

UNITED NATIONS
Centre for Human Rights

Global Consultation on the Realization of the
Right to Development as a Human Right

Geneva, 8 - 12 January 1990

"Indigenous Peoples and the Right to Development:
an Inuit Perspective"

Document submitted by Ms. Mary Simon, Inuit Circumpolar

January 9, 1990

INDIGENOUS PEOPLES AND THE RIGHT TO DEVELOPMENT : AN
INUIT PERSPECTIVE

The Inuit Circumpolar Conference (ICC) appreciates this opportunity to share with distinguished representatives of the international community its views and concerns in regard to the right to development. In particular, we wish to commend the United Nations Centre for Human Rights for organizing this Global Consultation on the Realization of the Right to Development as a Human Right.

The ICC is an international Inuit organization whose head office is currently in Canada. Since 1983, the ICC has had non-governmental organization (NGO) status at the United Nations. ICC members are made up of more than 100,000 Inuit from Alaska, Canada and Greenland. Currently, we are taking steps to ensure the active involvement within the ICC of Inuit from the Soviet Union. At our 1989 General Assembly, it was a historic event when Soviet Inuit were allowed by the Soviet government to attend our triennial meeting for the first time.

Consistent with the diversity of its Charter, the ICC believes that there is a profound relationship between development, human rights and peace. None of these objectives can be truly realized in isolation from one another. For Inuit, each of these key elements is linked to our culture and environment—including the lands, waters, sea-ice and resources upon which we as a distinct people depend. Any policy- or decision-making concerning development in the Arctic must fully take into account all of these factors.

The ICC is nearing completion of a wide range of Arctic policy principles concerning development, environment and other key matters. In addition, we are devising and implementing a transnational Inuit Regional Conservation Strategy (CIRCS) that is compatible with the World Conservation Strategy and that incorporates our own values and harvesting practices. Further, in October 1989, we produced a consensus report together with arms control and defence experts to limit military development in the Arctic and take initial steps towards the essential creation of an Arctic zone of peace.

In addressing development in the Arctic, it is vital to recognize that vast regions in northern Canada, Alaska, Greenland and eastern Siberia constitute first and foremost the Inuit homeland. For thousands of years, Inuit have used and continue to use the land and marine areas of the Arctic.

Yet when major development and environmental questions arise, Inuit and other indigenous peoples are too often marginally considered. For example, last year in Rovaniemi, Finland, the eight circumpolar countries agreed to develop a sustainable development strategy for the Arctic. This strategy (referred to as the "Finnish Initiative") is intended to provide a common set of objectives and principles to guide development in circumpolar regions. To date, no Invitation to directly participate in these crucial upcoming talks has been extended to the ICC by Arctic states.

It is important to emphasize that a growing number of development-related issues affecting Inuit rights and interests are being regulated at the international level. This is primarily a result of their serious transnational impacts. Examples include pollution by PCBs and other persistent chemicals, depletion of the ozone layer, Arctic haze, militarization, resource development in marine areas, and oil spills. In these and other instances, national or local initiatives alone are not adequate to protect Inuit communities and our northern regions.

In April 1987, the World Commission on Environment and Development (the Brundtland Report) warned governments of the adverse impacts of continuing to exclude indigenous societies in North America and elsewhere from the processes of development. The Report emphasized that legal and institutional changes that accompany organized development add to the pressures of exploitation that indigenous peoples face. Although many countries of the world enthusiastically endorse the Brundtland Report, the conclusions concerning indigenous peoples are for the most part ignored.

The principal message that the Inuit Circumpolar Conference would like to convey to this Global Consultation is that indigenous peoples urgently require access to relevant international and national forums. Without our direct and ongoing input, it is unrealistic to assume that state governments or the international community as a whole can adequately identify our basic concerns. Nor can they unilaterally protect and advance our rights and interests.

Presently, there is a real danger that indigenous peoples may be virtually left out of any involvement in, and derive little benefit from, critical new international development initiatives. We are referring here to both the ongoing work of the United Nations on the "right to

development" as a human right and the "U.N. International Development Strategy for the 1990s" (known as IDS-90).

The ICC is a strong and committed supporter of the United Nations and its various agencies. Consistent with the recommendations of the Brundtland Report, we firmly believe that the U.N. should take a leadership role in ensuring that the world's indigenous peoples do not become the unintentional victims of systemic discrimination.

Our organization is convinced that indigenous self-development and self-reliance should be specific objectives within the United Nations. Through our own values and perspectives, we can best contribute to the strengthening of states and to the international community as a whole. If we are to attain such commonly-shared goals, we must be afforded appropriate and timely access to the U.N. system.

In dealing with this fundamental question of indigenous peoples and the right to development, I would like to briefly elaborate upon three aspects from an Inuit perspective. These are:

- i) the significance of sustainable and equitable development;
- ii) preliminary comments on the U.N. Declaration on the Right to Development (adopted by General Assembly resolution 41/128 of December 4, 1986): and
- iii) initial recommendations concerning indigenous peoples and development matters.

I. Significance of Sustainable and Equitable Development

In recent years, state governments are increasingly favouring the notion of "sustainable development". At this stage, it is still not clear what this approach might mean in specific cases or how it will be implemented.

