

# Center for World Indigenous Studies

Rudolph C. Ryser, Chairman of the Board

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Re: Remarks of Rudolph C. Ryser, Chairman of the Center for World Indigenous Studies before the Fifth Session of the United Nations Working Group on Indigenous Populations, Geneva, Switzerland, August 6, 1987.

## On Setting Standards in Connection With the Right of Indigenous Nations to Self-Determination

WGIP 87/UNI/11

Madame Chairperson and members of the United Nations Working Group on Indigenous Populations: I thank you for this opportunity to contribute to the Working Group's standard setting activities in connection with the right of indigenous nations to self-determination.

While the United Nations represents some 168 states, the issues we are discussing here involve over 3000 nations. It is worth noting in this regard that the 1987 session brings us to occupy one of the largest rooms available in the United Nations building in Geneva.

At the last session of the Working Group "the right to life, to physical integrity and security of indigenous populations" received extensive attention by representatives of Indigenous Nations. Indeed, each session of the Working Group has received information about the growing violence in many parts of the world which threatens the lives and physical integrity of Indigenous Nations.

Research conducted by the Center for World Indigenous Studies during the last several years revealed that the number of violent conflicts involving Indigenous Nations has grown very rapidly. For example, we learned from our inquiries that in 1982, of the 45 regional conflicts then underway, 33 involved indigenous nations as combatants or targeted non-combatants. Madame Chairperson, our most recent inquiries indicate that the total number of regional conflicts are now 120. Of these conflicts in 1987, 92 involve indigenous nations. Not only have the number of violent conflicts increased, but the proportion of these conflicts involving indigenous nations now indicates that the vast majority of regional conflicts involve indigenous nations.

Virtually all of the conflicts involving indigenous nations concern land rights and the political rights of indigenous nations. Madame Chairperson, upon our closer examination of these conflicts, we at the CWIS find that the issues underlying the conflicts can be described in no other way than as armed conflicts where indigenous nations are fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right to self-determination.

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I call upon the Working Group to seriously consider the expressed views of indigenous representatives participating in the Indigenous Peoples Preparatory Meeting as documented in the Declaration of Principles. Particularly relevant to the comments I have just made, I would draw attention to Principles 2, 4, 8 and especially Principle 18 where the Declaration reads: Indigenous nations may engage in self-defense against state actions in conflict with their right to self-determination. I would recommend that the Working Group draw upon these principles as standards set for the right of indigenous nations to exercise self-determination.

In the light of escalating violence to life, the physical integrity and security of indigenous peoples, I would ask the Working Group to take note of additions which state governments have made to the Geneva Conventions of 1949, and especially Protocols I and II of these conventions which came into force in 1979. Special note should be given to the provisions of Protocols I and II for their relevance to the right of indigenous nations to life and security as non-state parties to conflicts.

I have included with my remarks an analysis of Protocols I and II of the Geneva Conventions as they relate to indigenous nations engaged in armed conflict for review by the Working Group. The analysis is called, Rules of War and Fourth World Nations.

I draw the Working Group's attention to the Protocols in an effort to demonstrate that state governments have introduced a new standard relating to indigenous peoples - especially when indigenous peoples are a non-state party in an armed conflict. Protocol I is especially significant for protection of civilian populations, religious properties, and prisoners of war in an armed conflict between a state and non-state combatants. The standards and principles contained in the Geneva Convention Protocols of 1979 should be directly considered by the Working Group in its drafting of Principles.

These remarks and our analysis of the Geneva Convention Protocols will be submitted to the Secretary for your later review.

Thank you.