

THE EXISTING WORKING GROUP AS A SUBSIDIARY BODY
OF THE COMMISSION ON HUMAN RIGHTS

A CASE FOR THE SETTING UP OF
A FULLY OPERATIONAL INDIGENOUS PEOPLES SECRETARIAT

This paper has been produced for presentation to the United Nations Working Group on Indigenous Populations, Eleventh Session, 19-30 June 1993.

Participants in its preparation were:

Te Runanga o Whangaroa

and

Te Kotahitanga o Te Tai Tokerau.

This latter group represents the following iwi (tribes):

- Te Aopouri
- Te Rarawa
- Ngatikahu
- Ngapuhi
- Ngapuhi o Whangaroa
- Ngati Kahu o Whangaroa
- Ngatiwhatua

and

Members of the Mikmaq delegation of Canada.

THE EXISTING WORKING GROUP

The Working Group has a limited mandate: "standard-setting" which has come to mean drafting of the Declaration, and an annual "review of developments", which has been an opportunity for Indigenous Peoples to speak to the Working Group about their own situations. There has been no systematic collection or printing of information, and no authority to comment upon, or respond to the situations in particular countries. As a subsidiary body of the Commission on Human Rights, the Group does not have much influence on other fields of UN activity such as peace keeping, development, or environment.

The Working Group is authorized to meet for 5 days annually, but, since 1989, ECOSOC has given the Group an additional 5 days each year for drafting the Declaration.

Staff resources are critically inadequate; one full-time person, at the Centre for Human Rights, supplemented during the International Year by 3 Indigenous persons donated by Norway, Denmark and Australia.

Indigenous Peoples have been fortunate that the 5 members of the Working Group, who are nominated and elected by government members of the Commission on Human Rights, have generally been supportive. There is no guarantee that this will continue, however.

OBJECTIVE

1. To set in place at the UNO an Indigenous Peoples secretariat, working within criteria to be determined.

The work of the secretariat to be performed by an infrastructure to be determined by the indigenous peoples.

Regions have attempted and found strength through established regional bodies.

A central committed, active central body is now needed to cater for worldwide indigenous groups of peoples, i.e. to facilitate an ongoing global aspect of cooperation, communication and sharing in efforts to promote social, cultural, economic and spiritual strengths.

2. Such a selected body (by indigenous peoples) would give reality to the operative nations that the indigenous peoples are a contributing part of the life of their nation.

The indigenous people seek to give strength to their nation not to divide it. Diversity is slowly but surely becoming identified as a strengthening agent within nations.

3. A central body would give strength to the negotiating processes with States.

Partnership is a process that voluntarily presents discussion, inter-information and negotiation.

Negotiation is a positive action. It is identified as negative only if a more powerful party is forced to share its power. A provision of working options must cease to be associated with an established myth, as nations separators.

4. Indigenous peoples appreciate the place for such factors as accountability in performance, and the need of monitoring to give efficiency.

It is for the nation States to appreciate that the indigenous peoples will determine the nature of accountability; who to, and what, why and how monitoring should be included. Monitoring and evaluating would lead to improvements in processes. Accountability to its people

is a well established process amongst the indigenous peoples.

5. The United Nations must hear an authentic voice which represents the indigenous peoples. Such organizations as UNICEF, UNDP, ILO, World Health, the Security Council - all should take account of the indigenous voice, and the content reflected from its thinking.

6. A central body, properly resourced, structured and committed, can create a positive public awareness of the potential contributions of the indigenous peoples. Whilst a repetitive comment, the reality is that two peoples sharing their skills in one nation have the potential to provide greater strength to that nation.

Diversity is a strengthening process for it offers options in the use of resources especially the resources that are used to provide services for humans.

7. The United Nations or League of Nations was born, as the world nations recognized a need for the nations to meet together; to coordinate and give strength, and to give expression to whanaungatanga (familyness).

The worlds peoples are the worlds family. As such meeting together in Geneva or New York, is a larger duplication of a simple family meeting a groups of friends at home.

