

Statement by the Observer Delegation of Japan on the
Working Group on Indigenous Populations

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Thank you, Madame Chairperson.

First of all, since it is the first time for me to take the floor, I would like to congratulate you upon your re-election as Chairperson of this Working Group and take this opportunity to express our admiration for the efficient and equitable manner in which you have been chairing it.

Now my delegation wishes to make some brief comments on the draft declaration on the rights of indigenous peoples.

1. In this draft declaration, concrete provisions are given concerning lands, natural resources, education, and election, for example. However, as historical and social contexts in which indigenous people live, as well as each State's legislative, judicial and administrative systems differ, it is essential that the provisions of the draft declaration be made as realistic and flexible as possible, so that they may be supported by many countries at the Commission on Human Rights as well as the upper organs of the United Nations. Especially, in cases where these systems are founded on principles of liberty and equality of the peoples, the relationship between that principle and the provision of the draft declaration need to be clarified, and be harmonized.

2. Also, considering the fact that declarations made by the United Nations and its specialized agencies are not legally binding, it is not suitable to state in

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this draft declaration that a State has legal obligations to take effective measures to implement its provisions.

3. However, international instruments should be drafted in such a way so that it clearly denotes the subjects, objects, extents, requisites and the effect of the rights provided by them. The present draft declaration contains many ambiguous wordings and terms. We are concerned that the lack of clarification of the definition of the words as "indigenous people" would allow subjective interpretations of this word. Another example is the word "taxation" seen in operative paragraph 29. Here, it does not state and clarify to what extent the indigenous communities have autonomous powers over the taxing system and to what extent States can control its existing taxing system. Clarification of such ambiguous terms as above is needed.

4. Although the draft declaration provides many kinds of collective rights as opposed to individual rights, we should be prudent about the introduction of the concept of "collective rights", since the concept cannot be regarded as yet being firmly established.

5. As recognized by the General Assembly resolution 41/120, which calls for the consistency of new international human rights instruments with the existing international human rights law, it is necessary to check thoroughly whether the rights and duties listed in this draft declaration are consistent with those in the existing conventions.

6. Lastly, my delegation expresses its admiration for the sincere efforts made by all of the members who are taking part in the drafting of the declaration. We hope that the draft will be refined through the future discussions of the Working Group.

Thank you, Madame Chairperson.