

SPEAKING NOTES
Working Group on Indigenous Populations
Third Session - 31 July 1984

Earlier this morning we spoke on the development of legal standards regarding the protection of indigenous peoples' land. We would now like to demonstrate the need for such standards, even in states with developed legal systems for the protection of human rights generally--as well as some special considerations in the development of mechanisms for enforcement.

The case study we would propose is the North American Arctic. This vast territory, larger than Europe, has never been surrendered in conquest or by treaty. It is still largely in the possession of indigenous peoples. Yet it is claimed by Canada under the so-called "sector principle"--that Canada has a right by mere discovery and proximity to claim of the territory north of its settled frontiers.

To be sure, the Government of Canada has made haste, since 1973, to acquire indigenous interests in the Arctic by purchase. Agreements have been reached for parts of north-eastern Québec and the North West Territories. Indigenous peoples have had no real opportunity to refuse, however, because Canadian exploration and mining have continued with or without agreement.

We will leave the details of this situation to the representatives of Arctic peoples who are present in this room. However, we do wish to direct the Working Group's attention to one aspect of the problem, and that is the international character of the displacement of these Arctic peoples. That is, the mechanism of displacement is in fact international, rather than domestic or municipal. Since the mechanism of displacement is international, effective protection of indigenous peoples' land must necessarily also be international in character.

The principal minerals extracted from unsundered native lands in the Arctic are iron, zinc, molybdenum, and tungsten. Western European states consume one-half of the iron, and one-half of the zinc extracted from unsundered native lands in the Arctic. The United Kingdom, for example, obtains 40 per cent of its iron from Canada. The Benelux countries, France, Federal Republic of Germany and Italy each obtain about one-third of their zinc from Canada.

U.S. and western European companies control 72 per cent of Arctic mining. Countries of control include the United Kingdom, Federal Republic of Germany, France and Italy. Many of these companies are, in fact, state-owned, including British Steel (U.K.) and Finsider (Italy), both involved in northeastern Arctic iron, and COGEMA, the Compagnie Générale des Matières Nucléaires (France), exploring the western Arctic for uranium.

(We should add, parenthetically, that the South African company DeBeers and its parent, the Anglo-American Corporation of South Africa, control the diamond and tantalum mining in the northwestern Arctic.)

Sources of these facts are Canadian Government publications. We have some maps detailing the situation which I will provide to the Secretary for distribution to the members of the Working Group.

It saddens us to discover that so much of the problems can be attributed to states with positive human rights records that have spoken in support of indigenous peoples in this building. But it also suggests the eminent feasibility of resolving the Arctic problem--for both the problem and its resolution are in the hands of states already formally

committed to respecting indigenous peoples' rights.

We take special note of the 1982 policy of the World Bank (IBRD) conditioning its development loans to Third World states on evidence of respect for indigenous peoples' land rights, and invite western European states to withdraw all of their investment from the North American Arctic until indigenous ownership and control of the region has been guaranteed. The principle of abstention from recognising or participating in unlawful state actions has been widely adopted by the United Nations in dealing with problems of decolonisation and self-determination, as noted by the International Court of Justice in its 1971 advisory opinion on Legal Consequence for States of the Continued Presence of South Africa in Namibia. We urge its adoption as a mechanism for protecting the rights of indigenous peoples to their land.