

UNITED NATIONS
WORKING GROUP ON INDIGENOUS POPULATIONS
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STANDARDS CONCERNING RIGHTS OF INDIGENOUS POPULATIONS

STATEMENT BY THE OBSERVER DELEGATION OF CANADA

 DELIVERED

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Canada is pleased to have another opportunity this
year to comment on the standard-setting work of the Working

Group on Indigenous Populations. My country has been, and continues to be among the strongest supporters of the Working Group. We have taken part in all of its sessions and have commented extensively on its work.


Over the last several years my government has paid particular attention to the Working Group's ambitious work on draft principles on indigenous rights. We have studied the various drafts carefully. We have also closely examined the comments of other observer states and those of non-governmental organizations. Canada has provided its own comments on the draft principles, both orally and in writing. This year our written comments have been distributed by the U.N. in document no.E/CN.4/Sub.2/AC.4/1990/~~7~~1/1/Add.3 .

Madame Chairman, you and your colleagues are faced with a difficult task and my government is impressed with the

energy you have displayed in undertaking it. We recognize the difficulty of attempting to translate evolving concepts into precise principles. Furthermore, this year your Working Group has undertaken a new initiative in the drafting of principles by establishing three drafting sub-groups to further refine and develop the provisions which the Working Group has produced to date.

Madame Chairman, we understand the difficulty of dealing with the complex and evolving concepts which underlie indigenous rights. Your task is particularly arduous because your proposals must reconcile the aspirations of indigenous people, the concerns of states and the interests of third parties. You must balance the raised expectations of indigenous populations with the legitimate interests of states and others, and balance the protection of communities with defense of individual rights. However, the point of convergence for all parties to this exercise is the shared goal

of drafting standards which are achievable, realistic, and balanced. What we all want^y is to translate our shared commitment to indigenous rights into effective action.

 I would^{now}_A like to refer to the work of the informal drafting groups which met last week to revise different elements of the draft principles. I would first of all like to congratulate the three able chairpersons of the drafting groups as well as all the participants at those sessions for the long hours and hard work that they contributed to this ~~worthy~~ exercise. The three reports that have now been issued add many new elements to the proposed draft declaration of indigenous rights. Canada welcomes the decision that you made earlier today, Madame Chairman, that governments and non-governmental organizations will be sent these draft proposals after the Working Group deliberations are completed. This will give all concerned an opportunity to consider these new drafts in detail and to provide specific comments.

4 In the limited time remaining to me today, I would like to highlight what we view as important factors ^{for the U.G.} to consider in reviewing these reports of the drafting groups.

~~Firstly,~~ In order for the draft principles which the Working Group is developing to be of use, the principles will need to be acceptable to the world community of states and must be capable of winning fairly widespread support from states. Moreover, if they are to have real meaning, the principles should have the support of a number of states with significant indigenous populations. The goal should be to achieve the highest standard which can obtain widespread support. Such a goal is common to a number of other drafting exercises currently underway in various United Nations bodies ~~such as work on a draft declaration on the right to promote human rights, draft principles on the rights of the mentally ill and~~

~~a draft convention on migrant workers.~~

44 Let me provide you with two examples to illustrate this point.

We all accept that the situation of indigenous populations

varies significantly in different parts of the world. In some

instances states are not even prepared to ^{permit} ~~recognize the~~
~~existence of~~ indigenous populations ^{to enjoy the rights & allowed to their citizens} let alone grant them ~~unique~~

^{special} ~~additional~~ rights. Accordingly, the Working Group should

consider framing ^{some of} the standards embodied in the draft

declaration as objectives to be realized by states rather than

as rights and entitlements. ~~If~~ Another area where the Working

Group might wish to consider the views of states is with

respect to lands, ^{of course also} which is a vital topic for indigenous

populations. Several of the current provisions on land rights

are very broadly worded and could suggest that even the

occasional use of land or resources in the past gives today's

indigenous people ~~the~~ rights of ownership and control over vast

areas of land.

~~Secondly~~, ^{the} best chance of achieving ~~this~~
^{for these principles}
widespread support ^{is} to build upon the foundations of existing
international human rights instruments, rather than attempt to
create ^{an entirely} ~~a~~ new set of principles which ^{diverge} ~~differ~~ considerably from
existing international human rights standards. Principles
which represent a significant departure from those currently
existing will not achieve the ^{broad} ~~widespread~~ acceptance that is so
vital. Madame Chairman, in our view the best approach to deal
with the specific circumstances of indigenous people is to
^{and build}
elaborate ^{on} existing rights.

These few comments are presented to you, Madame
Chairman, and to the other members of the Working Group, in a
sincere effort to contribute to your important undertaking. We
recognize the difficulties you face ^{in developing these universal standards} and we in Canada will
continue to provide you with our support.

Thank you Madame Chairman.

We have of course already spoken under item 4 on the opening day of this year's session. We believe that since then there has been a very useful dialogue - or as Professor Haitano has more properly termed it - a trialogue on many aspects of the draft Declaration on The Rights of Indigenous Peoples.

We had hoped that such a discussion would take place. As we said in our initial statement and as others here have also noted, it is essential that indigenous representatives have the opportunity to state their views on this important standard-setting process. We therefore particularly welcomed your suggestion, Madam Chair, that 3 informal drafting groups should meet this year. We hope that despite the interpretation difficulties which occurred in the first part of last week, that indigenous representatives have had the opportunity to express their views. We hope that this discussion will continue to take place.

In the plenary meeting this morning we listened with great interest to the views of Working Group members under this item. An important point was made about the Working Group's ability to contribute to the evolution of concepts such as self-determination. Professor Turk recalled in this regard the interesting discussion that took place in the informal drafting group which met under his chairmanship.

Madam Chair might I just respond, for the record, to a comment made yesterday by a New Zealand non-governmental representative. It was said that during the workshops held in drafting group no. 2, a New Zealand observer Government representative had stated that the New Zealand Government would never agree that Maori people should be given the right to self-determination. I regret Madam Chair that this does not accurately reflect what was said at that meeting. It might be helpful if I now put the record straight. In this Working Group, Madam Chair, my Government's only comment of a conceptual nature on this point has been to note that the use of such a term here does not necessarily import the connotations associated with the term under certain other international instruments.