



WORLD COUNCIL OF INDIGENOUS  
PEOPLES

Intervention on Standard Setting before the  
United Nations Working Group on Indigenous Populations.

August 3, 1988, United Nations Building, Geneva, Switzerland

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WGIP 88/UNI/9

Ano 'ae me ke aloha:

On behalf of the WCIP, I join in applauding the work, energy and dedication which has gone into the preparation of the working paper now before us. This document forms an excellent basis upon which specific discussions on the rights of indigenous peoples can be carried on. Without such a working paper, we would be as we were in previous years - like a ship blowing in many winds of opinions without a rudder to steer with. This working paper gives us that rudder.

Already, this working paper has proven its worthiness. It has brought indigenous peoples together to discuss specific terms of indigenous rights. The Assembly of First Nations of Canada has held a first consultation on this paper and will themselves elaborate on that activity. The WCIP has appointed a special committee to consider it. Others in pre-sessional meetings of this working group have used this document as a beginning point for discussions. They, I expect, will elaborate on their activity as well.

Just as the draft declaration of principles which emerged from the WCIP's 4th General Assembly in 1984 provided an important opportunity for this working group and indigenous organizations meeting in pre-sessional caucuses to consider a declaration on indigenous rights, the present working paper is another milestone in the steps toward an international instrument to assure the rights of indigenous peoples.

The WCIP will carry out a program of continual consultation throughout the year with our grass roots organisations, using this paper as the basis of initial discussions.

In this year's intervention on the agenda item on standard setting, our comments will go to the general concepts contained in the working paper rather than stylistic or technical redrafting.

We wish to make ~~eight~~ specific comments on this working paper.

COMMENT 1. "Peoples"

We support and encourage the use of the word "peoples" throughout the working paper. This use has been a decisive assertion which, unfortunately, the ILO's 75th International Labour Conference was not willing to make.

In line with this comment, the WCIP propose another bold step be taken - that the name of this very working group be changed and from 1989 onward, be known as the Working Group on Indigenous Peoples.

Comment 2. Drop other collective terms.

To avoid confusion and possible complications, we suggest that the terms indigenous peoples be used exclusively and terms such as "human groups," "nations" or any other collective term to describe us not be used unless such other terms ~~is a~~ meant to define a distinctly different concept from indigenous peoples. *ethnic groups, minorities*

Comment 3. Collective and Individual Rights.

We recommend addressing collective rights, making clear that such rights are not necessarily in derogation of individual rights as already contained in human rights instruments. Individual rights should be addressed only if these rights are peculiar to members of the indigenous peoples.

Comment 4. Brevity.

We propose the brevity principle of European womens skirt designers be used, i.e., "It should be long enough to cover everything, but short enough to be interesting."

Comment 5. Caution of other instruments.

Caution should be taken in calling upon states to comply with all international human rights instruments until we see the result of the ILO's revisions to Convention no. 107.

Comment 6. Paternalism

We suggest the avoidance of language which may appear paternalistic to the indigenous peoples, i.e., terms such as "protection." For example, rather than the right to "protection" from ethnocide, genocide, apartheid or forced assimilation, we suggest something closer to, "Freedom from ethnocide, genocide, apartheid and forced assimilation" which would not promote a sense of paternalism. In the implementation <sup>clause</sup> requirement of this instrument, states would of course be called upon to assure the effective compliance of these rights ~~and freedoms.~~

Comment 7. Indigenous Peoples as international personalities.

The WCIP submits that the right of indigenous peoples to enter the international community and its various international forums in their own right - as appropriate parties with sufficient standing in international arenas, be included in a final instrument. Most indigenous peoples have simply been claimed by national governments as members only because these indigenous peoples lived within territories claimed by such governments - not by the choice of the indigenous peoples themselves. Thus, it was the territory which defined the indigenous peoples' membership to a state, not the exercise of choice by the indigenous peoples concerned.

This is essentially ~~a practice of~~ elevating "territorial" or "property" rights over human rights, the same principles upon which slavery is based.

We certainly agree that slaves should be free from the bonds imposed by others. Why not free the indigenous peoples from impositions of "national" bonds which foreclose their otherwise entry into the international community's forums?

Comment 8. Transmigration.

The final instrument should reflect freedom from the practice of transmigration used to deny indigenous peoples the exercise of self-determination by altering the "self" in that concept. Two examples from the Pacific can demonstrate this concern.

In Kanaky (New Caledonia), the Kanaks (indigenous peoples of Kanaky) are now outnumbered by others transmigrated to their islands by a European state. The transmigration program has been so effective that the Kanaks are unable to exercise "self" determination. The "self" which now determines Kanaky's future has been manipulated by transmigration - altered to the extent that it does not exist for the indigenous peoples any more.

Hawaii is another example of this abuse. The Hawaiian people had a nation recognized in the international community. They had treaties and executive agreements with many of the observer governments here which were in existence in 1887. For example, there were at least five treaties with the United States. That nation had almost a hundred diplomatic and consular posts around the world; it was a member of one of the earliest international organizations, the Universal Postal Union.

Yet less than 100 years following the landing of marines of a foreign government in 1893 to support the overthrow of that nation, this same foreign nation has followed a transmigration program which today leaves the members and their descendants of that Hawaiian nation in a minority. Any test of "self" determination is doomed to favor the non-indigenous nation because the majority is now on the side of the foreign nation.

This working group has already received other testimonies of the abuse of transmigration so I will not belabor the point.

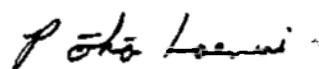
Freedom from this abuse of transmigration should be included in a final instrument. - perhaps a declaration that the "self" in the exercise of self-determination remains with indigenous peoples of their traditional territories.

Finally, I offer this observation. The struggle for human rights is an evolutionary process, agonizingly slow at times, especially for those who are victims of its abuse.

We must not tire of this process, a process made even more difficult by the need for constant self-examination and criticism of our own attitudes and conduct to others.

I applaud all of those, from whatever position we hold, who have joined this working group and continue to work with this process, as difficult and biting as the criticism may have been against one another, for if we quit - if we fail to develop new rules of interrelationship with one another, then we will not only continue to violate human rights, but in doing so, doom the very humanity in each of us, and with it, destroy our common home, our mother, this planet earth.

Aloha 'āina.



Pōkā Laenui

(Hayden F. Burgess)

Comment 9. Broad perspective.

The drafting of the final instrument must be broad enough to take in a very wide perspective of indigenous peoples and their conditions.

While we indigenous peoples in attendance at these sessions of the working group represents a wide range of indigenous realities, we do not represent the full spectrum of indigenous realities.

There are still many indigenous peoples under very difficult situations who have absolutely no international representation or effective coordination to make their representation possible. Three specific peoples come to mind immediatly: the Veddas of Sri Lanka, the Bataks of the Phillipines and the Aetas or Negritos of the Phillipines. There are, of course many more.

The phenomena of indigenous international NGOs advocating for indigenous rights is still in an infant stage. Try as we might, to include the full spectrum of indigenous realities at this working group, many barriers present this from happening.

The final instrument must somehow take these matters into account.