

OPENING STATEMENT BY CHIEF TED MOSES
GRAND COUNCIL OF THE CREES OF QUEBEC
TO THE
10TH SESSION
OF THE UNITED NATIONS
WORKING GROUP ON INDIGENOUS POPULATIONS
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On behalf of the Grand Council of the Crees of Quebec I would like to congratulate the members of the Working Group on the commemoration of this historic tenth meeting. May I also extend my congratulations to the Chairman on her re-election as Chairman/Rapporteur of the Working Group. We look forward to your continued leadership.

On this occasion it is appropriate to take a few moments to comment on the significance of the Working Group, and the impact that it has had on the advancement and protection of the rights of indigenous peoples throughout the world.

We have often stated that the abuse of the human rights of the world's indigenous peoples represents one of the most conspicuous and tragic, unresolved human rights crises in the world. However, in spite of this, the plight of the world's indigenous peoples has somehow brought little response from the international community. This issue has been treated as an historic problem, a fact of history which can not be meaningfully addressed in the present day.

There is, to say the least, a good deal of racism involved in this assessment, which is based on the view that indigenous peoples are culturally and socially inferior, too primitive, for example, to understand the concept of title, lacking the capacity to govern themselves or to administer their own affairs. In any case, the argument goes, history can not be corrected, and no redress is therefore possible.

It was through these racist views that the seizure and occupation of indigenous lands, the implantation of foreign States, and the relegation of indigenous peoples to titleless persons in their own territories has been rationalized. Somehow, it has been possible to justify the theft from the indigenous peoples of entire continents, the murder of entire tribes, the genocide of peoples.

The effect at the present time is clear for all to see: the indigenous peoples are indeed the dispossessed--the poorest of the poor. And even in the most advanced and

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developed States, (such as Canada) the indigenous peoples have the lowest incomes, the shortest life expectancy, the most deficient housing, the poorest education, and the worst health.

Government policy, in those States where indigenous peoples continue to survive, has been based on the principle of assimilation, integration, and forced abandonment of indigenous identity. Indigenous peoples who refuse the offer of submersion in the larger society, are placed under regimes of State protection, guardianship, or trust. This has been the standard legal practise in Canada, Brazil, the United States, South Africa, and Australia, just to mention a few noteworthy States.

The trusteeship laws purport to protect the indigenous peoples under the fiduciary trust of the State. These laws, however, have been used to deny the indigenous peoples their basic human rights and fundamental freedoms under the guise of protection; and have served, in practice, to legalize the theft of indigenous lands and resources. The trust relationship has been used abusively, depriving the indigenous peoples of their land base, and perpetuating their poverty.

I have briefly reviewed these facts, because it is in this context that the establishment of the Working Group on Indigenous Populations must be evaluated. Indigenous human rights abuses were largely neglected by the world community. And the indifferent or frankly exploitative administrations of States exercising jurisdiction over indigenous peoples and lands, have not in the past 500 years taken initiatives to recognize the rights of the indigenous peoples.

The Working Group grew out of the Martinez-Cobo Report, the first two meetings organized by the International NGO Committee, and the efforts of members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. These abuses were not likely to be resolved by State administrations clearly in conflict of interest between their responsibility to the indigenous peoples, and the so-called "national interest".

What has been the effect of the Working Group? As an indigenous leader, I have been able to observe a very dramatic change. First and foremost, indigenous peoples are now recognized, in practise, as subjects of international law. It is becoming more difficult for States to claim that indigenous rights issues are purely domestic, to be resolved internally under municipal law, a claim which was used to discourage international action to resolve indigenous human rights abuses.

The very fact of the existence of the Working Group has helped to establish this principle. In addition, the

Working Group has encouraged action to recognize and protect indigenous peoples throughout the United Nations System, thus supporting the principle of indigenous peoples as subjects of international law.

The main task, so far, of the Working Group has been the elaboration of draft standards for the protection of indigenous peoples. This work, directly under the responsibility of the Chairman/Rapporteur, Dr. Erica-Irene Daes, has already had the effect of identifying key issues, the essential or obligatory standards that all States and peoples are expected to respect, even without formal and final approval of a Universal Declaration by the United Nations.

In other words, the process itself has had a positive effect. And forward-looking States are not waiting for the Universal Declaration to be proclaimed, before implementing the concepts that are supported by broad consensus here.

It is very important to note, however, that the mandate of the Working Group is not limited to the standard setting work. The Working Group is also responsible for a review of current developments with a view towards the overall interest of the United Nations in the preservation of world peace, and the protection and promotion of human rights under the Charter, the Covenants, and the other international human rights instruments. I would like to point out the very important role the Working Group plays in this regard.

There is no other world body that is empowered or has the capacity to hear the issues we have heard here during the last nine sessions. For example, the Chairman/Rapporteur, in her personal capacity, has been able to respond to a number of the concerns voiced here, and her interventions have had enormous humanitarian value, have brought aid, and have helped to resolve serious problems. Furthermore, certain matters have been referred to the Sub-Commission, where the attention and interest of that body has served to prevent or stop human rights abuses.

I need only refer to the oversight the Working Group and the Sub-Commission gave to the Oka/Kanasatake/Kahnawake situation two years ago in Quebec, Canada. I and many others certainly believe that the concern and interest shown here for the protection of indigenous rights in Canada, saved the lives of some of our people, and I want to express my deepest gratitude for that intervention.

Other work remains to be done. The study on treaties between indigenous peoples and States, which the Grand Council of the Crees did so much to promote and support, must be carefully and faithfully completed. We look forward to the report by the Special Rapporteur Prof. Miguel Alphonso Martinez, on this critical issue. It is important that the United Nations recognize the

inviolability of these sacred agreements between sovereign peoples and States.

Finally, it is clear to everyone who has been involved in this process, that very little would have been possible without the leadership and courage of Dr. Erica-Irene Daes. It is people and not organizations that make the difference; and Dr. Daes has literally dedicated her life to the work of defending the rights of the indigenous peoples. This extends far beyond the Working Group. I respect her determination, her intelligence, and her love; but we had to wait 500 years for her to come along.

In spite of all this, there are some who now say that the mandate of the Working Group has reached its useful end. My answer, is that the true mandate of the Working Group is about to begin. The Working Group should be granted recognition as a senior United Nations body, and the protection of the rights of indigenous peoples certainly deserves its rightful place on the agenda of the Commission on Human Rights. We must not allow indigenous peoples to be shut out of the United Nations. The issues loom larger, and there now appears to be some international political determination to resolve indigenous rights problems. We must seize the moment.CH