

---

***DECLARATION OF INHERENT AND GOD GIVEN RIGHTS  
AND FREEDOMS OF THE KAPAWE'NO FIRST NATION'S MEMBERS  
(CITIZENS)***

---

**PART I**

**AFFIRMING** that indigenous peoples are equal in dignity and rights 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 mankind.

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

**REAFFIRMING** also that indigenous people, in the exercise of their rights, should be free from discrimination of any kind.

**CONCERNED** that indigenous peoples have been deprived of their human rights and fundamental freedoms, resulting, in part in their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right development in accordance with their own needs and interests.

**RECOGNIZING** the urgent need to respect and promote the inherent rights and characteristics of indigenous peoples, especially their right to their lands, territories and resources, which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies.

**WELCOMING** the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement and in order to bring an end to 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** also that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment.

**EMPHASIZING** the need for demilitarization of the lands and territories of indigenous peoples, which will contribute 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.

**RECOGNIZING** also that indigenous peoples have the right freely to determine their relationships with other peoples and governments in a spirit of co-existence, mutual benefit and full respect.

**CONSIDERING** that Treaty #8, agreements and other arrangements between Canada, Alberta and ourselves are properly matters of international concern and responsibility.

**ACKNOWLEDGING** that the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights affirm the fundamental importance of the right of 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 of self-determination.

**ENCOURAGING** Canada to comply with and effectively implement all international instruments, in particular those related to human rights, as they apply to indigenous peoples, in consultation and cooperation with peoples concerned.

**EMPHASIZING** that Canada has an important and continuing role to play in promoting and protecting the rights of our people.

**BELIEVING** that this declaration is a further 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.



## **PART II**

### **SOLEMNLY PROCLAIM THE FOLLOWING UNITED NATIONS DECLARATION AS THE RIGHTS OF THE KAPAWE'NO MEMBERS (CITIZENS).**

#### **Article 1**

Kapawe'no First Nation Members (Citizens) have the right to the full and effective enjoyment of all human rights and fundamental freedoms recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international Human Rights law.

#### **Article 2**

Kapawe'no First Nation Members (Citizens) are free and equal to all other individuals and peoples, in dignity and rights, and have the right to be free from any kind of adverse discrimination, in particular that based on their indigenous origin or identity.

#### **Article 3**

Kapawe'no First Nation Members (Citizens) have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

#### **Article 4**

Kapawe'no First Nation Members (Citizens) have the right to maintain and strengthen their distinct political, economic, social and cultural characteristics, as well as their legal systems, while retaining their rights to participate fully, if they so choose, in the political, economic, social and cultural life of other governments.

#### **Article 5**

Every Kapawe'no First Nation citizen has the right to a nationality.

#### **Article 6**

Kapawe'no First Nation Members (Citizens) have the collective right to live in freedom, peace and security as distinct people and to fully guarantee against genocide or any other act of violence, including the removal of our children from their families and communities under any pretext.

In addition, they have the individual rights to life, physical and mental integrity, liberty and security of person.



## **Article 7**

Kapawe'no First Nation Members (Citizens) have the collective and individual right not to be subjected to ethnocide or cultural genocide, including 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 population transfer which has the aim or effect of violating or undermining any of their rights;
- d) Any form of assimilation or integration by other cultures or ways of life imposed on them by legislative, administrative or other measures;
- e) Any form of propaganda directed against them.

## **Article 8**

Kapawe'no First Nation Members (Citizens) have the collective and individual right to maintain and develop their distinct identities and characteristics, including the right to identify themselves as indigenous and to be recognized as such.

## **Article 9**

Kapawe'no First Nation Members (Citizens) 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 disadvantage of any kind may arise from the exercise of such a right.

## **Article 10**

Kapawe'no First Nation Members (Citizens) shall not be forcibly removed from their lands or territories. No relocation shall take place without the free and informed consent of the Kapawe'no First members (citizens) as the people concerned and after agreement on just and fair compensation and, where possible, with the option of return.



## **Article 11**

Kapawe’no First Nation Members (Citizens) have the right to special protection and security in periods of armed conflict.

Canada shall observe international standards, in particular the Fourth Geneva Convention of 1949, for the protection of civilian populations in circumstances of emergency and armed conflict, and shall not:

- a) Recruit Kapawe’no First Nation Members (Citizens) against their will into the armed forces and, in particular, for use against other indigenous peoples;
- b) Recruit indigenous children under the age of 18 in to the armed forces under any circumstances;
- c) Force our Members (Citizens) to abandon their lands, territories or means of livelihood, or relocate them in special centres for military purposes;
- d) Force our Members (Citizens) to work for military purposes under any discriminatory conditions.

## **PART III**

### **Article 12**

Kapawe’no First Nation Members (Citizens) 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, as well as the right to the restitution of cultural, intellectual, religious and spiritual property taken without their free and informed consent or in violation of their laws, traditions and customs.

