

[UNIVERSAL DECLARATION OF THE COLLECTIVE RIGHTS OF PEOPLES

Preamble

Bearing in mind the progress achieved, especially in the last two hundred years, since the "Declaration of the Rights of Man and Citizen" in raising awareness of equality of all human beings;

Bearing in mind that one of the greatest contributions to the understanding of this equality has been the recognition of the difference among human beings because of language, culture, belonging to a specific people... as stated in the "Universal Declaration of Human Rights" proclaimed by the United Nations Organization in 1948;

Bearing in mind that individual rights to equality and difference can only be completely fulfilled within the framework of specific peoples in relation to which every individual identifies;

Bearing in mind that each people is fundamentally the holder of its own collective and unalienable rights to equality and difference;

Bearing in mind that the Charter of the United Nations has stated and recognized in its article 1.2 the need to "develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples"; that other UN texts such as the several International Pacts relative to political, social, economical, cultural rights, etc. require to be included in the scope of collective rights; those documents which are at present being dealt with in the UN itself, such as the "Declaration on the Rights of Indigenous Peoples", lead us to interpret all individual rights, in order to fully grasp their meaning, in the light of collective rights.

Considering that, pursuant to these principles, numerous peoples can not only exercise their right to self-determination and take their corresponding sovereignty and independence, but also to deepen their internal cohesion and their solidarity among other peoples;

In view of the fact that other collective rights have not yet been recognized or sufficiently developed and throughout the world there persist conflicts and confrontations resulting from the denial or limitation of the exercise of the collective rights of all peoples;

In view that these situations have legal as well as political consequences in the organization of society which, in international law, institutionalize inequality and discrimination among peoples, and that this organization is essentially at the mercy of constituted states and the bodies created and controlled by them;

In view of the fact that international relations have become more and more the monopoly of constituted states which as a consequence have granted themselves the power to determine the degree of sovereignty of each people even though the peoples themselves are the only subjects and source of rights in all collective dimensions;

In view of the fact that in order to assure their domination and their international powers of decision over determinate geographical areas, the constituted states have imposed institutional models in which citizenship and the act of belonging to a specific people are confused, thus allowing them to deny the existence of peoples and, by means of various legal statutes (autonomy, regionalization and so on), to submit them to limitations on their sovereignty or situations of dependence;

In view of the fact that during the last few years efforts have been made on the part of the civil society in order to promote the recognition of the rights of peoples, specially after the "Declaration of the Rights of Peoples" published in Algiers on July 4th, 1976.

In view of the fact that nonetheless the initiatives aimed at this objective still allow restrictions to collective rights of peoples on conditioning them to the supremacy of constituted states, particularly through the idea of minority;

In view of the fact that in order to arrive at a new stage in creating and understanding among peoples, and thus to contribute to world peace, it is essential to define, in a complete and intrinsic way, the collective rights of peoples and the method for exercising them regardless of current political and legal situations;

The General Assembly of the "Conference of European Stateless Nations" (CONSEU) proposes to all humanity and to competent international organizations that they adopt and put into practice this "Universal Declaration of the Collective Rights of Peoples".

Preliminaries

The absence of a unanimously accepted definition of the concept of "people" shows that it is a dynamic rather than a static notion. History demonstrates that certain communities recognized as peoples have appeared and disappeared, or reappeared, on the international scene under other names. However, the evolutions or regressions of these communities or peoples cannot in any way be the grounds for the acceptance, denial or limitation of the due respect for the collective and individual rights of the persons that form them. Objectively, the rights of peoples always maintain the proper and same identity. It is up to these same communities to set themselves up as peoples along the course of history and, therefore, become subjects of collective rights.

Taking all this into account, this Declaration proposes to define the collective rights of peoples and clearly state therewith the concept of people.

Section I. Peoples and Nations

Art. 1.- Any group of persons who have a common reference to a culture and their own historical tradition, developed within a determinate geographical territory or other environments, constitute a people.

Art. 2.- Any people has the right to identify itself as such. No other instance can substitute for defining it.

Art. 3.- Any people has the right to set itself up as a nation. The existence of a nation is consequence of the will shared by the members of a people to organize itself politically and institutionally.

Art. 4.- Any people has the benefit of the imprescriptible and unalienable collective rights and prerogatives mentioned in this Declaration.

