

OPENING STATEMENT  
by Prof. Erica-Irene A. Daes

Chairman/Rapporteur of the Working Group  
on Indigenous Populations

Palais des Nations  
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Distinguished fellow members of the Working Group;

Distinguished Representative of the Secretary-General;

Distinguished representatives of Governments, indigenous peoples, specialized agencies, of intergovernmental organizations and of non-governmental organizations;

Ladies and gentlemen.

Please allow me, first of all, to express to you my profound gratitude for having elected me, for eight times, Chairman/Rapporteur of the Working Group on Indigenous Populations. I accept the important task with humility and I will, as always, do my very best to preside over the debate with a sense of great responsibility and to report on our proceedings in an objective, constructive and progressive manner.

I would also like to welcome all representatives of indigenous peoples' organizations and communities as well as representatives of Governments, observers from other bodies of the United Nations system, and representatives of non-governmental organizations and human rights activists.

We also have present interested scholars and students and I am pleased that they are with us.

We are here to work together, to learn one from the other, reach an understanding and come to an agreement and concord.

This is the ninth session of the Working Group on Indigenous Populations. This ninth anniversary, so to speak, gives us an opportunity to reflect on what has been done, to evaluate our own work and this occasion especially provides an opportunity to look forward to what remains to be achieved. In this connection, I would like to underline that the Working Group, with the valuable assistance of all of you - that is to say - indigenous representatives and representatives of Governments - has already completed significant achievements. Thus, the Working Group has basically contributed to breaking down the barrier of ignorance that existed in the international community about the vital importance of the problems, needs and aspirations of indigenous peoples. Indeed, I can say it has helped to raise greater awareness even among the United Nations competent organs, bodies and secretariat.

We all of us understand the important values indigenous peoples possess, your desire to have greater control over your own lives, your special relationship to the land and nature, the vitality and uniqueness of your cultures, your particular knowledge of fragile environments, and the various legal practices or legal or social customs which make your people distinct and an important part of the family of peoples that share this earth.

Our Working Group has expanded physically. We are pleased to see an increased number of representatives from indigenous peoples, often from remote communities, senior government officials, including ministers, academics and many other distinguished individuals to our meetings.

Our discussions, within the framework of the mandate of the Working Group are wide ranging, often go far beyond the strict confines of human rights and embrace questions of economics, resource management, environment, ethics, religion, traditions, culture and identity.

Indigenous peoples have told us that their human rights are part of a total quest for well-being and this holistic approach which recognises the interconnection of development, peace, environment and human rights issues, I sense, is one which is increasingly recognised by the United Nations itself. I make these brief comments because I think that the Working Group has contributed greatly to this wider understanding of indigenous peoples and the elimination of ignorance is the first step in the promotion and recognition of human rights.

But having made these comments I want to look to the future and especially to the activities we will undertake during the two weeks we have together now. This is the second extended session of the Working Group and we must use the time at our disposal profitably. It is my view that the major task before us this session is standard-setting and it is vital that we make significant progress this year. This means that we must now approach the elaboration of the draft declaration of indigenous rights in a less discursive and more concrete manner.

For this reason I have revised the draft text which was contained in annex two of last year's Working Group report in the light of the comments made by Governments, specialized agencies, indigenous peoples' organizations and our own informal drafting groups. I propose this year that we remain in plenary during the entire two weeks and that during the first week we deal with item four and during the second week we deal with items five to seven. It is my belief that substantial progress can be made by reading, amending where necessary, and adopting the articles of the draft declaration one by one. In order to facilitate our work, I have prepared the revised declaration as contained in document E/CN.4/Sub.2/1991/36 in the following way. On the left hand side of the page you will find my own suggestions and on the right hand side of the page the suggestions proposed by Governments, indigenous peoples' organizations and the three informal drafting groups which met last year. I have not included general comments among the texts on the right hand side of the page since these are available in previous Working Group reports.

I do not want to underestimate the difficulties that lie before us. There are certainly still a number of principles where consensus does not yet exist. But there are many areas of agreement where extensive debate has taken place

and I hope that further long discussion may not be necessary. If there is unanimity, I hope that there can be a fairly rapid adoption.

