Dilemmas Posed by the UN Draft Declaration on the Rights of Indigenous Peoples

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The following is an opening statement made to a meeting, organized by the Raoul Wallenberg Institute of Human Rights and Humanitarian Law at the University of Lund, Sweden, on the legal and political dilemmas posed by the United Nations’ Draft Declaration on the Rights of Indigenous Peoples, on 19 June 1994.

Mr. Chairman, Professor Melander, distinguished participants, and colleagues:

Allow me begin by expressing my grateful thanks and deep appreciation to Professor Melander, to vis. Professor and dear friend Alfredsson and the Wallenberg Institute for the opportunity they have given me to address this important gathering and for taking the initiative to organize a meeting of this kind at such a crucial moment in the evolution of the rights of indigenous peoples.

Since we are meeting here, in the beautiful university city of Lund, I would like to recall, with deepest gratitude, that the Nordic countries have played a pivotal role from the beginning of the struggle to promote and protect the rights of the world’s indigenous peoples.

Nordic people and governments have not only given us their consistent support in the competent organs and bodies of the United Nations system, and contributed positively to the drafting mandate of the Working Group on Indigenous Populations. They have also set a good example through their efforts to build genuine partnership with the indigenous peoples of Samiland and Greenland. I should add that it gives me great satisfaction when I see Sami and Greenlandic persons sitting behind the flags of Nordic countries at the sessions of the Working Group. This signals a level of trust and mutual respect which I sincerely wish to see continue in the future and spread to other countries and regions of the world.

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It is especially fitting, then, that we should be discussing the fate and the legal and political dilemmas posed by the United Nations Draft Declaration on the Rights of Indigenous Peoples here in the Nordic region, because it is here that national governments, indigenous peoples and nations have demonstrated, by their actions, that in particular the right to self-determination can be realized peacefully, and in a way that is ultimately beneficial to all concerned.

The United Nations Draft Declaration on the Rights of Indigenous Peoples was the product of many years of effort by many people, including of course many hundreds of indigenous people from all parts of the world.

In this respect, I would like to refer, in short, to the legislative history of the aforesaid Draft Declaration and to emphasize that important and substantive contributions were made by indigenous people themselves, as well as by representatives of governments, specialized agencies and concerned non-governmental organizations, that participated in the annual sessions of the Working Group. I have already prepared a note on the legislative history of the Draft Declaration, for circulation to participants of the Working Group at its next session, and to the members of the Sub-Commission, recalling in particular the procedures we have followed in preparing the present draft. The drafts of principles or the working papers which I was entrusted to prepare were circulated for written comments and suggestions each year from 1989 to 1992. In addition, the Working Group has arranged during its sessions for private meetings of indigenous representatives, with full translation services, to facilitate indigenous consultations and consensus on important drafting proposals. As a result, the present text reflects an extraordinary liberal, transparent, and democratic procedure that encouraged broad and unified indigenous input.

There is no substance to certain rumours that the final draft was elaborated in camera. On the contrary, my distinguished Colleagues, members of the Working Group, to whom I take this opportunity to pay my tribute, and I made every effort primarily to incorporate indigenous peoples’ aspirations fully in the final text, although naturally there has been condensation and the language used is the language of the United Nations. I doubt that any other United Nations human rights instrument was prepared with so much direct involvement of its intended beneficiaries. The real task for us now is to guarantee the greatest possible degree of indigenous participation in the consideration and approval of the Draft Declaration at the level of the Sub-Commission, the Commission on Human Rights and even the General Assembly.

Distinguished participants,

The Draft Declaration is not a short or simple document, but long and complicated, as befits the complexity of the subject matter and the care with which we tried to address each issue. Even so, the Draft Declaration may not — and