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1. EDITORIAL

The 2002 session of the Working Group on Indigenous Populations (WGIP) has reflected a highly paradoxical nature.

On the one hand, the United Nations officially celebrated the WGIP's 20th anniversary where participants have reached a record number (over 1000 from which 926 indigenous persons). Russian-speaking, African and Asian delegations have never been that numerous.

On the other hand, serious threats hanged over the very existence of the WGIP through draft resolutions and decisions, which were discussed at the same time during the ECOSOC meeting in New York (see page 3). One of them, being adopted without a vote (that is by consensus), plans to review all mechanisms, procedures and programmes within the United Nations concerning indigenous issues, including the WGIP. In other words, ECOSOC could decide to do away with it in July 2003. Moreover, the United States abstained from voting the WGIP session in 2003, alleging that its suppression was justified, among other reasons, by the creation of the Permanent Forum. However, they stood alone since the other 50 States have voted favourably.

Facing these threats, the Indigenous Caucus made a statement as well as recommendations demanding that the WGIP be maintained and stressing out the complementary work of both bodies. The WGIP is in fact the only body which has a fundamental impact on IPs' human rights through the elaboration of standards. To suppress the WGIP means to considerably weaken the indigenous peoples' collective and individual rights at the international level.

Concerning the Permanent Forum, paradox and uncertainties prevail too. On the one hand, ECOSOC adopted without a vote a resolution in favour of its implementation. On the other, the decision advising that its 2nd session be held in New York was accepted only by 44 votes against 9 abstentions. The abstentions were justified as follow: the New York session costs US$ 152,000 more than in Geneva and this excess charge is not budgeted for in 2002-2003. In fact, the States do not agree on the amount and the financing method of the Permanent Forum, which is actually deprived of financial resources.

The situation is serious, but not desperate. Maintaining the WGIP as well as the PF depends much on the lobbying by the indigenous peoples themselves. If it is efficient, steady and coordinated, few or no States will be willing to appear as the gravedigger of the WGIP. Lobbying should start now and focus on the Commission on Human Rights. In case the Commission accepts the resolution of the Sub-Commission to maintain the WGIP (see page 29), ECOSOC will probably do the same.

In this Update issue we publish summaries of all statements made during the first session of the Permanent Forum and some tools to help indigenous delegations lobby in order to maintain the WGIP: the Caucus statement and recommendations, WGIP decisions, NGO's petition to the President of ECOSOC and arguments in favour and against maintaining the WGIP. Finally, an article about indigenous knowledge in the Convention on Biodiversity concludes this issue.

* * *
2. PERMANENT FORUM ON INDIGENOUS ISSUES

First session, New York, 13 - 24 May 2002

In addition to the summaries of all statements made during the first session of the Permanent Forum, we include the draft resolutions presented and adopted during ECOSOC substantive session, held from 1-26 July 2002, and regarding the creation of the Permanent Forum.

ECOSOC Draft Resolutions regarding the PF

Draft resolution E/2002/L.16 was adopted without a vote after an oral revision, not included in the available draft project. To sum up, the General Assembly (GA): 1) should request the Secretary-General to appoint a secretariat unit within the Department of Economic and Social Affairs of the UN Secretariat, in order to assist the PF in carrying out its mandate; and to establish a voluntary fund for the PF for the funding of the implementation of recommendations made by the PF through the Council, as well as activities under its mandate. 2) The Secretary-General, when recruiting the staff for the secretariat unit, should give due consideration to all applications, including those from indigenous persons. 3) The organizations and bodies of the UN system, including the Inter-agency Support Group for the Forum, other relevant international and regional organizations and bodies and indigenous people and indigenous peoples, should assist the PF in carrying out its mandate, including through the provision of staff. 4) Governments, financial institutions and other intergovernmental and non-governmental organizations should consider contributing to the voluntary fund for the PF to be established by the Secretary-General. 5) The proposals, objectives, recommendations and areas of possible future action identified by the PF in its report on its first session are taken note of, and States, organizations of the UN system, other relevant international and regional organizations, and indigenous people and indigenous peoples should be invited to take them into consideration and, where they so decide, to take action. 6) An exceptional three-day pre-sessional meeting of the PF members should be authorized from 7 to 9 May 2003.

Draft resolution E/2002/L.19 about the second session of the PF, states: "The Economic and Social Council decides, pursuant to draft decision III contained in chapter I, section A, of part one of the report of the Permanent Forum on Indigenous Issues on its first session, that the second annual session of the Permanent Forum will be held at United Nations Headquarters in New York from 12 to 23 May 2003." This resolution was adopted by a recorded vote of 44 in favour with 9 abstentions (ANDORRA, FRANCE, GEORGIA, GERMANY, INDIA, JAPAN, NETHERLANDS, UNITED KINGDOM, UNITED STATES), these being due to the budget implications contained in Draft resolution E/2002/L.33, stating that: "1) Should the Economic and Social Council adopt draft decision E/2002/L.19, the holding in 2003 of the second session of the Permanent Forum on Indigenous Issues in New York instead of Geneva would entail additional resource requirements as follows: $107,300 under section 2, General Assembly affairs and conference services, and $44,700 under section 22, Human rights, of the programme budget for the biennium 2002-2003. 2) The Secretary-General does not anticipate at this stage that these additional requirements could be absorbed from within the resources approved by the General Assembly for the biennium 2002-2003. He considers, therefore, that these additional requirements would have to be met through an appropriation by the Assembly in accordance with the procedure for the use of the contingency fund, as spelled out in Assembly resolutions 41/213 and 42/211."