The conception and birth of a unified indigenous body within and as a part of the United Nations is the birth product of the identical experiences and hopes of the worlds nation States.

8. A Declaration of the Rights of Indigenous Peoples is due to be progressed. As a statement of the rights and principles to be adopted, because of those rights of the indigenous peoples, it should be the work of a central indigenous body to promote, monitor and evaluate such a declaration.

To re-emphasise, monitoring has a positive implication. It would simply take note of the integrity of peoples, as they work in partnership to provide an exciting, satisfying quality of life.

9. Nations working together provide better opportunities to whakatinana (give body to) a wawata (a dream).

An indigenous secretariat fully functional provides opportunity for distant "dreamers" to see their aspirations reflected amongst a host of peoples.

Building relationship, sharing caring, disseminating information, exchanging gifts.

An indigenous component to the UN would reinforce and contribute an image of persons who care for others.

The term United Nations appears to infer nations in unity. The presence of indigenous persons could provide the option of such a working humanity.

Two weeks of discussion concerning a Declaration will have raised a range of expectations.

An indigenous persons secretariat would enable indigenous persons to share their visions with fellow and other States. More especially, those who do not follow the discussions but for whom the nature and fruits of discussion have been an important part of decision making.

10. The turangawaewae (standing place) of a nation's peoples must be shared. Just as it is right and proper that the indigenous people have a place to stand within their nation, so too should there be a place for them "to stand", within the world.

The Nations of the world recognize a building standing on certain lands in Geneva and New York as their turangawaewae. So too should the indigenous peoples have a world turangawaewae. This place need not be different from that of the Nations but rather be "shared with" and be "operational beside", thus expressing the whakatinanatanga of people sharing in partnership.

11. The establishment of such a central body as an indigenous secretariat is an expression of the acceptance of the consent of the International Covenant on Economic, Social and Cultural Rights and of the International Covenant on Civil and Political Rights and the affirmation of the right of self determination, tempered by the desire for partnership.

PRECEDENTIAL PROMOTIONS

Support for such a partnership is already evidenced in the United Nations. Such a proposed partnership has already been created by the United Nations, of its own identification of need.

(a) The appointment of Rigoberta Menchu, 1992 Nobel Prizewinner, as a Goodwill Ambassador for the Indigenous peoples for the year 1992/93, recognizes the need by the UN for such a person (persons) within the established units of the UN.

The vision that such persons would give strength to world understanding amongst the worlds peoples is already a United Nations initiative.

(b) The UN has in its structures already recognized a status of "nations in waiting". For example, the ANC, the PLO, the Secretariat of the Vatican.

Each of these organisations has access support by UN decrees to meetings of the Sub Commissions, the Commissions and ECOSOC.

Such access already established for these organizations, is the equivalent of that sought by the Indigenous peoples.

(c) THE UNITED NATIONS: ENVIRONMENTAL AND CONSERVATION ISSUES

Attention is drawn to the closer ties being established within the UN Agencies working in New York on Conservation and Environmental Issues.

Already it has been recognized by the UN that the indigenous peoples have expertise and support philosophies and practices that makes an effective contribution to operative systems within the UN.

(d) Attention is drawn to the Agenda Item No. 4 - Standard Setting Activities - Text of the New Zealand Statements delivered in Geneva on 29 July 1993, by the New Zealand Permanent Representative.

This statement includes the following:

"for many years the Working Group has been the only Forum within the UN System at which indigenous peoples could make their voices heard. It is only in the last year or so that the UN system has been prepared to take account of the special position of indigenous peoples for example in the context of the UNCED process, and there is still a way to go before their contribution can be valued as it should".

Thus does a nation state acknowledge the importance of the indigenous voice and admit to time taken to take account of the special position of the indigenous people. The statement further acknowledged that there is a special valued position for the contribution of the indigenous peoples.

(e) Note also the following content of the Australian Government statement delivered by Mr. Colin Willis on 19 July 1993:

"We also express our indebtedness to you...and for your address to the Conference on the position of Indigenous Peoples in National constitutions. Your thoughts on the rights of indigenous peoples, on self determination and reconciliation engendered a more holistic awareness of the international dimensions of indigenous peoples issues among key thinkers in Australia."

