

WORKING GROUP ON INDIGENOUS POPULATIONS
Eleventh Session
19-30 July 1993

STATEMENT BY THE DELEGATION OF THE OBSERVER GOVERNMENT OF
BRAZIL ON AGENDA ITEM 10: FUTURE ROLE OF THE WORKING GROUP

Madam Chairperson,

It seems appropriate to my Delegation to consider at this session of the Working Group, upon completion of the second reading of the draft declaration on indigenous rights, the question of the future work of this forum. In our view the point of departure to such analysis should be the final document of the World Conference on Human Rights, adopted by consensus last month in Vienna. Part B-II of the Vienna Programme of Action recommends that the Commission on Human Rights consider the renewal and updating of the WGIP's mandate upon completion of the drafting of that declaration. It is also recommended that, in the context of the proposed international decade, a permanent forum for indigenous people be considered.

My delegation took an active part in these negotiations and strongly supported the recommendations adopted by Conference. We believe that, with the necessary adaptations in its mandate, the Working Group on Indigenous Populations could be maintained at its present level, as a subsidiary organ of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. When considering the renewal of its mandate, appropriate attention should also be given to the implementation of paragraph 26.5 of Agenda 21.

My delegation takes note with interest of document E/CN.4/Sub.2/AC.4/1993/8, which contains a set of ideas submitted by ~~the~~ yourself concerning the future role of the WGIP in the protection and promotion of all human rights and fundamental freedoms of indigenous people throughout the world. We thank you respectfully for your initiative and support the main thrust of your proposals. We would like, however, to make brief remarks on some of the issues addressed in the document which deserve in our view further elaboration.

In relation to the annual report suggested in paragraph 11 (a), we understand that human rights thematic reports are those submitted by Special Rapporteurs or Working Groups designated to this end. A thematic report on indigenous people, besides requiring that a specific mandate be assigned to a rapporteur or a working group, would be detrimental to the existing thematic reports on human rights violations which already include those practiced against indigenous people. Moreover, the Commission on Human Rights requested in its resolution 1993/30 that all rapporteurs, special representatives, independent experts and working groups take into account the situation of indigenous people in their respective reports.

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As to paragraph 11 (c), we acknowledge that operative paragraph 6 of UNGA resolution 47/75 referred to the International Year as an appropriate framework for dissemination of socioeconomic data on development needs of indigenous people. We believe that by extending the WGIP's mandate we would provide a permanent forum for consideration of governmental policies in these areas which have a direct impact on the welfare of indigenous people. The suggested ~~research~~ project might therefore constitute an unnecessary duplication.

With regard to items (f) and (i) of the same paragraph, my delegation believes that the WGIP could perform an important role in ensuring a broad dissemination of the future declaration on indigenous rights and in encouraging States to implement its provisions. Nonetheless, the proposed expansion of its mandate to encompass monitoring functions and individual communications would require further analysis. In this context, we note that the confidential procedure established by ECOSOC resolution 1503 is available to all individuals, including indigenous people.

In paragraph 11 (g), the guidelines and instruments referred to should in our view take into account the relevant provisions of the Convention on Biological Diversity, namely its twelfth preambular paragraph which states "Recognizing the close and traditional dependence of many indigenous and local communities embodying traditional lifestyles on biological resources, and the desirability of sharing equitably benefits arising from the use of traditional knowledge, innovations and practices relevant to the conservation of biological diversity and the sustainable use of its components," and its article 8 (j), "Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices,".

Regarding paragraph 12 (a) and (b), it is my delegation's opinion that the WGIP should maintain both its present level of subordination in relation to the Sub-Commission and its format as a body of experts whose intellectual and academic contribution to the enhancement of indigenous rights we fully acknowledge and commend. Furthermore, it seems worth recalling that the Committee on Economic, Social and Cultural Rights was established to monitor compliance of the International Covenant on Economic, Social and Cultural Rights by its States Parties. In the absence of a specific convention on indigenous rights which might generate international obligations in this area, my delegation has doubts on the proposal of re-establishing the WGIP as an expert body similar to that Committee. Finally, Madam Chairperson, as regards paragraph 12 (c), my

delegation would prefer to keep the present name of this working group for the reasons explained during consideration of conference room paper no. 4.

In submitting these observations to you and the other members of the WGIP, we react to some aspects of your note which will certainly be useful in the future debate on the question of the indigenous forum, to be taken up together with other recommendations of the World Conference by the Third Committee at the next session of the General-Assembly.

Thank you.