Draft resolution E/2002/L.20, adopted without a vote, states: "The Economic and Social Council requests the Secretary-General to make available the information requested in paragraph (e) of its decision 2001/316 of 26 July 2001 at least six weeks before its substantive session of 2003, without prejudging any outcome, in order for the Council to conclude at that substantive session the review of all existing mechanisms, procedures and programmes within the United Nations concerning indigenous issues, including the Working Group on Indigenous Populations, with a view to rationalizing activities, avoiding duplication and overlap, and promoting effectiveness."

Draft resolution E/2002/L.32, adopted without a vote, states: "The Economic and Social Council requests the Secretary-General to submit proposals to the General Assembly at its 57th session concerning the provision of adequate resources to support the secretariat unit of the Permanent Forum on Indigenous Issues."

Report on the PF

Election of officers and adoption of the rules of procedure

1 This report is based on oral and written statements. The draft report is available at http://www.unhchr.ch/indigenous/forum.htm
Mr Ole Henrik Magga of the Saami people of Norway (indigenous member for the Arctic region) is elected Chairperson of this first session of the Permanent Forum. The four elected Vice-Chairpersons are Ms Njuma Ekundanayo of the D.R. of Congo (government member for Africa), Mr Antonio Jacanamijoy of Colombia (indigenous member for South America), Mr Parshuram Tamang of Nepal (indigenous member for Asia), and Ms Mililani Trask of Hawaii (indigenous member for the Pacific). Mr Wilton Littlechild of Canada (indigenous member for North America) is elected Rapporteur.

The principle of consensus will govern the Permanent Forum (PF) and the rules of procedure of the ECOSOC functional commissions will be applied. The PF will be able to establish its own rules of procedure if it wishes to do so in the future. All proceedings shall be open to all participants.

Opening session

Tadodaho Sid Hill, Spiritual leader of the Haudenosaunee, gives a traditional welcome to the participants. A new relationship of respect is needed and indigenous nations must be able to sit as Nations in the UN bodies. The PF is a milestone in the struggle for the rights of indigenous peoples (IPs) and should be a showcase for the many contributions that IPs can make, UN Deputy Secretary-General Louise Fréchette says.

Ivan Simonovic, President of the Economic and Social Council, says that the appointment of indigenous members was a difficult task. The PF should consider how to contribute to two important events: (1) high-level segment on the improvement of human resources, especially in the areas of education and health; (2) World Summit on Sustainable Development.

Mark Malloch Brown, Administrator of the United Nations Development Fund, expresses hope that the economic, political, social and cultural rights of IPs will be pushed through in the implementation of the Millennium development targets.

Saoudata Aboubacrine, a young woman of the Tuareg people, speaks of education and health as top priorities in reducing the vulnerability of IPs. Young indigenous people, especially young women, must be given a strong international voice through the PF.

Anna Kajumulo Tibaijuka, Executive Director of UN-HABITAT informs that the Habitat Agenda sets the global policy framework for, and country commitments to, adequate shelter for all and sustainable human settlements development.

Mary Robinson, High Commissioner for Human Rights, states that the PF has the capacity to address indigenous issues in a truly holistic and comprehensive manner. As regards funding, she points out that all the costs have been drawn from the human rights budget, which is not a sustainable avenue of financing.

All PF experts underscore the need for an independent secretariat and a regular and appropriate budget to enable the PF to fulfill its mandate.

Ole Henrik Magga, Chairperson of the PF, says that the PF depends on the political support and financial backing from States, the UN bodies and agencies and international organizations. But foremost, it will need the support from all the world’s IPs. It will address crucial issues such as self-determination, poverty and marginalization, discrimination, deforestation, desertification and polluting of indigenous territories, as well as military, mining and logging activities on indigenous lands.

Antonio Jacanamijoy states that the PF will face many challenges and address important issues such as economic and social development, biodiversity and traditional knowledge, and human rights. It is of utmost importance to have international guidelines to ensure that companies do not enter IPs’ territories without their prior informed consent and participation.

Referring to the situation in Africa, Njuma Ekundanayo states that there are no arm fabrics in this continent, however there are many armed conflicts. Africa is used as a dumping site for toxic waste.

Ayitegan Kouévi says that his task and responsibility are great as indigenous issues are very complex in Africa. Yuji Iwasawa says that PF members will work in partnership. It is crucial that governments work together to bring improvement.

Wilton Littlechild says that with the PF IPs will rebuild their indigenous nations, re-capture their spiritual strength by building on their successes.

