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Proceeds

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UNITED NATIONS
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Commission on Human Rights
Sub-Commission on Prevention
of Discrimination and Protection
of Minorities
Working Group on Indigenous Peoples
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Geneva, Switzerland

STATEMENT BY THE INUIT CIRCUMPOLAR CONFERENCE

Review of Developments

Presentation by:

Dalee Sambo
August 1, 1989

Thank you for the opportunity to address the Seventh Session of the Working Group on Indigenous Peoples.

As we indicated at last year's Session, Inuit and other indigenous peoples worldwide are not and have never been mere "populations". Therefore, our organization, the Inuit Circumpolar Conference, will continue to respectfully use the term "peoples" when referring to this distinguished U.N. Working Group.

The Inuit Circumpolar Conference is an international organization, whose members are made up of Inuit from Alaska, Canada and Greenland. Our Head Office is presently based in Canada and we have regional offices in all three countries. Since 1983, the ICC has enjoyed Non-Governmental Organization status at the United Nations.

Last week in Sisimiut, Greenland, Inuit from the Soviet Union were for the first time able to attend our ICC General Assembly. Our family of Inuit that stretches across northern Canada, Greenland, Alaska and Siberia was united within the ICC. Since our inception in 1977, we have worked to gain the involvement of our Soviet Inuit brothers and sisters within the framework of the ICC. Now twelve years later, we have achieved this goal and we look forward to the formalization of their direct involvement in our organization.

We believe that this historic occasion is not only of fundamental importance to all Inuit. Rather, this positive change in Soviet government policy represents a human rights victory for peoples everywhere.

A further development worth noting concerns a 1939 US-Soviet Exchange of Notes relating to visits to Siberia by American Inuit. This agreement had been terminated by the Soviets in 1948, but is presently being re-negotiated in modern-day terms. The central purpose of these talks appears to be to formalize an arrangement that would facilitate visits by Inuit from Alaska to Inuit communities in Siberia.

The ICC has submitted detailed comments to the US government on this matter, indicating our overall support for free cross-border contacts and cooperation among Inuit. Specifically, we have urged the US government to expand the limited parameters of the proposed agreement so as to also provide for travel and contacts by Inuit from the Soviet Union to Alaskan Inuit villages. We feel that a comprehensive, reciprocal arrangement would be more in keeping with basic human rights principles, ICC Arctic Policy principles, and the contacts that we have engaged in traditionally.

In June of this year, a further human rights initiative took place within the International Labour Organization (ILO) in Geneva. Following a two-year revision process, the ILO adopted the Indigenous and Tribal Peoples Convention, 1989. This Convention represents a partial revision of the assimilationist and out-dated Indigenous and Tribal Populations Convention, 1957. The 1989 Convention will become legally binding on those member countries of the ILO who choose to ratify this new instrument.

In principle, the ICC applauds new efforts by the world community to establish international indigenous human rights standards. It is clear that adequate norms to govern the conduct of States are urgently needed in every part of the globe. In regard to the ILO, we feel that the results attained in the new Convention and the experience of indigenous peoples in the revision process are relevant to the mandate of this UN Working Group.

The revised Convention of the ILO addresses a broad range of issues that are of vital significance to indigenous peoples. However, we feel that the ILO did not achieve adequate international standards on a number of essential matters. In particular, we continue to be deeply concerned about the following aspects in the revised Convention:

- 1) A provision was added in an attempt to qualify the use of the term "peoples" when it refers to the world's indigenous peoples under the revised Convention. We feel it is unfair and racially discriminatory to try and limit our human rights as peoples under international law. Any attempts to subject our status and rights as "peoples" to a prejudicial double standard should be unequivocally rejected by the international community.

Peoples

These concerns were put forward by virtually all representatives of indigenous peoples in Geneva last June. However, the ILO did not choose to expressly consider the issue of discrimination when it discussed possible limitations on the use of the term "peoples" in the 1989 Convention.