### **Article 13**

Kapawe’no First Nation (Citizens) Members have the right to manifest, practice, develop and teach their spiritual and religious tradition, and ceremonies; the right to maintain, protect, and have access in privacy to their religious, cultural and burial sites; the right to the use and control of ceremonial objects and artifacts; and the right to the repatriation of human remains.

Canada and the Province of Alberta, local Municipalities and Industry shall take effective measures, in conjunction with the Kapawe’no (Citizens) Members concerned, to ensure that sacred places, including burial sites, that are specific to Kapawe’no First Nation within the Treaty 8 area be preserved, respected and protected.



## **Article 14**

Kapawe'no First Nation Members (Citizens) shall have the right to revitalize, use, develop and transmit to future generations their histories languages, oral traditions, philosophies, writing systems and literature, and to designate and retain their own names for communities, places and persons.

Canada shall take effective measures, whenever any right of our Members (Citizens) may be threatened, to ensure this right is protected and also to ensure that they can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

## **PART IV**

## **Article 15**

Kapawe'no First Nation Members (Citizens) have the right to all levels and forms of education. Our Members (Citizens) have the right to establish and control their educational systems and institutions providing education in their own language, in a manner appropriate to their cultural methods of teaching and learning.

Our children living outside their communities have the right to be provided access to education in their own culture and language.

Canada and the Province of Alberta shall take appropriate measures to provide appropriate resources for these purposes.

## **Article 16**

Kapawe'no First Nation Members (Citizens) have the right to have the dignity and diversity of their cultures, traditions, histories and aspirations appropriately reflected in all forms of education and public information.

Canada shall take effective measures, in consultation with the Members (Citizens) concerned, to eliminate prejudice and discrimination and to promote tolerance, understanding and good relations among all segments of society.

## **Article 17**

Kapawe'no First Nation Members (Citizens) have the right to establish their own media in their own language. They also have the right to equal access to all forms of non-indigenous media.



## **Article 18**

Kapawe'no First Nation Members (Citizens) have the right to enjoy fully all rights established under international labour law and national labour legislation, as well as having the right not to be subjected to any discriminatory conditions of labour, employment or salary.

## **PART V**

## **Article 19**

Kapawe'no First Nation Members (Citizens) have the right to participate fully, if they so choose, at all levels of decision-making in matters which may affect their rights, lives and destinies 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 20**

Kapawe'no First Nation Members (Citizens) have the right to participate fully, if they so choose, through procedures determined by them, in devising legislative or administrative measures that may affect them.

Canada and/or the Province of Alberta shall obtain the free and informed consent of the Members (Citizens) concerned before adopting and implementing such measures.

## **Article 21**

Kapawe'no First Nation Members (Citizens) have the right to maintain and develop their political, economic and social systems, to be secure in the enjoyment of their own means of livelihood and development, and engage freely in all their traditional and other economic activities. They, who have been deprived of their means of subsistence and development, are entitled to just and fair compensation.

## **Article 22**

Kapawe'no First Nation Members (Citizens) have the right to special measures for the immediate, effective and continuing improvement of their economic and social conditions, including the areas of employment, vocational training and retraining, housing, sanitation, health and social insurance.

Particular attention shall be paid to the rights and special needs of our Elders, women, youth and disabled persons.



### **Article 23**

Kapawe'no First Nation Members (Citizens) have the right to determine and develop priorities and strategies for exercising their right to development. In particular, we have the right to determine and develop all health, housing and other economic and social programs affecting us and, as far as possible, to administer such programs through our own institutions.

### **Article 24**

Kapawe'no First Nation Members (Citizens) have the right to their traditional medicines and health practices, including the right to the protection of vital medicinal plants, animals and minerals. They also have the right to access, on or off Reserve without any discrimination, all medical institutions, health services and medical care.

## **PART VI**

### **Article 25**

Kapawe'no First Nation Members (Citizens) have the right to maintain and strengthen their distinctive spiritual and material relationship with the lands, territories and other resources, which they have traditionally owned or otherwise occupied or used, and to uphold their responsibilities to future generations in this regard.

### **Article 26**

Kapawe'no First Nation Members (Citizens) have the right to own, develop, control and use the lands and territories, including the total environment of the lands, air, waters, flora and fauna and other resources, which they have traditionally owned or otherwise occupied or used. This includes the right to the full recognition of their laws, traditions and customs, land-tenure systems and institutions for the development and management of resources, and the right to effective measures by Canada and Alberta to prevent any interference with, alienation of or encroachment upon these rights.

### **Article 27**

Kapawe'no First Nation Members (Citizens) have the right to the restitution of the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, occupied, used or damaged without their free and informed consent. Where this is not possible, they have the right to just and fair compensation. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resource equal in quality, size and legal status.