Otilia Lux de Coti stresses the need for a strategic plan and financial programming to launch actions for social justice. There will be no social and economic development if the rights to education and language are denied.

Wayne Lord calls on the UN system to strengthen and support the PF and its work.

Marcos Matías Alonso stresses the importance of a consultative process with the UN specialized agencies for development and international co-operation.

Zinaida Strogalschikova stresses the need for the PF to obtain respect and self-determination for IPs.

Parshuram Tamang says that the PF will be a safeguard shield against human rights violations. The immediate challenges are: (1) institutionalization of the PF; (2) mainstreaming of IPs in the UN system and in regional,
national and local government by formulating policies and programmes; (3) developing mechanisms to address economic, social and cultural development of IPs; (4) a database on the situation of IPs.

Mililani Trask says that she will constantly raise the issue of self-determination, education, culture, economic and social development, and health. The PF must also make information accessible to all.

Ida Nicolaisen says that the PF needs to set up priorities and define goals. The protection of biodiversity and sustaining cultural diversity are equally pressing necessities.

Fortunato Turpo Choquehuana says that the PF will struggle for a balance between IPs and States, with the principle of self-determination as the backbone.

General statements

Ms Daes, Chairperson-Rapporteur of the Working Group on Indigenous Populations (WGIP), points out that the PF and the WGIP have different mandates. The WGIP sets standards and draws up legal studies, while the PF is not a human rights body. Its primary function is to bring IPs into a real partnership for development with other sectors of society. She advises that the PF should seek external funding to guarantee its independence.

Rigoberta Menchu Tum says that the most important indigenous issue is the recognition of IPs’ right to self-determination and their recognition as subjects of law. The PF should serve as a focal point for information, be an analytical centre, evaluate and monitor projects, and be like a small security council to prevent conflicts.

Rodolfo Stavenhagen, Special Rapporteur on IPs, whose mandate is to develop recommendations and measures to prevent human rights violations of IPs, receives communications and information by governments, IPs and other institutions, and acts as a sort of “ombudsman”.

Parekura Horomia, Minister of Maori Affairs, NEW ZEALAND, suggests that the PF, as a focal point, look at how best to promote greater participation by IPs in UN programmes.

Vicky Tauli-Corpuz, Advisory board of the UN Voluntary Fund for IPs, points out the need for a separate secretariat and an adequate budget for the operations of the secretariat and the inter-sessional work of the PF members. The Draft Declaration on the Rights of IPs (DD) could serve as a framework and a guide for the PF. As a representative of the Inuit of Greenland, Jorgen Waever Johansen, Cabinet Minister of the Greenland Home Rule Government/DENMARK, points out the possibility and reality of developing a partnership in action with nation-states in meeting the challenges of a rapidly globalizing world while safeguarding the political, cultural, social, environmental and economic values they hold as a small Arctic indigenous people.

Chief Matthew Coon Come of the Assembly of First Nations, Cree Nation, stresses the need for immediate action to approve the DD and states that IPs must be relieved from the burden of colonization. The PF is more than a house of complaints, as it must take concrete steps for the equitable treatment of IPs.

Mr Bertrand Ramcharan, Deputy High Commissioner for Human Rights gives some advice on the drafting of the report and the recommendations on which ECOSOC will decide. It is important to project a vision of the PF for the future and to present concrete resolutions.

The OHCHR Indigenous Fellowship Programme recommends the establishment of a permanent youth forum and suggests that each UN agency establish an indigenous fellowship programme.

All indigenous delegations emphasize the need for a regular and adequate budget and a permanent and separate secretariat staffed with qualified indigenous professionals and linked to ECOSOC in New York (for most of them, LIIC, SP, ATSIC, KPIP, AITPN) or in Geneva (TSNTC/TO, AAS). Funding must also be sought for regional consultations and inter-sessional meetings. MNC can offer a position of an expert professional staff as their pledge to the PF.

All indigenous delegations see the PF as a major step forward and result of their efforts. The PF must go beyond words and take action. It must provide for an operational capacity (MNC) and empower IPs (TKM). It should be able to intervene and operate an integrated system in order to deal with any matters concerning IPs. A special General Assembly session should be held to consider the work of the PF (PIPE).

The PF is on “peoples”, not on “issues” (IPAAC, Tonatierra). IPs claim the right to be fully recognized. The full and unqualified right to self-determination is the basis for a fruitful cooperation. The PF should adopt rules of procedure that enable IPs to appoint their own representatives (SC supported by Mililani Trask). There are concerns about the nomination of the experts (AYFIR), RAIPON questions the legitimacy of the nomination of the Russian indigenous expert. AN notes that the Central American and Caribbean region has not been included in the PF. The PF should be open to all indigenous representatives, including elders, women and youth (WCC, CORE, Taungya, JOHAR), Freedom of speech, right to equal resources, equality and participation must be ensured (TKM). IPs need to have equal access to information on meetings and make suggestions for the agenda (Taungya, JOHAR).

