

Erica-Irene Daes:

Opening statement

First of all, I would like to express my sincere gratitude to my fellow members of the Working Group for having reelected me as Chairman-Rapporteur of our Group. It is very much a privilege to serve in that capacity, especially in this Group which deals with issues so close to my heart. I appreciate the trust you have shown in me and I will certainly do my utmost to ensure that this trust is well-placed and that the Group will continue under full steam in its efforts to carry out the mandated tasks.

Please allow me also, at the outset of my remarks, to state the importance of this session in light of the fact that we were not able to meet last year, in 1986, for an official session. We did have an NGO-sponsored workshop, in which many of us participated and I will come back to that meeting later in my remarks, but the absence of a 1986 session means that this year we have to cover 2 years in our review of developments and, for the very same reason, we have to continue with increased vigour our international standard-setting activities which really constitute the most important part of our current work.

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In his generous statement, Mr. Nyamekye, the Deputy-Director of the Centre for Human Rights, explained to us the two-fold mandate of the Working Group, that is review of developments and the standard-setting activities. This is also spelled out in our provisional agenda (E/CN.4/Sub.2/AC.4/1987/1). Furthermore, the Plan of Action which we adopted in 1985 provides us with still more details about the specific topics which we hope to emphasize at this session. You will find the Plan of Action in Annex I of the 1985 report in document E/CN.4/Sub.2/1985/22. This listing of topics is, however, for guidance only; other indigenous concerns can of course be brought to our attention as we will continue the flexible approach to attendance and working methods which we have upheld at our previous sessions.

As you can see from the provisional agenda, review of developments is item 4 on our list. Under this item, as is our past practice, the participants in this session can bring up issues relating to the position of indigenous peoples in the various domestic jurisdictions, especially as these affect our knowledge and understanding of the specific rights which we need to address in our standard-setting activities. Developments at the international level can also be dealt with under this item. A high-level delegation of the Independent Commission for International Humanitarian Issues will thus present to us today copies of their report on indigenous peoples and the indigenous quest for global justice. Also, the ongoing revision of ILO Convention NO.107 on Indigenous and Tribal Populations constitutes a major development in this field, something which all of us must pay close attention to, especially as it is inevitably tied to our own standard-setting efforts.

These standard-setting activities are item 5 on our agenda. As you will recall from the 1985 session of our Working Group, we then adopted the preliminary version of seven draft principles. At the same session, we decided to produce, as a first formal step, a draft declaration on indigenous rights, which may be proclaimed by the General Assembly. The draft principles are contained in Annex II of our 1985 report. This emphasis on standard-setting was subsequently enthusiastically endorsed both by the Sub-Commission in its resolution 1985/22 and by the Commission on Human Rights in its resolutions 1986/27 and 1987/34. I am also pleased that, in response to our request and that of the above-mentioned resolutions, we have received very useful and constructive comments on the draft principles from the Governments of Australia, Canada and Norway and it is my hope and expectation, on the basis of the drafting work already accomplished and the observations received, that we can still further intensify our work on this one item and produce a few more draft principles at this session for inclusion in our report.

For these reasons, which I have now outlined, I would suggest we allocate an increased number of meetings to item 5, the standard-setting item. We have a total of 10 meetings at our disposal and it is my proposal that we use at least half of our meetings on the standard-setting work, that is all of Wednesday and Thursday as well as Friday morning, with Monday and Tuesday devoted to review of developments and Friday afternoon for other matters, that is item 6. This proposal is of course flexible, we will see our progress during the week, but I do think we have to set our aim for future standards very high on the priority list.

It was unfortunate that our session last year had to be cancelled because of the financial crisis affecting the United Nations. Anyway, that episode is hopefully behind us now and we have to look ahead and try to make sure that any such postponement of our work does not happen again. The year 1986 was not a total loss either. I was very happy and honored, on 6 and 7 September 1986, to serve as the Chairman-Rapporteur of an NGO-workshop on indigenous rights sponsored by the Anti-Slavery

Both of these organizations deserve our gratitude for their contribution in this regard.
Society for the Protection of Human Rights and by the World Council of Indigenous Peoples. I was also very pleased that the Commission

on Human Rights, by resolution 1987/34, expressed its appreciation to the workshop participants for our meeting to further the work of the Working Group notwithstanding the postponement of its 1986 session. Mr. Alfonso Martínez attended the workshop also, as well as some other members of the Sub-Commission and of the ILO expert meeting on the revision of their Convention NO.107), and together with the several indigenous representatives present we again put the emphasis on our standard-setting work by preparing a set of three draft principles. These draft principles are now before us in one of the NGO working papers which bears the document number E/CN.4/Sub.2/AC.4/1987/WP.4/Add.1. I do hope that, during this week, we will be able to consider these draft principles for inclusion in our list of principles considered, with whatever amendments are deemed necessary. I hope that we will, of course, add more principles to our draft list; I will do my utmost to accomplish this, but it will have to depend on the progress made during our session.

