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COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of
Discrimination and Protection
of Minorities

Working Group on Indigenous Populations
Fifth session
Geneva
3-7 August 1987

Items 4 and 5 of the provisional agenda

WGIP 87/CN.1/2

REVIEW OF DEVELOPMENTS PERTAINING TO THE PROMOTION AND PROTECTION OF
HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS OF INDIGENOUS POPULATIONS

STANDARD-SETTING ACTIVITIES:

EVOLUTION OF STANDARDS CONCERNING THE RIGHTS OF
INDIGENOUS POPULATIONS

Material received from non-governmental organizations in
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Anti-Slavery Society for the Protection of Human Rights
and World Council of Indigenous Peoples:
Report of the NGO-sponsored Workshop with Members of the
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REPORT OF THE NGO-SPONSORED WORKSHOP WITH MEMBERS OF THE
UNITED NATIONS WORKING GROUP ON INDIGENOUS POPULATIONS

Chairman-Rapporteur: Mrs. Erica-Irene Daes

1. The Workshop was co-sponsored by the Anti-Slavery Society for the Protection of Human Rights and the World Council of Indigenous Peoples.
2. The Workshop held four public meetings on 6 and 7 September 1986, in Geneva.
3. The session was attended by Mrs. Erica-Irene Daes, Chairman of the fourth session of the Working Group on Indigenous Populations, and Mr. Miguel Alfonso Martínez, member of the Working Group. Furthermore, two members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. John Carey and Mr. Louis Joinet, attended certain meetings of the Workshop.
4. The following States Members of the United Nations were represented by observers: Argentina, Australia, Canada, China, New Zealand and the United States of America.
5. The United Nations was represented by observers from the Centre for Human rights (Mr. Emmanuel Mompont and Mr. Gudmundur Alfredsson) and the Office of the United Nations High Commissioner for Refugees (Mr. Patrick Tézier).
6. The following non-governmental organizations (NGOs) in consultative status with the United Nations Economic and Social Council were represented:
 - (a) Indigenous Peoples' NGOs: Four Directions Council, Indian Council of South America (CISA), International Indian Treaty Council, Indigenous World Association, National Aboriginal and Islander Legal Service Secretariat, World Council of Indigenous Peoples;
 - (b) Other NGOs: Anti-Slavery Society for the Protection of Human Rights, International Commission of Jurists, International Fellowship of Reconciliation, International League for the Rights and Liberation of Peoples, Procedural Aspects of International Law Institute, Survival International.
7. The following indigenous organizations, as well as other organizations, were represented at the session:
 - (a) Indigenous people's organizations: CORPI, New South Wales Land Council, RURAL;
 - (b) Other organizations: DOCIP, International Work Group for Indigenous Affairs (IWGIA), Quaker United Nations Office, United Farm Workers of America (AFL-CIO).

8. A number of individual experts participated also in the session, including the following members of the ILO Meeting of Experts on the Revision of the Indigenous and Tribal Populations Convention, No. 107 (1957):

Mr. Martin Freeman, Mr. Einar Hogetveit, Ms. Carmen Junquera and Mr. Rodolfo Stavenhagen.

9. The report of the fourth session of the Working Group on Indigenous Populations (United Nations document E/CN.4/Sub.2/1985/22 and Add.1) and the "Analytical Compilation of Existing Legal Instruments and Proposed Draft Standards Relating to Indigenous Rights prepared by the Secretariat in accordance with Sub-Commission resolution 1985/22" were made available to participants in the Workshop.

10. In an opening statement, Mrs. Daes expressed her gratitude to the NGOs in consultative status which so generously sponsored and prepared this Workshop, and to the Norwegian Government for its material and moral support, as well as to a number of other organizations and individuals who facilitated the organization of the Workshop. She regretted the postponement of the fifth session of the Working Group on Indigenous Populations, which should have been held in 1986, and expressed the hope and expectation that the fifth session of the Working Group would be held in 1987. She furthermore emphasized the need for communicating the concerns of the members of the Working Group, and of indigenous organizations, to the General Assembly and the Secretariat, in order to ensure the resumption of this work.