The indigenous delegations make a number of recommendations with regards to the work of the PF. In order to take action, the PF should serve as a focal point for information, be an analytical centre, evaluate and monitor projects, and be like a small security council to prevent conflicts (RAIPON). Non-recognition of collective rights in the area of human rights continues to be the main challenge for existing international standards. As regards IPs’ political rights, it is important that the PF establish a dialogue with the Human Rights Committee.
The PF should have an advocacy role (WCC). It represents a new avenue to put pressure on the WTO and the IMF (IA). The establishment of a working group on free and prior informed consent, which cuts across all theme areas, is a priority issue (NKIKHL, KLH). The PF should establish working groups in areas where IPs are affected (KLH). IPs have to be an equal party in all development projects affecting their areas (ICITP). Access to education for indigenous children, promotion and protection of human rights, awareness-raising campaign on transnational corporations (TNCs), and environmental protection are top priorities (MOSOP).

The PF must address human rights violations and review standards for the protection of IPs (MNa, ITPDC). It should develop new criteria to protect IPs such as a convention (IPAAC/WAC/Tamaynut) and a mechanism to evaluate laws and see how they are implemented (ITPDC). The PF should promote the implementation of peace accords (PCJSS). It must take steps to implement international law and natural law. The Treaty Study must be used as a guide to implement treaty rights (TSNTC). AIPR suggests that the PF invite representatives of treaty bodies. The PF should form a working group on militarization, promote and protect human rights in Asia (AIPP/PEG).Programmes must be developed for vulnerable sectors of society such as children (IPAAC). Indigenous youth should be included in the agenda (IYC). The PF should encourage regional mechanisms to connect with youth organizations (LIIC). Women must be recognized as key players in society and be incorporated in decision-making. African indigenous women are victims of discrimination and violence. (IIN/AIWO). Women have a triple role as mothers, and economic and political actors (CC/TPMI). AILA suggests that an international conference to address women’s health be convened with UNIFEM. Speaking about indigenous persons with disabilities, WBUC suggests that the PF take measures to prevent injuries in indigenous nations. The right to food and self-determination is essential to food security. A mechanism on the relationship between the PF and the Special Rapporteur on the right to food must be developed. The PF should also undertake studies on nutrition (ITC, CC). Subsistence –hunting and gathering- is essential to the spiritual life and is a human right (CTC).

The PF has the opportunity to be a mechanism to ensure cooperation among UN agencies on indigenous issues (CORE). UN agencies should collaborate with the PF (SP) and their dialogue must go beyond public relations (AHREOC). More work must be done in order to achieve sustainable development (CAP). Data specifically covering IPs in all areas is needed. For instance, UNDP should focus on IPs’ issues in its next report (SGC). The PF could request a report to WIPO on biodiversity and the genetic industry (CAPAJ). Measures are needed to protect indigenous cultures (NTG). The PF should undertake a study on the Pygmies and IPs of Africa (PIDPP). NKIKHL and TKM suggest the establishment of an indigenous media website and VP is of the opinion that the PF should establish its own indigenous media. Many indigenous delegations call for the immediate adoption of the Draft Declaration on the Rights of IPs (DD) as one of the major objectives of the Decade. It is seen as a complementary framework for the PF as it endorses the right to self-determination and treaty rights. They also called for a second International Decade of the World’s Indigenous Peoples. Many indigenous delegations point out that a strong relationship should be established between the PF and the WGIP (WCC, ATSIC, AILA, ATSEISJC, SDYM). ACJP reiterates the need for a human rights cell for IPs within the WGIP, where IPs could send reports on the violations of their rights on a regular basis to be submitted to the relevant UN treaty bodies and special rapporteurs. Many indigenous delegations report on specific situations in their countries: Chief Mary Smith Jones, the last speaker of the Iliak language in Alaska; WCC, Ute Nation of Oklahoma; MNC, Canada; AICH, IA; British Columbia, Canada; ABL, Canada; UNN, Treaty Six; HFN, CV, Alaska; PL, New Mexico; O’odham, Northern Sonora Mexico and Southern Arizona; HPA, Peru; Alifuru, Maluku; AMASUTA, Sulawasi, Indonesia; IPFS, Kashmir people, Pakistan; AAS, Japan; ITPDC, India; CHRO, Burma; ALS, Nepal; TSRA, ATSIC, Australia; AIWO, Nuba people, Sudan; PIDPP, Pygmies, Congo; PIPE, Ogoni, Nigeria.

