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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities

Working Group on Indigenous Peoples
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Oral intervention by Sharon Venne

Thank you, Madame Daes, for giving me the floor this morning. Before I begin my statement I would like to thank you personally for all the work which you have done on the drafting of the Declaration on the Rights of Indigenous Peoples. I know that you came to the working group in 1984 and it is nine years later. I, too, have been at the Working Group since before 1984. I want to make something very clear that as Indigenous Peoples we come here looking to the future. We are looking to the future for the children not yet born. What kind of future are they going to have? As our Elders often tell us: "my life is near completion, and we are not looking to enrich ourselves, but are looking to what is going to happen to the children in the future." We come here to the Working Group with that in our minds. This is the reason for which we have always come to the United Nations. We are here for our peoples, not for anyone else. We are here struggling for our rights.

I want to review something which is important. We must look at the discussions which have took place in the previous years. As I remember the discussion from last year during the debate on self-determination: the language in the draft declaration last year was not acceptable to Indigenous Peoples because we wanted the language to be clear, concise, and unambiguous And as we often use the IUS principle: Keep It Simple. This is what we have always strived for. We have always said that the Declaration on the Rights of Indigenous Peoples should be readable by all Indigenous Peoples, not by just the people who have been educated in the non-indigenous systems. All Indigenous Peoples should understand what the Declaration says. We have always supported that the Declaration be concise. We still support that idea and concept.

Back in 1988, you presented to us the first draft. There were twenty-eight principles in the first draft. This was an elaboration of the twenty-two principles which had been drafted by us, the Indigenous Peoples, from 1982 to 1987. The principles were submitted to the

Working Group for consideration. There were twenty-two principles. In 1988, the first draft had twenty-eight principles. At that time, the consensus statement which came from Indigenous Peoples was this: There were four points which we wanted included. First of all, that there be no ifs, ands or buts about self-determination. Second, that the rights of Peoples-Indigenous Peoples is a collective right. Third, that our territories must be respected; and four, that our resources above and below the ground must be recognised. This is what we said in 1988 from the Indigenous Peoples Preparatory meeting on August the first. Now, the question comes about the consensus. We did have consensus in 1988. And as far as I can see from the discussion this morning, we still have consensus about these issues.

What is happening to the process? What is going on here? There is a lot of talk about us this morning in terms of ethnic minorities, linguistic minorities and anything else that you can think of but the word PEOPLES. It is as if people have an allergic reaction to the word PEOPLES. They would rather call us something else than what we are. I believe in the process. I have gone along for a very long time thinking and believing that we had fought the battle on the issue of minorities. We were not in the Working Group on Minorities when they were working on the Declaration because we are not minorities. We are Indigenous Peoples. We are not included in the Declaration on the Rights of Minorities because we are not minorities. We thought that we had already fought that battle. We believed that battle was finished. But now state governments here this morning are looking back. They are even looking at the language and telling us to bring the language forward and let us put that language into the Declaration. Were they not listening to your opening statement about looking forward and backwards, and lets get on with the work. It is like we are doing the chachacha or something.

I wanted to address some other issues related to the drafting process. Indigenous Peoples are not a small group. We may be by numbers, but by our determination to fight on, we are not small. And a lot of our people have gone before us, and have not survived. We are mindful of that. We know that there is genocide. We know that previously there has been genocide. And we know that genocidal practices are occurring as we speak today. We are not immune to that process. But I think what we have to keep in mind is that we are drafting something for our people in the future. Why should we back down and back off in order to make other people feel comfortable? We are not comfortable with some of the language in the Draft Declaration. And as I raise the question which was raised by another person in this room and other people: Who are we trying to please here as Indigenous Peoples? Who are we pleasing? Are we pleasing ourselves? Are we pleasing ourselves? Are we pleasing the state governments? Who are we pleasing?

As you said very clearly this morning: The Declaration is not a legally binding document. it cannot be used by state governments or be used against state governments to enforce our rights. We know that. Because we know that the United Nations is littered with declarations

and conventions, and yet one hundred and sixty-some wars are going on today despite all these words. So obviously this document is of a moral significance to us rather than a legal significance. After five hundred years of colonisation of our lands by the neo-colonialists we still maintain we are peoples, regardless of what they say and do. What we have to do is look at the options that are available to us. Under international law we have the right to secede. We have a right to do all kinds of things. We can take up arms and declare unilateral independence. We can do a lot of things, but we have never chosen that path willingly. We have always said that we are prepared to work at the United Nations to come to a Declaration which fairly and justly represents what we want as Indigenous Peoples. We use the terms fairly and justly not to be browbeaten into something that we cannot accept. This has happened to us in the past. I cite the International Labour Organization Convention 169 as an example of what state governments decided that they could do for us. Because do for us as Indigenous Peoples is a continuation of the colonisation process. This is the notion that someone else is doing something for us. And, Madame Chairman, we can do for us ourselves, thank you very much.

There is another thing I would like to talk about and reiterate in relation to what Chief Ted Moses said this morning. We do not want any qualifying language on the right to self-determination. We do not want any special conditions.

[presentation abruptly ended by the Chair]

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