## **Article 28**

Kapawe'no First Nation Members (Citizens) have the right to the conservation, restoration and protection of the total environment and the productive capacity of their lands, territories and resources, as well as to assistance for this purpose from Canada and Alberta, and through international cooperation. Military activities shall not take place in the lands and territories of our Members (Citizens), unless otherwise freely agreed upon by the Kapawe'no First Nation Members (Citizens).

Canada and Alberta shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands and territories of the Kapawe'no First Nation Members (Citizens). Canada and Alberta shall also take effective measures to ensure, as needed, that programs for monitoring, maintaining and restoring the health of our Members (Citizens) affected by such materials, are duly implemented.

## **Article 29**

Kapawe'no First Nation Members (Citizens) are entitled to the recognition of the full ownership, control and protection of their cultural and intellectual property.

They have the right to special measures to control, develop and protect their sciences, technologies and cultural manifestations, including human and other genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs and visual and performing arts.

## **Article 30**

Kapawe'no First Nation Members (Citizens) have the right to determine and develop priorities and strategies for the development or use of their lands, territories and other resources, including the right to require that Canada and/or the Province of Alberta obtain their free and informed consent prior to the approval of any product affecting their lands, territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources. Pursuant to agreement with the Kapawe'no First Nation Members (Citizens), just and fair compensation shall be provided for any such activities and measures taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

## **Article 31**

Kapawe'no First Nation Members (Citizens), in the exercise of their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, including culture, religion, education, information, media, health, housing, employment, social welfare, economic activities, land and resources management, environment and entry by non-Members (Citizens), as well as ways and means for financing these autonomous functions.



### **Article 32**

Kapawe'no First Nation Members (Citizens) have the collective right to determine their own Members (Citizens) in accordance with their customs and traditions.

Kapawe'no First Nation Members (Citizens) have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

### **Article 33**

Kapawe'no First Nation Members (Citizens) have the right to promote, develop and maintain their institutional structures and their distinctive judicial customs, traditions, procedures and practices in accordance with internationally recognized human rights standards.

### **Article 34**

Kapawe'no First Nation Members (Citizens) have the collective right to determine the responsibilities of individuals in their communities.

### **Article 35**

Kapawe'no First Nation Members (Citizens), in particular those divided by international borders, have the right to maintain and develop contracts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with other peoples across borders.

### **Article 36**

Kapawe'no First Nation Members (Citizens) have the right to the recognition, observance and enforcement of Treaty #8 agreements and other constructive arrangements concluded with Canada and/or the Province of Alberta, according to their original spirit and intent. Conflicts and disputes, which cannot otherwise be settled, should be submitted to competent international bodies agreed to by all parties concerned.



## **PART VII**

### **Article 37**

Canada shall take effective and appropriate measures, in consultation with Kapawe'no First Nation Members (Citizens), to give full effect to the provisions of this declaration. The rights recognized herein shall be adopted and included in national and provincial legislation in such a manner that our Members (Citizens) can avail themselves of such rights in practice.

### **Article 38**

Kapawe'no First Nation Members (Citizens) have the right to have access to adequate financial and technical assistance, to pursue freely their political, economic, social, cultural and spiritual development and for the enjoyment of the rights and freedoms recognized in this Declaration.

### **Article 39**

Kapawe'no First Nation Members (Citizens) have the right to have access to and prompt decision through mutually acceptable and fair procedures for the resolution of conflicts and disputes with Canada or provinces, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall take into consideration the customs, traditions, rules and legal systems of the Members (Citizens) concerned.

### **Article 40**

The specialized agencies of the United Nations and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization of financial cooperation and technical assistance. Ways and means of ensuring participation of our Members (Citizens) on issues affecting them shall be established.

### **Article 41**

The United Nations shall take the necessary steps to ensure the implementation of this Declaration including the creation of a body at the highest level with special competence in this field and with the direct participation of our Members (Citizens). All United Nations bodies shall promote respect for and full application of the provisions of this Declaration.



## **PART VIII**

### **Article 42**

The rights recognized herein constitute the minimum standards for the survival, dignity and well being of the Kapawe'no First Nation Members (Citizens).

### **Article 43**

All the rights and freedoms recognized herein are equally affirmed to all of the Members (Citizens) of the Kapawe'no First Nation.

### **Article 44**

Nothing in this Declaration may be construed as diminishing or extinguishing existing or future rights our Members (Citizens) may have presently or acquire in the future.

### **Article 45**

Nothing in this Declaration may be interpreted as implying that any person or group may engage in any activity or perform any act contrary to the Charter of the United Nations.



Signed and witnessed this \_\_\_\_\_ day of \_\_\_\_\_, 2003, on behalf of all the Members (Citizens) of the Kapawe'no First Nation.

Grouard, Alberta (“the Signing Site of Treaty #8”)

\_\_\_\_\_  
Chief Frank T. Halcrow

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Councillor Sydney Lee Halcrow

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Councillor Peter Chalifoux

\_\_\_\_\_  
Witness