Non-indigenous NGOs present their activities. IWGIA mentions its involvement in the establishment of the PF, securing participation of IPs in workshops and conferences and in regional consultations on the establishment of the PF and election of regional representatives. Cultural Survival refers to the funding of projects in indigenous communities, networking, campaigns, and to the “Ethnosphere initiative” to celebrate the richness of the diversity of cultures and identify the threats. NICV has developed cooperation programmes. Many governmental delegations emphasize the need to secure adequate funding within existing resources of the UN to provide the stability the PF requires to be effective (CANADA, NORWAY/NORDIC COUNTRIES, AUSTRALIA, GUATEMALA, PERU, FIJ). As regards UN goals, FIJ notes the shift from peace making towards a culture of conflict prevention. CANADA recognizes that indigenous issues extend beyond human rights.
The PF should focus on the following activities: develop access and participation of IPs in the decision-making processes within the UN family; raise awareness and promote integration and coordination of activities within the UN system; contribute to the enhancement of sustainable development (NORWAY/NORDIC COUNTRIES). The PF should first develop a basic methodology to assess national policies on the economic and social situation of IPs. It should then promote self-development and human rights, and develop its own policies (MEXICO). It must cooperate and coordinate with UN agencies (JAPAN). Constructive relationships among agencies and an agreed Declaration should be developed to help the PF (AUSTRALIA). The PF should increase IPs’ participation in decision-making processes and must ensure the benefits of IPs in development. Words must be translated into action (BELIZE/CARICOM). BRAZIL says that the adoption of the Declaration would provide a framework. Land is a matter of life and death for IPs, who continue to suffer from violence, discrimination and extreme poverty in Brazil. The Brazilian delegation includes an indigenous woman, who states that collective rights must be recognized and traditional knowledge protected.

GUATEMALA says that a great step forward was made in the recognition of the IPs of Guatemala with the Agreement on IPs’ identity signed in 1995. ECUADOR states that its Constitution recognizes IPs’ collective rights and reiterates its commitment for IPs’ social and economic development and human rights. PERU says that there is still a lot to do to achieve the development of indigenous communities in Peru. The government is re-orienting its military budget in the areas of health and education. BELIZE says that it has signed a historic agreement with the Mayan communities on resources use and programmes to preserve the environment and Mayan cultural values. FIJI congratulates East Timor for gaining its independence, now removed from the list of colonized territories (also NKIKLH).

Review of the activities of the UN system

Each theme is introduced with a presentation by UN agencies working in the area under discussion, which is followed by questions and comments by the PF members.

Economic and social development

The International Labour Organization (ILO) states that all its work is based on standards and on ILO Convention 169. It also works on capacity building to deal with all areas such as health and education, and focuses on forced labour, child labour, and discrimination. Technical cooperation involves the people affected in programmes and evaluations. It has two projects on IPs, to promote ILO Convention 169 and to promote the formation of IPs’ cooperatives.

The United Nations Development Programme (UNDP) will work in partnership with the PF. UN agencies, Civil Society Organizations (CSOs) in areas such as human rights, the environment, and social and economic development. Its engagement with IPs at the local level has been extensive with regards to conflict resolution, environment preservation, culture, and eradication of poverty. It has a programme in Asia to implement a newly endorsed policy on ownership and use of land, cultural autonomy, participation in decision-making processes, and citizenship. It also has a joint initiative with the UNHCHR and the Equator Initiative to support the CBD and equitable benefit sharing of resources.

The United Nations Institute for Training and Research (UNITAR) has a programme on peace-making and preventive diplomacy initiated in 1993 and a training programme in conflict analysis and negotiations for minorities, involving IPs’ representatives.

The United Nations Human Settlements Programme (HABITAT) has programmes on poverty reduction addressing vulnerable groups, which are relevant to IPs. They focus on the rights of the urban poor, through a campaign to avoid eviction and secure tenure. The City Alliance programme coordinates development cooperation and city development strategies, to achieve the goal of the human right to adequate housing.

The World Bank (WB) states that its policies recognize the indigenous cosmovision and emphasizes that economic development of IPs must include social capital and environment capital as well. They ensure IPs’ participation in its policy development.

Wilton Littlechild requests detailed information about the resource allocations in the UN agencies relating to programmes for IPs. ILO suggests that the PF submit a technical questionnaire each agency could fill in for the next session. Mililani Trask notes that UN agencies focus their programmes on developing countries. She asks about IPs from industrialized and developed countries and about the resources allocated to information. The WB lends money in developing countries. UNITAR replies that its fellowship programme for minorities and IPs include people from all regions. UNDP works with IPs’ Organizations (IPOs) for the dissemination of Nagidinawasa requests explanation to ILO about article 14 of their document. ILO replies that only worker and employer organizations are entitled to file complaints. IPOs work in alliance with trade union organizations to
file representations. Ayitegan Kouévi asks what ILO can do to promote ratification of ILO Convention 169 in Asia and Africa. ILO says it is a new concept in these regions and governments are cautiously receptive.

Ayitegan Kouévi requests information about the expert committee on indigenous issues established by UNDP. UNDP replies that the Committee includes representatives from CSOs, with one indigenous expert. Members are selected from developing countries, are experts in poverty reduction, conflict resolution, peace building, HIV, and the environment.

Ida Nicolaisen on behalf of the PF members, asks UNITAR about the possibility of developing capacity-building programmes for government administrators on indigenous issues. Zinaida Strogalschikova asks what UNITAR does about conflicts going on in regions. UNITAR replies that it has peace-making programmes for UN staff and government officials. Its fellowship programme includes people from regions in conflict.

