

MAINTAINING THE INTEGRITY OF INUIT: Climate Change and Indigenous Human Rights

イヌイト民族の一体性をどう守るか：気候変動下における先住民族の人権
(2021年1月20日 北極国際動向研究会 講演資料：一部抜粋・和訳)

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Indigenous peoples

Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing on those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal system.

先住民族の国際的に合意された定義は存在しないとも言われますが、先住民族から提示された下記定義は重要です。

先住民コミュニティー、先住民族、そして先住民ネーションとは、侵略及び植民地化の前から歴史的に継続して彼らの土地に根ざした社会であって、その土地ないしその一部において今日多数派を占める他の社会セクターとは区別されると自ら認識している人々である。彼は今日、社会の少数派セクターを構成し、彼らの祖先の土地とその民族的アイデンティティーを守り、発展させ、そして将来世代に伝承させると決意している人々であり、このことは、彼らが彼ら自身の文化的態様、社会的慣習、そして法的制度に従って、民族として存続し続けることの基礎である。

EXTRAORDINARY CHRONOLOGY OF EVENTS

先住民族に関する重要イベント年表

1923 Deskaheh visits League of Nations

1925 T.W. Ratana visits League of Nations

Jose Martinez Cobo appointed Special Rapporteur for the **study on the problem of discrimination against Indigenous Peoples**, with regular transmittal of progress reports (and conclusion of his report was in 1984) as well as recommendations

1993 **International Indigenous Day** and **UN Decade on World's Indigenous Peoples**

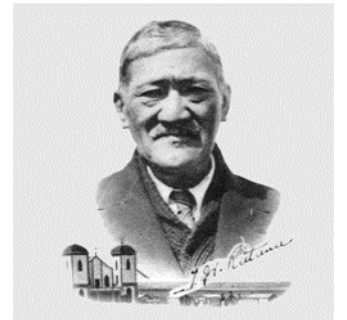
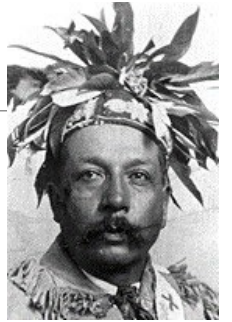
1995 CHR resolution establishing Open-ended Inter-Sessional Working Group on the draft Declaration 2001 **UN Permanent Forum on Indigenous Issues** established

2001 Commission on Human Rights decides to appoint a **Special Rapporteur on the Rights of Indigenous Peoples** appointed

2004 **Second UN Decade of the World's Indigenous Peoples**

September 13, 2007 UN General Assembly adopts ***Declaration on the Rights of Indigenous Peoples***

2007 Human Rights Council establishes **Expert Mechanism on the Rights of Indigenous Peoples**



ILO Convention on Indigenous and Tribal Peoples

1989年ILO第169号条約
のポイント

--Ratified by 22 states, including Denmark

--Indigenous specific human rights norms are legally binding obligations under international law

--Must now be read together with the *UN Declaration on the Rights of Indigenous Peoples*

UNITED NATIONS

DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

2007年先住民の権利に関する国連宣言の重要ポイント

--affirming the right to self-determination

自決権の承認

--affirming rights to lands, *territories* and resources

土地、領域そして資源に対する権利

--affirming the right to free, prior and informed consent

自由で事前の且つ十分な説明を受けた上での同意の権利

--affirming the right to participation in decision-making

政策決定に参加する権利

--protection from destruction of their culture

文化の破壊からの保護

--right to security, including food security, cultural security

食糧や文化を含む安全保障への権利



International Law Association

国際法協会(ILA)による国連宣言の解釈

Expert Commentary on the UN DECLARATION

Diverse legal effects

Customary International Law

Committee on the Implementation of the Rights of Indigenous Peoples

The fundamental objective of each of the Indigenous human rights standard setting exercises has been the need to respond to the unique cultural context of Indigenous peoples and thereby ensure their survival as distinct peoples and distinct members of the family of nations. These are not new rights.