We will begin this technical work on the declaration on Tuesday morning and I wish to make an appeal to all participants to be brief, to make concrete suggestions about the text, and to avoid to make general comments. It is in the interests of us all, and especially indigenous peoples, that we adopt a significant number of articles during this session. I therefore urge everybody to address the language of the articles under discussion and not allow themselves to be diverted into making general remarks which do not advance our work.

Our discussions of the second week will begin with item five: the review of developments. This is an important part of the mandate given to us by the Economic and Social Council in its resolution 1982/34 but I urge all participants to be concise, factual and constructive. It is essential to the Working Group that it is kept informed about developments which have taken place in the previous twelve months affecting indigenous peoples. This is necessary both for a greater understanding of the human rights situation of indigenous peoples as well as of assistance in our standard-setting work. However, and I know I repeat this many times, our Working Group is not a chamber of complaints. We have no authority to act upon such information. There are several other fora where allegations of human rights violations against indigenous peoples can be raised. It is my hope, therefore, that we can all exercise self-restraint and that sufficient time remains for a full discussion of the other matters on our agenda.

The General Assembly by its resolution 45/164 proclaimed 1993 the International Year for the World's Indigenous People. The Assembly resolution is a recognition by the international community of the special situation of indigenous peoples. It also provides an opportunity to further raise public awareness of issues of concern to indigenous peoples and gives a possibility for the entire United Nations system to undertake activities which bring direct benefits to indigenous peoples. A second paper on the International Year prepared by Mr Eide and Ms Mbonu will be available as document E/CN.4/Sub.2/1991/39 and it makes further concrete recommendations about both possible activities and the practical arrangements which would be necessary to

ensure that action really does take place. We do not want the International Year to be a lot of empty words; we want there to be real advances as a result of the Year. But the Year is for indigenous peoples and it is your opinions and suggestions which are important. I therefore urge you all to use our few days together to make concrete proposals and suggestions so that the Working Group can contribute to the success of the Year.

The contributions of the Working Group and of the Sub-Commission were also considered important by resolution 1991/57 of the Commission on Human Rights. I take this opportunity to express my gratitude to the member States of the Commission on Human Rights which adopted the aforementioned important resolution, without a vote, and in particular to the delegation of Canada, which presented it.

Distinguished participants, ladies and gentlemen,

You will note that under item 7 of the agenda of the present session of the Working Group, there is a reference to the protection of the intellectual property of indigenous peoples. Many indigenous peoples have expressed their interest in this matter.

Also, the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted resolution 1990/25 on "Ownership and control of the cultural property" of indigenous peoples, without a vote. According to this resolution, I have prepared a working paper on this question. This is contained in document E/CN.4/Sub.2/1991/34. This issue is of great importance to indigenous peoples and it is my hope that further suggestions can be made by participants about the contents of this preliminary paper and about any future work which might be necessary to enhance the study. I state clearly in the working paper and I reiterate this today: our intention is not to duplicate the excellent work already being done by UNESCO and other organizations but to complement such activities by an examination of the specific human rights concerns of indigenous peoples on this significant topic. I believe this is correctly within our competence and mandate.

The Special Rapporteur on treaties, agreements and other constructive arrangements between States and indigenous populations, Mr. Miguel Alfonso Martinez, will present his preliminary report under item six of our agenda and he will have an opportunity at that time to share his initial findings with us and outline future directions.

This year the Voluntary Fund for Indigenous Populations has been able to assist 31 indigenous people representing 28 indigenous organizations from 19 countries. I am very pleased that many of the people brought over by the Fund are here for the first time and can contribute to our discussions and hopefully return to their peoples and report on what they have seen and learned. This allows our work to reach many communities which have no possibility to make the long journey to Geneva. I wish to thank the five members of the Board of Trustees for the Fund who are responsible for the disbursement of the travel grants. I wish also once again to thank the Governments of Canada, Cyprus, Finland, Japan, Netherlands, New Zealand, Norway, Philippines, Sweden, Switzerland and Tunisia for their generous contributions to the Fund; in particular, I want to thank the Shimin Gaikou Centre of Japan, the Hokkaido Parliamentary Delegation of the Liberal Democratic Party of Japan, the Association of Constructing Companies in Hokkaido, the Association of Paving Companies of Hokkaido, and the Association of Chambers of Commerce of Hokkaido, which responded to my appeal for the Voluntary Fund and have given 1,000,000 yen, as their financial support of the Fund.

