



sante' mawi'omi wjit mikmaq
mikmaq grand council

Commission on Human Rights
Sub-Commission on Prevention of
Discrimination and Protection of
Minorities
Working Group on Indigenous Populations
3 - 7 August 1987

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WGIP 87/NAM.CAN/2

GENOCIDE, ETHNOCIDE, AND GROUP IDENTITY

A number of statements made here this week have referred to genocide. In a number of instances, most notably the Chittagong Hills, we are dealing with a pattern of systematic outright killing, which no one would doubt falls within the prohibition against genocide in contemporary international law. In a much greater number of cases we are dealing with a much less obvious form of killing, which nonetheless also constitutes genocide as it is defined in Article II.d of the 1948 Convention. I am referring to the systematic removal of indigenous peoples from their land, and disruption of their traditional means of subsistence, which almost inevitably result in malnutrition, nutrition-related disability, and decreased resistance to disease, if not outright starvation.

Transmigration, resettlement, the expansion of extractive industries such as mining and logging, and large-scale development projects such as hydroelectric dams, are affecting a growing number of indigenous peoples who traditionally have relied on hunting and fishing for subsistence, particularly in Amazonia and parts of monsoon Asia. These projects restrict hunting territory, destroy wildlife, and force indigenous communities to rely increasingly on the cheapest available carbohydrates, and in some cases to processed foods containing large proportions of sugar and fats. Shifting from meat and fish to carbohydrates tends to result in iron-deficiency anemia, which is implicated in childhood learning disabilities as well as increased mortality in pregnancy and childbirth. Shifting to high-sugar, high-fat diets is associated with significantly higher rates of cardiovascular disease and cancer, and may also be a factor in diabetes, judging from recent studies of indigenous peoples in North America and Australia.

The effect of displacement on indigenous agricultural peoples is similar, involving a shift from a varied garden diet rich in fruits and vegetables, to a grain or carbohydrate diet, again resulting in poor overall nutrition and, as confirmed by WHO studies in Indonesia, serious incidence of vitamin and mineral-deficiency disabilities such as anemia-related learning disorders, and extremely high susceptibility to respiratory disease associated with vitamin-A deficiency.

What this all means is that programmes which disregard indigenous land rights in the name of national development, "impose conditions of life" on indigenous peoples which

lead to death and disability, due to starvation or, more commonly, more insidious forms of malnutrition. Since we know the cause and the effect, governments which persist in creating these conditions are practicing genocide within the meaning of Article II.d of the 1948 Convention.

The same analysis should apply to the question of "ethnocide." Programmes which may not be explicitly hostile to indigenous cultures, but which lead inevitably to their destruction, or which create conditions leading to their destruction, must be recognised as ethnocidal. Governments are responsible for the natural and inevitable consequences of their actions. Hence while an industrial development or resettlement scheme may not, as such, deny an indigenous people the formal right to use their language or practice their culture, the natural consequence of dispersing a small, traditional community is to break down social interaction and communication, on which the maintenance of culture depends.

We may usefully take the analysis one step farther still. We have abundant social scientific evidence of the adverse effect of cultural disruption on groups' economic and social conditions. Loss of identity and self-esteem--not to mention the sharing of material resources within the group--can depress educational and employment levels just as surely as outright discrimination. Hence even if ethnocide itself were not a violation of international law, its natural consequences, in terms of greater disparities in social, economic and educational conditions among groups, raise substantial legal questions under, for example, the Convention on the Elimination of Racial Discrimination, and the International Covenant on Economic, Social and Cultural Rights. Can a government claim it is not discriminating against a group, when its programmes result in impoverishing that group--indirectly, but predictably?

Ethnocide is really at the heart of our entire exercise in this Working Group--or, to put the matter in more positive terms, the right of groups to continue to exist as distinct groups. In today's world, cultural diversity is routinely sacrificed in the name of national progress or national unity. Now, we think diversity is entirely consistent with national progress and unity, for we see by experience that ethnocide, or attempted ethnocide, so predictably results in economic disparities, disunity, and conflict. We will be doing no one any favour if we fail to address ethnocide squarely in our draft declaration by acknowledging plainly the right of indigenous groups to legal recognition as legitimate social, economic, political and administrative as well as cultural units.

Of course, the problem of ethnocide is takes in more than indigenous peoples alone, encompassing minorities as well as the people of occupied territories and non-self-governing territories in the classic sense. For this reason the Working Group might find it useful to invite the Sub-Commission as a whole to take up the question of ethnocide at its future sessions, to stimulate some cross-fertilization between our development of standards

for indigenous peoples, and the development of standards for other vulnerable groups within the Sub-Commission's mandate. We note that the question of ethnocide was urged on the Sub-Commission by its special rapporteur on genocide, Mr. Whitaker, several years ago, and that the Commission and Sub-Commission have repeatedly neglected the General Assembly's invitation to study ways of expanding or strengthening the concept of genocide to make it more useful in contemporary circumstances. Perhaps this Working Group can provide the necessary stimulus for the Sub-Commission to take up this long-overdue matter.

This brings me to another recommendation, already suggested by a number of the indigenous organisations represented here: establishing 1992 as an International Indigenous Year, and as a target date for the consideration of a draft declaration of indigenous rights by the General Assembly. Nothing could be more absurd or contradictory, than for the United Nations--after struggling for forty years to decolonise Asia and Africa--to celebrate the colonisation of the Americas, especially since the original peoples of the Americas, for the most part, still do not enjoy their most essential human rights and fundamental freedoms. And no part of the United Nations system is more aware of this fact, and this contradiction, than this Working Group. If we wish to honour the peoples of the Americas, let us do this by recalling liberators--such as Bolivar, and Zapata, and Tupac Katari and Louis Riel--rather than the colonisers. Above all, let us demonstrate, by completing and proclaiming a declaration of indigenous rights that abolishes ethnocide, that the human species has made moral progress in these 500 years. We urge the Working Group to take the initiative, when the Sub-Commission meets later this month, in sponsoring a recommendation to the General Assembly for the proclamation of 1992 as the International Year of the Indigenous Peoples of the World, and simultaneously to organise its work with a view towards completing a draft declaration on indigenous rights for consideration by the General Assembly by 1992 at the latest.