



**COMMISSION ON HUMAN RIGHTS
Sub-commission on the Promotion and
Protection of Human Rights
Working Group on Indigenous Peoples
Twenty-first session
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Item 6 (a) of the Provisional Agenda Oral statement by Sharon Venne – Akaitcho Dene

We have noted with some interest the paper developed by the Chair and Mr. Yokota related to the cooperation between the Working Group on Indigenous Peoples and the recently created Permanent Forum. We will not specifically comment on the paper but draw the attention of the members of the working group to another area where the expertise of the Working Group members is necessary. There has been a discussion occurring at the inter-sessional working group to review the Declaration on the rights of Indigenous Peoples. If the members of the working group will permit me – I would like to remind the members of one of the major reasons for the drafting of a Declaration. A declaration is not a legally binding instrument but merely a guide for states. When Indigenous Peoples arrived at the United Nations in 1977, the instruments adopted by the UN did not address the problems confronted by Indigenous Peoples living within various colonial states. The UN human rights instruments dealt with the rights of individuals while Indigenous Peoples hold their rights in the collective. In addition, there were problems within states with no viable internal mechanisms to find solutions to the problems confronting Indigenous Peoples. It was and continues to be the main reason that Indigenous Peoples sought out an international solution.

International standard setting is an activity to bring rights of all Peoples to a higher level. We fully agree with Mrs. Hampson's presentation made to the Working Group under the previous agenda item. There are major problems in the Inter-sessional Working Group on the review of the Declaration on the Rights of Indigenous Peoples. When the Declaration was being drafted in the Working Group over a number of years, Indigenous Peoples worked hard to present their case to the experts of the Working Group on the need to have various clauses in the Declaration. Now in the Inter-sessional Working Group, the state governments who made numerous interventions in the Working Group during the initial drafting are taking another kick at Indigenous Peoples. State arguments did not convince the expert members to lower the international level standards. It is unacceptable to have states attempt to circumvent international law and international working norms and try to lower the standards in order to push Indigenous Peoples out of the UN into the arms of the states.

In this regard, it is critical for the expert members of the Working Group to act in some capacity to follow through on your mandate. The Expert members of the Working Group on Indigenous Peoples can assist the states to understand their legal obligation under international law in relation to the rights of Indigenous Peoples. Experts of the Sub-commission are independent. Most of the experts have training in international law and standard setting. In the case on the rights of Indigenous Peoples, the experts outside of Indigenous Peoples are the members of the Working Group on Indigenous Peoples. There needs to be a role played by the expert members to assist state representatives in the inter-sessional working group on the international standards expected by international law to cooperate in the promotion and protection of Indigenous Peoples rather than pushing Indigenous Peoples out of the UN with no declaration and no right to appeal to higher bodies.