Under item seven of the agenda we will have the opportunity to discuss future meetings related to indigenous peoples. I am pleased to inform you all that the meeting of experts on indigenous self-government foreseen under the programme of activities of the Second Decade to Combat Racism and Racial Discrimination as contained in General Assembly resolution 42/47 will take place in Nuuk, Greenland, from 24 to 28 September 1991. A technical meeting on indigenous practices in sustainable development has been authorised by the Economic and Social Council in its resolution 1990/238 and I am informed that all efforts are being made to meet early in 1992 in advance of the United Nations Conference on Environment and Development so that any resulting report can be ready before the Conference. Finally I would like to draw your attention to the report prepared by the United Nations Centre on Transnational

Corporations in accordance with the request of Sub-Commission resolution 1990/26. This document arrived only three days before our meeting and copies will be available only in English as document E/CN.4/Sub.2/AC.4/Misc.1.

These brief comments complete my overview of the agenda which we have before us during this session. We have a formidable task ahead of us. We have a great many topics for discussion and a great many participants as I said already. Many of the items which we have on the agenda are part of the building work which is necessary to establish full human rights and fundamental freedoms for all the world's indigenous peoples. I wish to give the opportunity to speak to all those who wish to. This requires that we all of us speak to the point and respect the right to speak and participate of others.

Now, as it is the established practice, I have undertaken, on behalf of the Working Group and as its Chairman/Rapporteur, two visits since the last session of the aforementioned Working Group. The basic purpose of these visits are to gain first-hand information, to communicate directly with Governments and the indigenous peoples concerned, as well as to provide information on United Nations activities in the field of indigenous peoples' rights and to identify issues which need to be taken up in standard-setting.

My first visit was to Brazil in December 1990. Thus, I received an invitation from the Government of Brazil to visit with the head of the Human Rights Office in New York, Mrs. Elsa Stamatopoulou, the Indians in the Amazonian area and, in particular, the Yanomami People. The Brazilian Government and the FUNAI organization put at my disposal all the means, which I needed to visit the Yanomami People in very remote places in the heart of the Amazonian jungle. I submitted a confidential report to the Secretary-General containing my impressions, comments and suggestions.

The Secretary-General, within the framework of his good offices in the humanitarian field, is in consultations with the Government of Brazil for the action which has been undertaken to assist practically and effectively the Yanomami People. I would like to take this opportunity to express once again my gratitude to the Government of Brazil for its invitation and for making possible my humanitarian mission to many isolated communities.

My second visit, accompanied by my distinguished colleagues, Professor R. Hatano and the former Secretary of the Working Group, Mr. G. Alfredsson, was to Japan last May. Thus, at the invitation of the Ainu People of Japan, I visited in particular a great number of cities and places in which the Ainu People live in Hokkaido.

We were happy to attend the General Conference of the Ainu Association of Hokkaido and to deliver the three commemorative lectures at Sapporo, Kushiro City and Tokyo on the various activities of the United Nations Working Group on Indigenous Populations and of the United Nations for the cause of indigenous peoples' rights.

Likewise, at the many other stops on the tour, we benefited from meetings with Members of Parliament, with officials at the Foreign Ministry, with the Governor of Hokkaido and his staff, and with several mayoral offices, as well as with diplomats, academics and representatives of several non-governmental organizations.

I would like to express my deep gratitude to the Ainu People for all they have done to make my visit successful and useful and to the Government of Japan for their particular interest in our work, the constructive dialogue and the assistance they have provided to us.

Dear participants,

This completes my comments, observations, information and suggestions.

It is my sincere hope, that this session will be one of our most productive and successful sessions of the Working Group with all your valuable assistance and co-operation.

I thank you for your attention.

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