The papers of these two Nations acknowledge the potential "valued" and "holistic awareness" of the indigenous contributions.

The establishment of a UN Secretariat for Indigenous People would be a UN response towards the acquisition of "a special valued position for the contribution of the indigenous peoples".

As well the key thinkers of all of the UN Agencies would have ready access to an holistic awareness of peoples issues.

(f) Reference has already been made to the Working Party chaired by Madame Diaz. The indigenous peoples are aware that their representatives have been invited by the UN to contribute toward Global issues, and possible resolutions. Already a positive message has been received by them that there appears to exist a process whereby there could be established for them a prominent and secure representative position within a global community.

(g) A Secretariat for the International Year has been established, and now is operational. The functions of its members are to ensure the participation of indigenous people in the day to day administration of the year "in a spirit of new partnership" as established by the General Assembly.

This paper submits that precedentially that which is sought is an affirmation of recognised UN protocols already identified and established within the UN systems.

This paper further submits that "self-development" is an ongoing human experience for 811 indigenous peoples, and peoples of recognized nations.

For those people holding responsible positions in policy making, there lies a concurrent need for self determination, in the understanding of other peoples, all of whom could contribute positively to world development.

Responsibility for self determination rests with all peoples. It is not a focus inferring responsibilities and commitments for only one collective group of people, i.e. the indigenous peoples.

Appended to this proposal are statements submitted by the New York NGO Committee on the International Year of the Worlds Indigenous People.

Particular attention is drawn to paragraphs:

PARA 2: "that a focal point be assigned within each agency to coordinate activities"

PARA 3: "the establishment of an inter-agency mechanism..."

PARA 5: "urge the creation of a Centre of Indigenous Affairs or division of Indigenous Affairs within the appropriate department..."

PARA 6: "the establishment of a permanent fund relating to indigenous people"

PARA 7: "the appointment of a special rapporteur on Indigenous Affairs to the Commission on Human Rights"

SUGGESTED RECOMMENDATIONS

1. The Working Group must eventually be replaced by a UN Council of Indigenous Peoples. This must be a major goal of the UN Decade of Indigenous Peoples..
2. The Council should be open to the participation of all Indigenous Peoples, choose its own officers, and report, through its Chairperson, to ECOSOC and the General Assembly. The Council should have a mandate to coordinate and evaluate all UN activities that affect Indigenous Peoples and to report on, and respond to, the situation of Indigenous Peoples in all countries.
3. The Council should be supported by a strong independent Centre in the UN Secretariat, under the direction of a Special Representative of the Secretary-General, whose "good offices" can be used to promote Indigenous Peoples' rights, and defend Indigenous Peoples as needed in particular situations. The Centre must have adequate Indigenous staff to maintain communication with Indigenous Peoples worldwide and ensure that they are informed, and able to participate in the U.N.
4. As a transitional measure, the Secretary-General should establish a strong, independent Secretariat unit for the Decade, with Indigenous staff. It can immediately begin to increase access to information and participation in UN activities, and, by promoting the Decade, build political support for the creation of a Council. As part of this, the office of the Goodwill Ambassador for the International Year could be extended and strengthened. Five full-time professional staff members are considered a minimum requirements for managing the Decade.
5. Until the creation of the permanent Council, the existing Working Group should continue to function with the following immediate changes in its structure and mandate. It should be given additional mandates to evaluate the implementation of an Indigenous Peoples Council. And Indigenous Peoples must be able to select three persons to be voting members of the Group at each of its annual sessions.
6. To ensure that the greatest possible number of Indigenous Peoples have an opportunity to make their views known, prior to the meeting of the Commission on Human Rights in February 1994 that will consider the Working Group's future mandate, the Chairperson of the Working Group - in cooperation with one Indigenous People in each geographical region agreed upon by the Indigenous Peoples' caucus - should disseminate this proposal and related documents, solicit responses and suggestions, and prepare a summary of the responses for the Commission.

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