What is the position of the WB when consulting with IPs on its operational directive and what are the available resources? Antonio Jacanamijoy asks (supported by FAEK). The WB new policy does not acknowledge land rights of IPs. Will the WB include IPs’ proposals in the new policy? Parshuram Tamang further asks. The WB states that OD 4.20 of September 1991 is the policy in force, which is being revised. The present draft has the same standard. The technical staff is analyzing and assessing input and the policy will be revised accordingly.

Rigoberta Menchu Tum says that racist and discriminatory attitudes against IPs are in progress and speaks about IPs’ integral development. There is no unity between local and international leaderships.

The Indigenous Caucus states that IPs are among the poorest of the poor and live in territories rich with resources. IPs’ territories are regarded as a resource base that can be plundered in the name of national development. TNCs remain unaccountable, extracting resources and destroying the environment. The WB and WTO do not provide information on the situation. UNDP has facilitated development projects. The TRIPs agreement has negative impacts on IPs. Dominance of the western development model is the key problem. The actual impact on IPs, such as structural adjustment policies, should be examined by UN agencies.

IITC makes the following recommendations: the World Summit on Sustainable Development (WSSD) must adopt a strong statement on the collective human rights of IPs; the World Food Summit +5 must adopt a strong statement on traditional means of subsistence; relocation of IPs must take place only with prior free and informed consent and the WB should hold consultations on land, territories and the environment; the Special Rapporteur should consider the collective nature of IPs’ rights.

COICA recommends that the PF promote actions so that TNCs respect IPs’ rights and that IPs be included and participate in decision-making processes for the conservation and sustainable use of forests. Redress of damages caused by initiatives implemented in IPs’ lands must be ensured.

MNC says that partnership, as the starting point for development, means that IPs must share responsibilities with States.

AIIPP says that IPs’ situation is getting worse as traditional economic systems are not respected and recommends the dissemination of policies on IPs by UN agencies before approving projects. States must amend their laws to comply with international standards.

THOA states that IPs must have sovereignty over their territories and resources and their property returned. Colonization opposes development. Management of their own lands and territories is a fundamental issue. PCG says that development has to be by the people and for the people.

Taungya calls for ILO, which has the only international treaty for IPs, to break new ground by allowing IPs to participate without going through a trade union or employers’ organization. Revision of WB OD 4.20 has raised concerns about the substance and process of consultation. As regards lands and resource rights, the new policy is weaker and does not acknowledge ownership rights. The identification of IPs will not apply to IPs who have moved to urban areas. Sometimes IPs’ territories have become urban areas (supported by JOHAR), the issue of migrant workers must be addressed (Tonatierra, Taungya). AITN points out that WB draft policy should not encourage discrimination. FAIR/A/TISC/NAILSS/NSTSIO/TSRA disagree with WB definition of IPs. The WB acknowledges the commercial use of forest resources and cultural resources and does not address equitable benefit sharing for IPs. The PF first priority should be the establishment of a fundamental statement called “indigenous principles”.

AN states that the documents of the WSSD preparatory meetings are moving away from chapters 11 and 26 of Agenda 21. No time should be lost on the definition of IPs. Definitions exclude and are discriminatory and limited. IPs want full participation in decision-making on their self-development. ANIPA/ECMI stresses women’s participation in development issues and requests an evaluation of the Decade and the Beijing Platform for women. Human development includes spiritual aspects. The WSSD must include women and their knowledge. For SC, social development is linked to language and knowledge. In order for indigenous societies to have a positive development, majority society has to respect and recognize the value of indigenous languages. CPA recommends the adoption of the Draft Declaration as a framework for the adoption of development programmes. The PF should call for a moratorium on projects affecting IPs, implement the principle of free and informed consent of affected communities, study and adopt recommendations of the World Commission on
Dams, develop a mechanism for monitoring institutions that implement development programmes, and work for the restoration and rehabilitation of land. TF says that the PF must engage in IPs and development and may develop a code of conduct for companies in indigenous lands. In order for the PF to act as an advisory body, LIIC requests every UN programme, fund and agency to submit a report on their projects concerning and/or affecting IPs. NKIKLH states that their land is used for public and military purposes in Hawaii. They suffer from poverty, as they cannot use their rich land resources. They are no longer self-sufficient because of so-called development and have no say in decision-making processes.

MOSOP reports on the economic strangulation of the Ogoni people by Shell in Nigeria, calling it ecoterrorism. The Ogoni people live in an environmental refugee situation, have become city dwellers and must seek other means of subsistence. WIMSA reports on the situation of the San of Southern Africa, who have lost access to sufficient land and resources and are currently experiencing drastic social change and extreme poverty.

MEXICO states that IPs are entitled to self-government, self-determination, and their own development. It is a matter of urgency to complete the drafting of the Declaration. The future depends on the inclusion of IPs. The government has engaged in a new multicultural citizenship programme to promote IPs’ development. It addresses the Chiapas conflict and the issues of migration to urban cities and intellectual property.