For some countries, sustainable development might imply that a project or activity should not seriously damage the natural environment, but might still run totally counter to the values, rights and interests of the local indigenous peoples. Such authoritarian development only contributes further to the deterioration of our communities and culture.

We wish to stress that sustainable development in or affecting indigenous territories must always be "equitable"

from an indigenous viewpoint. In using the term "sustainable and equitable development", we seek to ensure that principles to protect the social and cultural environment of indigenous peoples will also be respected. These principles include the following:

i) developments in or affecting indigenous territories must not undermine, but rather enhance the economic, social, cultural and political development of indigenous societies;

ii) developments must not be imposed on indigenous peoples without their free and informed consent and must fully accommodate indigenous values and concerns;

iii) development initiatives by indigenous peoples themselves should be encouraged, by ensuring significant and accessible opportunities that include government assistance and support ;

iv) developments should only take place at a rate and pace compatible with the local communities affected;

v) indigenous peoples must participate equitably in the benefits of development, in a manner acceptable to them; and

vi) where possible and agreed to by indigenous peoples, culturally-appropriate technologies should be used, in order to encourage and facilitate indigenous participation in development and to maintain cultural continuity in indigenous territories.

11. Preliminary Comments on the U.N. Declaration on the Right to Development

The ICC is generally supportive of the U.N. Declaration on the Right to Development. However, we feel that the emerging human right to development should be further elaborated and modified, so as to enhance its relevance and beneficial application to indigenous peoples.

Our organization would like to be directly involved on an ongoing basis, in regard to U.N. work on the right to development. At this stage, our initial comments on this basic right (as set out in the General Assembly resolution 41/128 of December 4, 1986) may be summarized as follows:

i) It should be expressly provided that indigenous peoples, collectively and individually, are active subjects of the right to development. In practice, indigenous peoples are often denied the right to their own economic, social, cultural and political development.

ii) Indigenous peoples must have the right to participate in the formulation, implementation and evaluation of national and international development policies and actions that may affect us directly. In this way, the national (art.2, para.3; art.8, para.1; art.10) and international (art.3, para.3; art.4; art.10) duties of states that are outlined in the U.N. Declaration may be coordinated and balanced with the rights of indigenous peoples.

iii) The right to development should include principles pertaining to equitable development and to safeguarding the integrity of the environment (as already described).

iv) Duties concerning monitoring and evaluation of development policies and activities should be added. In this way, the likelihood of attaining the overall goals of the right to development would be increased.

III. Initial Recommendations Concerning Indigenous Peoples and Development Matters

It is our understanding that, as a follow-up to this Global Consultation, concrete proposals will likely be made to the 46th Session of the Commission on Human Rights in Geneva. These might include suggestions for IDS-90. In any event, work on IDS-90 is slated to continue through various U.N. committees leading up to the debate and adoption of the final text of IDS-90 in the fall session of the General Assembly.

In light of these important events, the ICC would like to put forward the following initial recommendations:

i) International strategies and actions on development (which are currently under way) should focus on indigenous peoples, both in developed and developing countries. This ongoing work should be carried out in close

collaboration with indigenous peoples, through greater international assistance and support.

ii) The United Nations should not exclude the urgent development problems of indigenous peoples from its strategy for the 1990s. In particular, IDS-90 should include a distinct section or chapter on indigenous peoples in order to highlight our major development issues and concerns of indigenous peoples.

iii) Both environmental and cultural considerations should be integrated as key aspects in the further formulation of the right to development and IDS-90. In addition, human resource development (through culturally-appropriate education and health) is of particular interest and relevance to Inuit.

iv) Concrete strategies should be developed to divert the excessive use of human and financial resources for military ends to social, economic and cultural development for peaceful, non-military objectives. Military initiatives in or affecting our territories, contrary to our wishes, should be unequivocally discouraged by the U.N.

v) Appropriate institutional changes within the United Nations should be undertaken, in order to better address the basic concerns of indigenous peoples and facilitate our direct involvement.

Conclusion

It is clear to us as Inuit that we must enhance the security and future of our Arctic communities and circumpolar territories in environmental, social, cultural, as well as economic, terms. The creation of conditions favourable to our self-development and self-reliance can only be realized through our direct input.

The history of deterioration of distinct indigenous communities, in the face of mounting environmental and cultural assaults, is sufficient evidence that state government representation and action alone, "on behalf of" indigenous peoples, simply has not worked.

The ICC is respectfully requesting the United Nations to open its doors to indigenous peoples. We seek to

I

cooperate with the international community and substantially contribute to the resolution of our vital Arctic and transnational concerns. This can best be done through detailed, collaborative study of common issues from diverse points of view.

In regard to the right to development, we believe that it should add a new qualitative dimension to the existing international human rights framework - a dimension that appropriately integrates environmental and cultural elements. Since the World Decade for Cultural Development has been officially launched by the U.N. General Assembly in January 1988, it is fitting and timely to consider these aspects.

The Brundtland Report has concluded that marginalization of indigenous peoples "is a symptom of a style of development that tends to neglect both human and environmental considerations. Hence a more careful and sensitive consideration of [indigenous peoples'] interests is a touchstone of a sustainable development policy".

The ICC seeks to reverse this trend of marginalizing indigenous peoples. We are convinced that the United Nations can set a most positive example in standard-setting. It is the best forum to begin developing a more productive and socially just orientation.