*Consultations
vs
Consent*

- 2) Measures by national governments directly affecting us are said in the ILO Convention to be subject to "consultations" with us in good faith. These measures often have far-reaching impacts on our lives and daily affairs and should be subject to our "free and informed consent".
- 3) Our rights to our own customs and institutions are not fully recognized. They may still be limited to some extent by the State.
- 4) Only land rights based on present (and not past) occupation are explicitly recognized.
- 5) Recognition of our rights to natural resources is far from clear. We are concerned that the wording of the revised Convention could open the door to all forms of resource exploitation, by State governments, in and on our territories and without our consent.
- 6) The revised Convention does not specifically address the key issue of treaty-making between indigenous peoples and States. Nor does it highlight the solemn duty of States to fully respect treaty rights and honor their treaty obligations. Moreover, explicit reference in earlier drafts to resolving "claims arising under treaties" through adequate procedures was deleted in the final version of the ILO Convention.

The ICC views the norms in the 1989 ILO Convention as only a first step that must be improved upon. In addition, we are committed to encouraging the adoption of uplifting and appropriate international standards through this UN Working Group and other available forums.

Procedure

[If adequate international norms are to be achieved, it is crucial that an increased and effective role for indigenous peoples be ensured in relevant international forums.] In the case of the ILO, the most critical provisions in the 1989 Convention, pertaining to lands and resources, were not determined in an open and visible manner within the tri-partite ILO Committee. [It is our firm position that, ^fif international bodies wish to effectively advance indigenous rights and eliminate racial discrimination, the established procedures of such entities must not be exclusionary in nature when applied to indigenous peoples.]

*see
Borah.*

In regard to the basic issue of indigenous participation and respect for our values and concerns, we indicated at last year's Session of the Working Group that our national governments, with the exception of Greenland and Denmark, rarely seek to include our direct input. While Canadian and US governments make positive statements about aboriginal self-government, they still exclude us from policy-making and decision-making in major matters that directly affect us and the Arctic. Examples we gave in 1988 include the Canada-US Free Trade Agreement, the Canada-US Agreement on Arctic Cooperation, and the Meech Lake Constitutional Accord.

We feel that to enter into such far-reaching agreements, to the exclusion of indigenous peoples, contributes to systemic discrimination. [New institutional arrangements and processes must accommodate our values, perspectives and concerns. This is hardly possible if our rights are not respected or if we are not afforded access to policy- and decision-making drums.]

At the present time, our northern environment on which we depend is increasingly being assaulted. Of major concern are the PCBs, pesticides and other forms of transboundary pollution that are taking their toll in the Arctic. In addition, the ongoing depletion of the ozone layer in the earth's upper atmosphere is resulting in particular adverse effects in circumpolar regions. Scientists are now finding evidence of actual holes in the ozone shield over the Arctic.

In determining the national and international measures necessary to counter these Arctic and global threats, Arctic States must involve the ICC and other indigenous representatives. We have generally found that, without our participation, government results have been far less than satisfactory from the viewpoint of Inuit and the Arctic.

Similar patterns of exclusion of indigenous peoples are readily apparent in regard to matters pertaining to Arctic militarization. As we have already

communicated to Arctic States, [the ICC is prepared to work directly with interested governments to avert an air and naval arms build-up in northern regions. We are in favor of establishing an Arctic zone of peace that would foster international cooperation and prohibit nuclear weapons.]

We fully realize that the specific solutions and arrangements we seek in regard to economic trade and development, transboundary pollution, ozone layer depletion, and Arctic militarization, among other matters, will be determined in other international forums. However, it is crucial for this UN Working Group to formulate those essential standards relating to indigenous peoples that ensure respect for the integrity of our distinct societies and for our values. We must be assured a position where we can contribute to the international community and improve relations with State governments.

*Declaration
Self-determination*
In this context, [the Universal Declaration on Rights of Indigenous Peoples must be formulated as a "living" document. It must fully recognize our fundamental rights and status, in a manner that enables us to address both present and future challenges. In particular, it must confirm our most basic right to self-determination.]

In closing, we would like to express our deep appreciation to Dr. Erica Daes, Chairperson of the UN Working Group, for attending the Inuit Circumpolar Conference Fifth General Assembly, held last week in Sisimiut, Greenland. In response to the discussion on international indigenous human rights issues, the delegates unanimously adopted a resolution supporting and endorsing the process and work of the UN Working Group on Indigenous Peoples. We value the presentation made at the recent ICC Assembly, Madame Chair, and your continuing efforts to attain uplifting human rights standards for indigenous peoples in the North and worldwide.

Thank you for your attention at this time.