CANADA states that economic and social issues must be a high priority in PF activities, including a human capital and integrated approach. DENMARK suggests that the PF include a survey or analysis on IPs economic conditions in comparison with other population groups of their countries. Multilateral and bilateral donors have a role to play in programmes for IPs and must improve them.

CHILE, CONADIL presents the reforms carried out by this State body for the development of IPs, such as acquisition of private lands to return them to the Mapuche, but acknowledges lack of funds.

Summarizing the debate on economic and social development, Antonio Jacanamijoy notes that IPOs express concern about the lack of resources to ensure the work of the PF and identify the following priorities: (1) adopt the Declaration on the Rights of IPs; (2) consider WB policies on IPs and evaluate its operational directives; (3) promote ILO Convention 169; (4) ensure the right to previous informed consent and to refuse projects in IPs’ territories; and (5) take into account spirituality in economic and social development; (6) food security should also be a priority for the PF. IPOs address issues relating to TNCs, especially oil and mining companies, and call for monitoring mechanisms for TNCs.

Environment

The United Nations Environment Programme (UNEP) states that the PF is a major step forward for chapter 26 of Agenda 21. The principle of sustainability is intrinsic to IPs. The negative effects of development projects on indigenous lands will be addressed at the World Summit for Sustainable Development (WSSD). UNEP has a long-term policy on land and soil as an international standard to protect IPs’ rights. Local knowledge and medicinal plants are of great economic value, but nothing has been done to protect the species. IPs may benefit from capacity-building programmes in resource management and participation in fora.

The Secretariat of the Convention on Biological Diversity (CBD) states that the Conference of Parties (COP6) has requested the Executive Secretary to communicate with the PF on articles relevant to IPs, such as 8(j) and 26(2). The issue of equitable sharing of benefits is dealt with in the Working Group on Article 8(j).

The Food and Agriculture Organization (FAO) introduces itself as the lead agency for the Year of the Mountains.

Parshuram Tamang asks UNEP about the level of participation of IPs in the climate change process. Marcos Matias Alonso requests some feedback about IPs’ consultation on Article 8(j) and the global evaluation on the human values of biological diversity. Ida Nicolaisen wants to know how UNEP coordinates with FAO and UNDP. Antonio Jacanamijoy asks how CBD, WIPO, WTO and especially UNCTAD—which has implemented projects in the Amazon Basin—coordinate their actions with regards to the protection of traditional knowledge.

Miliiani Trask asks whether UNEP or CBD think the PF should consider standard setting on genetic and biodiversity resources. Zinaida Strogalschkova suggests that UNEP should be more active in protecting IPs in their environment. Wayne Lord asks UNEP how to take further steps for concrete achievements.

UNEP states that some progress has been made in the Climate Change Convention. UNEP has always consulted extensively at the regional level. They will promote a code of conduct on the mining industry to enhance responsibilities. The CBD states that the Secretariat has been working very closely with indigenous communities on a protection mechanism and that local groups participate in the COP. WIPO considers the development of
contractual agreements on access to genetic resources and benefit-sharing, taking into account all stakeholders, in particular indigenous and local communities.

The indigenous delegations address the issue of environmental destruction due to the exploitation of resources such as gas, oil and timber by TNCs, militarization of indigenous territories, and tourism. Rigoberta Menchu Tum says that mother earth is a sacred site that requires a series of measures to protect and guarantee IPs’ co-existence and continuity in the future. IPs’ sacred sites and spiritual practices must be recognized.

AN underscores the importance of the Ramsar Convention, the Convention on Climate Change, and the UN Forum on Forests as tools to implement chapters 26 and 11 of Agenda 21. YC requests help to protect their culture, language and forest. TF presents a briefing on the WSSD process. A facilitating committee is tasked to help involve IPs in the process. The PF should endorse the documents submitted by the IPs at the preparatory committees. ICC/SC state that IPs cannot talk about the environment without speaking about health and other subjects. They point out that the Arctic region is not mentioned in Agenda 21. The Arctic region faces ozone depletion, climate change, and contaminants.

Human rights cannot be distinguished from environmental rights. Except for the CBD, IPs’ rights are integrated in mainstream rights. The PF should provide coordinated guidelines to deal with IPs’ issues for UN agencies at the WSSD. There should be a dialogue with UNEP to establish a fund for IPs (FAIRA). CBD Article 8(j) is important but there is no plan to address IPs’ environmental concerns. The PF should formulate a process of evaluation of UN agencies activities and identify procedures for violations of rights on environmental issues. TF points out that the CBD has acknowledged the special knowledge of women. In the traditional environmental system, the spirit of plants and animals must be respected. Recognition of IPs as right holders to their resources is critical and urgent.

Resources must be allocated to global warming. Deforestation and depletion of resources affect everyone. These concerns must be addressed and corrected for the coming generations. All nations are requested to ratify the reviewed Earth Charter at the WSSD (HD).

