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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Working Group on Indigenous Populations
Third session (30 July - 3 August 1984)

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RECOMMENDATIONS OF THE INTERNATIONAL INDIAN TREATY COUNCIL

A non-governmental organization in consultative status,
Category II, with the Economic and Social Council

I. Title of the United Nations Working Group on Indigenous Populations

1. The International Indian Treaty Council and its constituents recommend that the word "Peoples" be substituted for the word "Populations" in the title of the Working Group on Indigenous Populations. Such a substitution would be consistent with references to "Indigenous Peoples" found in the resolution in the 1978 World Conference on Racism, and confirmed by the United Nations General Assembly. The effect of the substitution will be to reserve to all Indigenous Peoples and Nations, the rights, ultimately, to exercise self-determination over their political, economical, social and cultural institutions.

2. The International Indian Treaty Council further recommends substantive changes in the working definition of "Indigenous Peoples" as provided by Senor R. Martínez Cobo, in his "Study of the Problem of Discrimination against Indigenous Populations". The Cobo definition reads, "Indigenous Populations are composed of the existing descendents of the peoples who inhabited the present territory of a country wholly or partially at the time when persons of a different culture or ethnic origin arrived there from other parts of the world, overcame them and, by conquest, settlement or other means, reduced them to a non-dominant or colonial condition"; [Second half] "who today live more in conformity with their particular social, economic and cultural customs and traditions than with the institutions of the country of which they now form part, under a State structure which incorporates mainly the national, social and cultural characteristics of other segments of the population which are predominant".

3. While the first half of the definition is generally acceptable to the International Indian Treaty Council, the second half of the definition is deemed seriously deficient in the respect that it does not allow Indigenous Peoples themselves adequate control in determining membership in their nations. Additionally, the second half of the definition unjustly places the burden on Indigenous Peoples to prove their legitimacy, rather than on the dominant or invading culture to disprove it. The definition also neglects to consider fully the impact of the results of colonization and domination of foreign cultures on

Indigenous People. It is therefore, the responsibility of the International Indian Treaty Council to draft and submit an alternative definition to the Working Group, which embodies the concerns expressed above and which shall be submitted for use as the Working Groups working definition. The International Indian Treaty Council should consciously resist the characterization of Indigenous Peoples as Populations and encourage other Indigenous Peoples and Nations to refuse the use of such an appellation.

II. Definition of Indigenous Populations

1. Indigenous Peoples are composed of the existing descendants of the peoples who inhabited the present territory of a country wholly or partially at the time when persons of a different culture or ethnic origin arrived there from other parts of the world, over came them and, by conquest, settlement or other means, reduced them to a non-dominant or colonial condition. 1/

2. Indigenous people include, but are not necessarily limited to, those peoples, which have been identified as indigenous, for example, the Indians, Inuits, Eskimos, Metis, and Aleuts of the Americas and Greenland; the Maoris and Aborigines of the Pacific; the Sami of Scandinavia; and such other groups as may from time to time be identified. 2/

3. This definition shall in no way limit the authority of Indigenous Nations and Peoples to determine their membership. And no state, through legislation, regulation, or other means, shall take actions that interfere with the sovereign power of an Indigenous Nation or People to determine its own membership.

1/ See Study of the Problem of Discrimination Against Indigenous Populations by Mr. R. Martínez Cobo.

2/ See recommendation of the World Council of Indigenous People to the first session of the United Nations Working Group on Indigenous Populations.