

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Working Group on Indigenous Populations
Third session (30 July - 3 August 1984)

PROPOSALS OF SEVERAL ORGANIZATIONS OF INDIGENOUS
POPULATIONS AND PARTICIPANTS

The Working Group has previously identified a number of possible objectives through which it might fulfil its mandate "to give special attention to the evolution of standards concerning the rights of indigenous populations". Among those objectives are the development of principles, a declaration, and/or a multilateral treaty. The Working Group should strive to draft a Declaration of Indigenous Rights which should be considered for adoption by the appropriate bodies of the United Nations and may subsequently form the basis for a multilateral treaty or covenant.

The Working Group should address each of the subjects in the previously-adopted Plan of Action, and should begin to develop the elements of a Declaration as these issues are discussed. In developing the elements of the Declaration, the Working Group should analyse and distil the very worthwhile proposals and recommendations of the Martínez Cobo report relevant to the subjects in the Plan of Action. The Working Group should also consider the other documents submitted to it, including particularly the 1977 Declaration of Principles for the Defence of the Indigenous Nations and Peoples of the Western Hemisphere, the 1982 Principles for Guiding the Deliberations of the Working Group on Indigenous Populations, and the other documents identified in Chapter IV of the Martínez Cobo report.

Because of the change in the membership of the Working Group, because of the still incomplete nature of the discussion at the third session of the Working Group, because land is so intimately related to other problems facing indigenous peoples still to be discussed by the Working Group (including the rights to life, culture, religion and family), because more discussion is required among indigenous peoples and the Working Group, it is premature to draft provisions for a Declaration concerning indigenous peoples' right to land during this session. Nevertheless, a very preliminary synthesis of the discussion and materials before the Working Group on this subject might be made as follows:

Indigenous peoples have a unique and spiritual relationship to their land which is very different from the Western European concept of land ownership. Indigenous peoples hold their land collectively, not as individuals. Land is an intimate part of the life, culture, personality, religion, and sovereignty, autonomy, and self-determination of indigenous peoples.

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The Working Group on Indigenous Populations recognizes, as did the World Conference to Combat Racism and Racial Discrimination of 1978, "the special relationship of indigenous peoples to their land and stresses that their land, land rights and natural resources should not be taken away from them". Discovery, conquest, and unilateral legislation are not legitimate bases for states to claim or retain the territories or natural resources of indigenous peoples. In no circumstances should indigenous peoples or groups be subjected to adverse discrimination with respect to their rights or claims to land, property, or natural resources.

These principles, together with the proposals and recommendations of the Martínez Cobo report on land rights and other relevant documents, need to be considered before the next session of the Working Group by all participants particularly by indigenous peoples - so that more fruitful and specific discussion may occur at the next session of the Working Group.

The question of the definition of indigenous populations was not discussed at great length at the third session of the Working Group, because it appeared to be the consensus of indigenous participants that the question of definition was entirely premature; because most of the Working Group's time was absorbed in discussion of the critical issue of land; and because indigenous peoples possess quite diverse approaches to defining themselves. There was, however, a consensus that any definition which might eventually need to be drafted in connection with the preparation of a declaration or convention should not come from governments, but from indigenous peoples themselves.