11. Mrs. Daes explained that it was her intention, as well as that of the sponsoring organizations, that this Workshop be devoted to the continued preparation of preliminary draft principles on indigenous rights. The Workshop could thus continue the work of the fourth session of the Working Group in 1985. The report of this Workshop will be submitted by the sponsoring NGOs to the next session of the Working Group and, if possible, annexed together with its Annex I to the report of that session. It was also her desire that the Workshop's report be submitted to the upcoming Seminar on Human Rights in the United Nations, sponsored by the Special Committee of International NGOs on Human Rights (Geneva), with the request that the members of the Sub-Commission participating in the Seminar take special note of the report.

12. At the Workshop's second meeting it was agreed, in view of the shortness of time, to focus attention on two of the three topics identified in the Working Group's Plan of Action for its fifth session: health, medical care, other social services and adequate housing; and the right and responsibility of indigenous peoples, as of all others, to respect universally recognized human rights and fundamental freedoms.

13. Indigenous and NGO participants agreed that the right to self-determination was fundamental and should be reflected in the formulation of all other rights. It was emphasized that indigenous peoples should control all aspects of the social and economic programmes affecting them, to assure that these programmes truly benefit indigenous peoples, and that they respect indigenous values, cultures, and traditional knowledge. The need for affirmative State action, above and beyond general social and economic programmes, was stressed, noting that States themselves were often responsible for the exceptionally disadvantaged situation of indigenous peoples. The need to protect indigenous peoples' own economic processes was raised in the context of improvement of economic conditions.

14. There was a spirited and constructive discussion of the applicability of international human rights standards to institutions controlled by indigenous peoples themselves, and a wide variety of views was expressed. In view of the great complexity and importance of these issues, the Workshop agreed that these questions deserved further consideration at a future session of the Working Group.

15. At its third meeting, the Workshop considered the text of four preliminary draft principles prepared by a small drafting group composed of Mr. Russel Barsh, Mr. Hayden Burgess, Mr. Hurst Hannum and Mr. A.K. Kisku at the request of the Chairman. After a detailed discussion, the Working Group members and the indigenous NGO participants achieved consensus on the text of three draft principles which appear in Annex I to this report.

16. At its fourth meeting the Workshop agreed unanimously on the absolute necessity of continuing the work of the Working Group on Indigenous Populations on an annual basis, with emphasis on its standard-setting role, and on protection of its independent, expert character. It was explained that indigenous peoples are the largest and most disadvantaged group not yet addressed by United Nations standards, and that the Working Group has been indigenous peoples' only direct voice in the international system. At past

sessions of the Working Group, of the Sub-Commission and of the Commission on Human Rights, governments often expressed the view that existing human rights standards were inadequate to protect indigenous peoples and that additional standards should be developed in the form, initially, of a declaration of the General Assembly. Substantial progress in preliminary drafting was achieved at the Working Group's fourth session in 1985, and at this Workshop. The urgency of continuing this work as conscientiously as possible was emphasized by all of the indigenous participants and non-governmental organizations, and as evidence of this urgency, the participants advanced a number of examples from all regions of the world.

17. In the context of the work of this Workshop and before the holding of its fourth (final) sitting, several participants in the recent International Seminar on Autonomy and the State under the auspices of Nicaragua's National Commission on Autonomy, held in Managua from 13 to 14 July 1986, informed the Workshop of the issues and results of said International Seminar.

18. Minutes of the discussions in the Workshop, prepared with the valuable assistance of the International League for the Rights and Liberation of Peoples, are attached to this report as Annex II. 1/

19. At its fourth and last meeting, the Workshop unanimously adopted this report.

20. The co-sponsoring NGOs were requested to circulate copies of this report to all of the NGOs in consultative status, and other indigenous and non-indigenous organizations, that participated in the fourth session of the Working Group on Indigenous Populations and to submit the comments received to the Working Group's fifth session.

(Signed) Erica-Irene Daes
Chairman/Rapporteur

Note

1/ Available for consultation in Secretariat files.

ANNEX I

8. The right to determine, plan and implement all health, housing, and other social and economic programmes affecting them.

9. The right to special State measures for the immediate, effective and continuing improvement of their social and economic conditions, with their consent, that reflect their own priorities.

10. The right to be secure in the enjoyment of their own traditional means of subsistence, and to engage freely in their traditional and other economic activities, without adverse discrimination.