs, or projects of the State, international financial institutions, or private business.

Article XXX. Right to peace, security and protection

1. American Indians have the right to peace and security.

2. American Indians have the right to recognition and respect for their institutions for the maintenance of their organization and control of their communities and peoples.

3. American Indians have the right to protection and security in situations or periods of internal or international armed conflict, in accordance with international humanitarian law but not limited to.

4. States, in compliance with international agreements to which they are party, in particular those of international humanitarian law and international “human” rights law, including the Geneva Convention relative to the Protection of Civilian Persons in Time of War and Protocol II thereof relating to the protection of victims of non-international armed conflicts, shall, in the event of armed conflicts, take adequate measures to protect the “human” rights, institutions, lands, territories, and resources of original indigenous peoples and their communities. Likewise, States:

- a. must not recruit American Indian children and adolescents into the armed forces under any circumstances;
- b. must adopt effective redress and reparation measures and provide adequate resources for said reparation, in conjunction with American Indian peoples concerned, for the damages or harm caused by an armed conflict.
- c. must take special and effective measures in collaboration with American Indians to guarantee that American Indian women and children live free from all forms of violence, especially sexual violence, and shall guarantee the right of access to justice, protection, and effective reparation for harm caused to the victims.

5. Military activities shall not take place in the lands or territories of American Indians, unless freely agreed to or requested by American Indian peoples concerned.

SECTION SIX: General Provisions

Article XXXI

1. States must ensure the full enjoyment of civil, political, economic, social, and cultural rights of American Indians; as well as their right to maintain their cultural and spiritual identity, religious traditions, cosmovision, and values; the protection of their sacred sites and places of worship, and all the rights contained in this Declaration.

2. States must promote, with the full and effective participation of American Indians, the adoption of such legislative and other measures as may be necessary to give effect to the rights recognized in this Declaration.

Article XXXII

All the rights and freedoms recognized in the present Declaration are guaranteed equally to American Indian women, men and children.

Article XXXIII

American Indians as groups and or individuals have the right to effective and suitable remedies, including prompt judicial remedies, for the redress and reparation of any violation of their collective and individual rights. States, with the full and effective participation of American Indians, must provide the necessary mechanisms for the exercise of this right.

Article XXXIV

In case of conflicts or disputes with American Indian peoples, States must provide, with the full and effective participation of those peoples, just, equitable and effective mechanisms and procedures for their prompt resolution. For that purpose, due consideration and recognition must be accorded to the customs, traditions, norms and lawful systems of the American Indian peoples concerned.

Article XXXV

Nothing in this Declaration may be interpreted as limiting, restricting, or denying any rights in any way, or as authorizing any action that is not in keeping with international human rights law but not limited to.

Article XXXVI

In the exercise of the rights enunciated in the present Declaration, the “human” rights and fundamental freedoms of all must be respected. The exercise of the rights set forth in this Declaration shall may be subject to such limitations as are determined by law and in accordance with international “human” rights obligations. American Indians must work in accordance with States in order to insure, secure, due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling needs of a righteous society.

The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, freedom, respect for “human” rights, equality, nondiscrimination, good governance, and good faith.

Article XXXVII

American Indians 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 XXXVIII

The Organization of American States, its organs, agencies, and entities, must adopt all necessary measures to promote the full observance, protection, and application of the provisions contained in this Declaration, and shall endeavor to ensure their efficacy.

Article XXXIX

The nature and scope of the measures that shall be adopted to implement this Declaration must be determined in accordance with the spirit and purpose of said Declaration.

Article XL

Nothing in this Declaration shall be construed as diminishing or extinguishing rights that American Indians now have or may acquire in the future.

Article XLI

The rights recognized in this Declaration, American Declaration on the Rights of Indigenous Peoples and the United Nations Declaration on the Rights of Indigenous Peoples, constitute the minimum standards for the survival, dignity, and well-being of the American Indian peoples of the Americas.

FOOTNOTES

1. ...individuals, increasing American Indian participation in national political processes, addressing lack of infrastructure and poor living conditions in indigenous areas, combating violence against American Indian women and girls, promoting the repatriation of ancestral remains and ceremonial objects, and collaborating on issues of land rights and self-governance, among many other issues. The multitude of ongoing initiatives with respect to these topics provides avenues for addressing some of the consequences of past actions. The United States has an obligation to deal with the American Indian peoples from a government-to-government basis as per H. RES. 331.

We the original peoples of the Americas have always been a Sovereign peoples, and were always meant to be this way as per Treaty of 1677;

Articles of Peace between the most Mighty Prince, and our Dread Sovereign Lord CHARLES the Second, by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith, &c. And the several Indian Kings and Queens, &c. Assenters and Subscribers hereunto, made and concluded at the Camp at Middle Plantation the Twenty ninth day of May 1677.

The United has an obligation to honor the Constitution and all Treaties made.

Article VI Supreme Law

Clause 2 Supremacy Clause

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

ETYMOLOGY, MEANING AND DEFINITIONS

AMERICAN, adjective Pertaining to America.

AMERICAN, noun A native of America; originally applied to the aboriginals, or copper-colored races, found here by the Europeans; but now applied to the descendants of Europeans born in America. Source: Noah's Websters Dictionary 1828

INDIAN, noun A general name of any native of the Indies; as an East Indian or **West Indian** it is particularly applied to any native of the **American continent**. Source: Noah's Websters Dictionary 1828

INDIGENOUS, "**born** or **originating** in a particular place," 1640s, from Late Latin indigenus "born in a country, native," from Latin indigena "sprung from the land, native," as a noun, "a native," literally "in-born," or "born in (a place)," from Old Latin indu (prep.) Source: Etymonline