

SUBMISSION BY THE
WORLD COUNCIL OF INDIGENOUS PEOPLES

before the United Nations

Working Group On Indigenous Populations

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We are working under conditions of political reality. 1

In the U.N. system, we ~~also~~ see the desire of these member states to protect and preserve itself, not only from external but from internal forces as well.

Whenever we raise the issue of "collective rights" or "group rights" or the "rights of peoples", we often see a response by these states based on the continuing fear of internal destruction. The oppressors fear the oppressed may aspire to become the oppressor. Other fears may be that by according collective rights

to indigenous peoples, states would not have the free access to those territories now occupied by such peoples.

Yet, there is a general "humanitarian yearning" to also recognize the innate rightfulness of human rights; man's liberty to develop his full potential based on his own exploration of his thoughts and dreams. But that liberation was not to threaten the domination by the states.

Thus, there developed such documents as the Universal Declaration of Human Rights, an "intellectual optimism in the ability of individuals to defy the power of states," as a scholar in our presence described, (I'm referring to

Russel Barsh.)

Through this weeks review of developments of indigenous experiences as well as in this working groups prior sessions, we find that by and large, for indigenous peoples, that optimism has not panned out. ^{It has not become a reality.} Thus, we have heard of the atrocities against indigenous peoples and populations.

But Mr. Turk poses a pragmatic question which I take the liberty to rephrase: "How do we move from individual rights and liberties to those of groups, especially in light of the limited advances made within the U.N. system? Mr. Turk calls for a scheme with conceptual clarity and confidence building, necessary for acceptance by the political bodies of

the United Nations.

He noted that the U.N.'s historical approach has been that individual rights inevitably leads to an appropriate protection of groups. As I have said, the evidence produced before the sessions of this working group disproves that theory.

It is apparant that conditions under which individuals may exercize those rights recognized by the existing U.N. instruments can come about only by establishing the necessary protection of the collective within which the individual persons exist. This is not different from a consideration of raising children or protecting animals. Let me quickly illustrate.

The World Wildlife Fund espouses the protection of the Panda bear. But the Panda can not be protected in isolation. To protect the Panda, we must protect his habitate. We need to protect his clean water and his ability to get to it, his food source, his trees, etc. ~~Thus, we must protect his habitate,~~ including his need to have society. Thus we move from the protection of the individual to the consequent need to protect the individual's physical and social surroundings. Perhaps a closer illustration would be the United Nations recent celebration of the year of the child. A child can not be raised in isolation. The family must be protected and encouraged to remain as a unit. To do so, conditions must be appropriate for

the family to exist.

We can not assume right to persons without a full recognition and protection of the environment of that person. As human beings, we are essentially social beings, operating within a society. That very society must be protected as a collective; thus, indigenous peoples must be protected and specific rights declared.

This is nothing more than to take a holistic approach to a human problem.

submit that the approach we might take to meet the needs expressed by Mr. Turk is the following:

We reaffirm the support for the rights expressed in the Universal Declaration of Human Rights. But the review of developments pertaining to indigenous peoples causes us to question the effectiveness of such standards in reality. Indeed, we are convinced that such standards are beyond the reach of certain persons, especially those who fall within the group of indigenous populations or peoples.

In order to enshrine these internationally recognized human rights into the daily lives of millions of indigenous persons around the world, we must provide for the conditions in which they are able to achieve the recognition of such rights.

We are convinced that this can be best accomplished by ensuring their collective rights to existence as set forth

in the standards proposed by this working group.

Thus, I submit, we would be able to respond to the call for conceptual clarity and confidence building which Mr. Turk properly pointed out as necessary for acceptance of collective rights by the political bodies at the United Nations.