INUIT

イヌイト民族について



Inuit are one people whose territory, Inuit Nunaat, encompasses areas of Chukotka (Russian Far East), Arctic Alaska, Inuit Nunangat (Arctic Canada, including the Inuvialuit Settlement Region, Nunavut, Nunavik, and Nunatsiavut), and Kalaallit Nunaat (Greenland). Inuit Nunaat **predates** the Russian Federation, U.S., Canada, and Kingdom of Denmark and is **a distinct geographic, cultural, and political region that includes major marine areas, inland waters and Arctic and offshore areas, as well as ice-covered lands and waters.**

Inuit are an Indigenous people. Our language, culture, and way of life are tied to the lands, waters, and ice of Inuit Nunaat and the harvesting activities that sustain our peoples and communities. Inuit have entered into a variety of governance arrangements with states and sub-national governments throughout Inuit Nunaat that are **premised on State recognition of our collective rights, including constitutional recognition, Inuit land claims agreements, self-government arrangements, and Inuit-specific policy initiatives advanced in partnership with States** and sub-national governments. Areas of Inuit jurisdiction continue to evolve throughout Inuit Nunaat.

Indigenous peoples as *distinct* peoples

別個の民族としての先住民族

Pre-existing collective human rights

生来的で集団的性格を有する人権

Historical experience with colonization

植民地化の歴史的経験

Collective, political right of self-determination

集団的且つ政治的な自決権

Distinct relationship to lands, territories and environment

土地、領域そして環境との特別の関係性

Distinct rights to lands, territories and resources

土地、領域そして資源への特別な権利

Right to be different and respected as such

民族そのものとして異なり尊重される権利

Holistic worldview, interrelated, interdependent, indivisible

一体的な世界観：相互連関・相互依存・不可分性

Problematic elements of “local communities”

「地域住民」と同一視することの問題

Grouping Indigenous peoples with local communities diminishes the distinct rights and status of Indigenous peoples

Grouping Indigenous peoples with local communities is incongruous with the recognition of Inuit rights in domestic law and policy

The legal status of local communities and the meaning of this term is uncertain

Local communities are likely already represented by States

先住民族を地域住民と同列に扱うことは、先住民族の別個の権利や地位を縮小させることになる。
「地域住民」の法的地位や意味は不明確であるのみならず、多くの場合、国家によって代表されている。

Recommendations 提言

States and intergovernmental organizations and agencies should recognize the distinct rights and status of Inuit and other Indigenous peoples

Specialized agencies of the United Nations and other international organizations should reform procedural rules with the full and effective participation of Inuit and other Indigenous peoples

Adopt and implement a distinctions-based policy

Utilize distinctions-based language in the development of documentation and agreements that reference Inuit and other Indigenous peoples

States, special U.N. agencies, and international organizations should use the U.N. Declaration as a standard and framework in the development of any documentation or agreement implicating the rights and status of Indigenous peoples

CONCLUSION 結論

Inuit are rights holders and we seek full and effective participation in all conventions, multilateral agreements, and international fora where our rights, culture, and way of life are impacted. This can only be achieved if States and intergovernmental organizations cease grouping and conflating Indigenous peoples with “local communities,” reform outdated procedural rules that marginalize Inuit and other Indigenous peoples and utilize the *UN Declaration on the Rights of Indigenous Peoples* as a framework for uplifting the status, rights and participation of Indigenous peoples.

イヌイト民族は権利の主体であり、彼らの権利、文化そして生き方に影響があるすべての国際条約、多数国間協定、国際的なフォーラムにおいて、完全且つ実効的な参加を求める。このことは以下のことをもってのみ達成できる。第1に、国家及び国際機関は、先住民族と「地域住民」とを同一視することをやめること。第2に、イヌイトや他の先住民族を疎外するような時代遅れの手続的規則を改善すること。第3に、先住民族の地位、権利そして参加を向上させる枠組みとして、2007年先住民族の権利に関する国連宣言を活用すること。

QUYANAQ

