

Beginning of a Rights-Based Era

- ◎ WWII influential in several respects:
 - League of Nations a failure
 - Fighting discrimination/genocide in Germany was hypocritical unless we took care of our own back yard, too
 - Recognition that colonization was neither right nor just
 - Universal Declaration of Human Rights

UN Charter – Article 1

- ◎ **Article 1: The Purposes of the United Nations are:**
 - To maintain international peace and security...
 - To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples...;
 - To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and
 - To be a centre for harmonizing the actions of nations in the attainment of these common ends.

UN Charter – Article 73

CHAPTER XI: DECLARATION REGARDING NON-SELF-GOVERNING TERRITORIES

Article 73

- Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:
- ◎ to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;
 - ◎ to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;

ILO Convention #107 (1957)

- ◎ ILO (International Labour Organization)
 - an NGO that survived WWII
 - encouraged a “new approach”
 - emphasized the need to welcome “Indigenous and tribal populations” into dominant national structures
- ◎ First effort: ILO Convention #107 (1957)
- ◎ Created without Indigenous participation

ILO Convention #107 (1957)

- ◎ Article 1
- ◎ This convention applies to
 - (a) members of tribal or semi-tribal populations in independent countries whose social and economic conditions are at a less advanced stage than the stage reached by other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations

ILO Convention #107 (1957)

- Article 2
- 1. Governments shall have the primary responsibility for developing co-ordinated and systematic action for the protection of the populations and their progressive integration into the life of their respective countries

ILO Convention #107 (1957)

- Article 7
 1. In defining the rights and duties of the populations concerned regard shall be had to their customary laws.
 2. These populations shall be allowed to retain their own customs and institutions where these are not incompatible with the national legal system or the objectives of integration programmes.

ILO Convention #107 (1957)

- Article 12
 1. The populations concerned shall not be removed without their free consent from their habitual territories except in accordance with national laws and regulations for reasons relating to national security, or in the interest of national economic development or of the health of the said populations.
 2. When in such cases removal of these populations is necessary as an exceptional measure, they shall be provided with lands of quality at least equal to that of the lands previously occupied by them, suitable to provide for their present needs and future development.

UN Resolution 1514 (14 December 1960)

UN Resolution 1514 (1960)


- The UN “solemnly proclaims the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations,” and to this end proclaims that:
 1. The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation.

UN Resolution 1514 (1960)

2. All 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.
3. Inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence.

UN Resolution 1541 (15 December 1960)

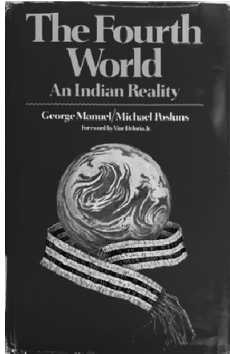
- ### UN Resolution 1541 (1960)
- ⊙ "Blue water" thesis
 - *Principle IV: Prima facie* there is an obligation to transmit information in respect of a territory which is **geographically separate and is distinct ethnically and/or culturally** from the country administering it.
 - ⊙ **Choices:**
 - *Principle VI:* A Non-Self-Governing Territory can be said to have reached a full measure of self-government by:
 - ⊙ (a) Emergence as a sovereign independent State;
 - ⊙ (b) Free association with an independent State; or
 - ⊙ (c) Integration with an independent State.



Non-Self-Governing Territories

TERRITORY	ADMINISTERING POWER	AREA (sq km)†	EXCLUSIVE ECONOMIC ZONE‡	POPULATION‡
AFRICA				
Western Sahara	z	265,000	300,000	531,000
ATLANTIC AND CARIBBEAN				
Anguilla	United Kingdom	96	32,178	15,000
Bermuda	United Kingdom	57	450,375	62,000
British Virgin Islands	United Kingdom	153	86,117*	28,100
Cayman Islands	United Kingdom	263	109,137*	55,000
Falkland Islands (Malvinas)†	United Kingdom	12,173	590,872	2,800
Montserrat	United Kingdom	103	7,882	5,000
St. Helena	United Kingdom	710	1,611,294	5,296
Turks and Caicos Islands	United Kingdom	340	154,068	31,400
United States Virgin Islands	United States	352	33,744	106,400
EUROPE				
Gibraltar	United Kingdom	6.8	n/a	29,700
PACIFIC				
American Samoa	United States	200	404,291	56,000
French Polynesia	France	4,000	4,797,242	271,000
Guam	United States	540	214,009	103,000
New Caledonia	France	18,575	1,432,543	252,000
Pitcairn	United Kingdom	35.5	800,000	50
Tokelau	New Zealand	12.2	318,990	1,411



- ### George Manuel
- ⊙ Started UBCIC
 - ⊙ First National Chief of National Indian Brotherhood
 - ⊙ Founder of World Council of Indigenous Peoples
 - ⊙ Organizer of Constitution Express re Canada Charter & appeal to Queen
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Back to Geneva: 1977