There is one more factor I would like to mention in connection with our drafting exercise. In his opening statement, the Deputy-Director of the Centre correctly referred to General Assembly resolution 41/120, of 4 December 1986, which is entitled "Setting international standards in the field of human rights". The guidelines established by this resolution are very relevant to our efforts and we have to pay close attention to these requirements adopted by our principal organ. These include, inter alia, consistency with existing human rights law, sufficient precision, and realistic and effective implementation machinery. Obviously, all of these elements are applicable to our work and we should keep them in mind.

The Deputy-Director also referred to the newly established Voluntary Fund for Indigenous Populations and I was happy to hear that the Fund will be operational prior to the next session of our Working Group. Everything which can be done to facilitate the participation of indigenous representatives in the deliberations of our Working Group is of imperative importance to our work. This must be underlined. Similarly, it is equally important that no obstacles be placed in the path of those seeking to attend our sessions. I would also like to use this opportunity to express our appreciation for contributions already made to the Voluntary Fund and to appeal all Governments, non-governmental organizations and other public and private entities to provide money to the Fund so that it can truly live up to its purpose.

By way of conclusion, please allow me to express my appreciation to all the participants who have gathered in this Conference Room today. All of you are very welcome. This applies to the indigenous representatives in particular for this is, for many of you, the only forum in the United Nations to which you can bring your concerns and desires. My words of welcome are also directed, as a matter of course, to the representatives of Governments, inter-governmental organizations and non-governmental organizations because by bringing all of you together we will hopefully be able to continue and strengthen the dialogue and the understanding which we have established and which is the surest and safest way of guaranteeing respect for the declaration we are drafting as well as respect for existing human rights and fundamental freedoms of all indigenous peoples. There is a good reason to keep the faith in the United Nations system, we provide a unique forum for all the different parties to come together, and we have every intention to make progress in the crucial field of human rights.

During the time which has passed since our last group session, I have also had the privilege of meeting many indigenous people outside this Conference Room. In addition to the 1986 NGO workshop to which I referred earlier, I met several indigenous delegations at the 42nd and 43rd sessions of the United Nations Commission on Human Rights; I visited three Scandinavian countries at the invitation of the Nordic Sami Council and participated in meetings with them and other Sami organizations; I was the guest of the Grand Council of the Crees of Quebec at a Cree Conference on Self-Determination held in Ottawa last March; I was an observer member of

the Assembly of First Nations delegation to the First Ministers' Conference on constitutional questions, also in Ottawa in March 1987; and I participated in a Pacific Asia regional Empowered Conference of the World Council of Indigenous Peoples, held at Honolulu in June of this year. Furthermore, I have visited several indigenous communities in various countries. Unfortunately, for reasons of time and other urgent responsibilities, I could not attend the fifth General Assembly of the WCIP, held at Lima last month, nor the indigenous NGO-preparatory meeting held here last week, but I will follow with great interest all the developments made at these conferences. All of these experiences in which I participated have been extremely useful to me, real learning experiences, I am grateful for the opportunities given, and I hope they will prove useful also for the work ahead of us now.

I can also see there are many of you in the Conference Room. Perhaps 250 delegates or more. I am delighted to note this level of interest in our work. But it also means, in the 10 meetings and total of about 30 hours at our disposal, that we must make good use of our time. I must therefore appeal to all of you, members and observers alike, and it is a strong and urgent appeal, to keep your statements brief and absolutely to the point of the respective agenda items so that the maximum number of people will be able to speak and, second, to be here each day at 10 a.m. and 3 p.m. respectively so that we can begin our meetings punctually and without delay. Likewise, I am obliged to repeat earlier statements of mine to the effect that this Working Group is not authorized to receive or deal with specific complaints about specific human rights violations. We are not mandated to do so, we have no power to do so.

Having said all of this, we should start our deliberations with consideration of agenda item 2. The provisional agenda contained in document E/CN.4/Sub.2/AC.4/1987/1, is based on our ECOSOC mandate and looks like our previous agendas. I take it, there are no objections...