Section II. National Rights of Peoples

Art. 5.- Any people has the right to exist freely whatever its demographic size may be.

Art. 6.- Any people has the right to self-determination in an independent and sovereign way.

Art. 7.- Any people has the right to self-government, in accordance with the democratic options of its members.

Art. 8.1.- Any people has the right to the free exercise of its sovereignty in the whole of its own territory.

Art. 8.2.- Any people that has been forced to leave its territory has the right to return to that territory to settle and exercise its sovereignty, respecting the rights of other persons belonging to other peoples who may be possibly living there.

Art. 8.3.- Any people that may be object of a division as consequence of an interstate or intrastate partition has the right to recover its territorial, political and institutional unity.

Art. 8.4.- Any itinerant people that has historically developed its national consciousness in accordance with this means of existence has the right to guarantee its free circulation.

Art. 9.1.- Any people has the right to express and develop its culture, its language and its organizational forms and, in order to do so, to provide for its own political, educational, communications and public administrative structures within the framework of its sovereignty.

Art. 9.2.- Any people which might be under the conditions described in article 8.2, or be the victim of other decisions that may arbitrarily divide it, has the right to reestablish its linguistic, cultural unity and the rest of prerogatives that distinguish it.

Art. 10.- Any people has the right to dispose of the natural resources in its own territory and, where applicable, territorial waters included therein, and to value them for the development, progress and well-being of its members, in accordance with articles 16, 17 and 18 of this Declaration, related to ecological and solidary requirements.

Art. 11.- All peoples are and remain free and equal in rights whatever the nature of their international relations may be.

Art. 12.- Any people has the right to be fully recognized as such by the international community and to participate with equal voice and vote in the work and decisions of all international organizations representative of sovereign wills.

Art. 13.- Any people has the right to freely establish with each of the other peoples relations suitable to both parties and in the way they have jointly determined.

Art. 14.- Any people has the right to join together with other peoples, to form confederations or the like, always retaining the right to freely and unilaterally break agreements without any prejudice to the rights of other peoples.

Art. 15.- Any people has the right to benefit fairly from the natural resources of this planet and the universe, technological advances, scientific progress and ecological balance which constitute the common patrimony of humanity.

Art. 16.- Any people has the right to solidarity which involves mutual cooperation among peoples, the explicit recognition of the identities that distinguish them, the application of the principles of equity and reciprocity, exchanges of the national wealth and technological advances and economic and social progress, as well as of other goods which are to be shared.

Art. 17.- Any people has the right to prevent the use of natural wealth and technological advances for purposes and in conditions that endanger the health and safety of other peoples or jeopardize the ecological balance of the environment.

Art. 18.- Any people has the right to the legitimate recovery of its own property as well as an adequate reparation if it is completely or partially despoiled of its natural wealth or affected in its sovereignty or in the ecological balance of its environment.

Art. 19.- Any people has the right to direct recourse before the international courts in which those responsible must be elected democratically by all peoples and the arbiter chosen and agreed upon by the parties in the litigation.

Section IV. The Rights of Members of Peoples

Art. 20.- Any person, whether living among his own people or not, has the right to fully exercise the individual rights recognized by the various international declarations, conventions and pacts, in the light of the collective rights mentioned herein.

Section V. Transitional Provisions

Art. 21.- In compliance with the norms of International Law, which are to be completed with the principles of the present Declaration, any people that has been deprived of any of its collective rights by force of arms or by means of other constrictions, has the right of resistance by using the means they consider necessary for their legal defence and its full re-establishment.

Art. 22.- Any people, even if it is recognized, as far as it is subjected to trust situations or those which involve discrimination, colonization in all sense or other limitations to its sovereignty, has the right to put into practice the means and resources specified in Article 21 to gain its independence and the full exercise of rights belonging to every people.

Section VI. Final Clauses

Art. 23.- The application of this Declaration implies the disappearance of all situation which are negative or limiting to the collective rights of peoples and the expiry of all state and international juridic provisions that attack them.

Art. 24.- The signatories of this Declaration commit themselves to winning recognition for all peoples and their collective rights by the competent international organizations and that all the peoples attain their own representation in them. These organizations will therefore have the mission of insuring the respect of the collective rights of peoples defined herein and to intervene in order to solve any violations which could attack them.