Environmental racism and colonialism have adverse effects on IPs for governing their lands and resource. Full and informed consent is a fundamental principle of human rights. IPs are the victims of manufactured consent and give up their lands to the occupant. The PF should develop a study on land rights and self-determination (IPNC). Environmental racism such as the dumping of toxic waste and militarization, mining and dams on IPs’ lands has made Hawaii a national sacrifice area. Loss of biodiversity is linked to loss of cultural diversity. They support a convention to regulate TNCs at the international level (NIKLH). In Hawaii, the US military use an island as a bombing target and land is contaminated with nuclear waste. Rivers, streams, sacred burial and cultural places are resources taken by foreigners. Species are endangered or extinct (KLH).

The Philippines has strict laws that are not implemented, as mining companies prefer to pay fines or bribe the government. Environmental protection policies affect the IPs, who have no longer access to their resources. The PF should call for accountability and responsibility (also MOSOP), and an evaluation and inventory of resources (CPA). JOHAR reports breaches of World Bank standards in Jharkhand, India.

IPs do not benefit from development projects on their lands. In Peru, vicuñas and alpacas are exported without any benefits for the IPs (ACRICAR). In the Andes, a conflict for water use in the Aymara territory opposes governments and IPs (CAPA). In Kenya the sacred lands and sacred mountains of the Maasai people have been designated as State lands and are used for the tourism industry (SMOO). MOSOP reports on the Ogoni struggle against Shell, whose racist environmental practices and policies have devastated their ecosystem. Communities have been targeted and destroyed. The PF should develop a mechanism to visit affected communities. IPs are responsible for the land and their cultural survival is bound to the land (SGF/AILA). The world needs IPs’ wisdom and the restoration of natural law to heal this global environmental sickness (TSNCT/TO). IPs are practical peoples who live with a reality and practise the environment (UIPS). IPs’ contribution to biodiversity must be recognized (YW). As an indigenous hunter and fisher, the representative of ZERO has come to hunt and fish for dignity and recognition.

Parshuram Tamang summarizes the debate on the environment. IPOs address the following issues: CBD, Agenda 21, Convention on Climate Change, cultural diversity, militarization, environmental racism, conflict resolution, mining and logging, and the WSSD. He notes that no government speaks on this agenda item. The main issues of concern are the right to self-determination and self-government, the right to lands and territories, the right to protection and promotion of human rights, codes of conduct for companies operating on IPs’ territories, engagement in standard-setting processes, and sustainable development. It is important to speak of the right of holders rather than stakeholders, and conservation rather than commercialization of resources. Other issues of concern are World Bank policies and its evaluation process, a control mechanism to be developed, compensation and rehabilitation, as well as the spiritual dimension of the environment. Wayne Lord stresses the call to the PF to insert into the WSSD process. He also mentions the issue of sacred places.
Health

The Pan American Health Organization (PAHO), a regional office of the World Health Organization (WHO), presents health initiatives for IPs in America and their implementation, and future plans in the context of five key challenges: (1) detection and monitoring of differences in health status and health care; (2) strengthening of operative capacity and development of alliances; (3) promotion and follow-up of country efforts; (4) assessment of traditional health systems; and (5) identification of strategies to provide for culturally safer basic health care.

The United Nations Population Fund (UNFPA), whose goal is the eradication of discrimination, includes IPs into the design, implementation and evaluation of their environmentally appropriate programmes. They have taken concrete steps to respond to the needs of IPs and are currently reviewing their reproductive needs, respecting their social and cultural values. Bilingual literacy programmes have proved excellent to transmit information on reproductive health.

Wilton Littlechild presents the World’s Indigenous Nations (WIN) games to celebrate life through culture and promote health and positive life styles. He asks whether any information on mental health is available. Ida Nicolaisen states that inter-agency cooperation is needed for data on the health situation in a holistic approach. There are many successful programmes on traditional medicine throughout the world with the integration of both indigenous and western systems. Particular attention must be paid to mental health and violence against women.

Fortunato Turpo Choquehuana addresses the issue of forced sterilization. Mililani Trask asks if PAHO has published a report on the results of five initiatives and if WHO has other publications by regions. PAHO has received data from only 19 countries in America. Activities such as the WIN games must be encouraged, Wayne Lord says.

PAHO refers to case studies in six communities to understand better how traditional medicine functions and how health systems can be improved. The issue of forced sterilization has been raised but they have no programme. A progress report is available on their website. A report on health in America should be published this year. PAHO has held a seminar in Santa Cruz, Bolivia, in 1998 on mental health. The Healing Our Spirit Conference will take place in New Mexico next September.

Njuma Ekundanayo stresses that funds are needed to have access to health care facilities in Africa. Otilia Lux de Coti requests information about the mental health programme, the issue of reproductive health, and the human genome project. Parshuram Tamang asks how UNFPA has been combining traditional and modern health systems and requests information about their projects in Asia, Africa and the Pacific.

UNFPA states that a series of studies have been undertaken in regions, including on the issue of HIV/AIDS. They work in collaboration with governments and NGOs for the implementation of programmes in a right-based approach, including all stakeholders. First generation programmes focused on updating information on nutrition, while second generation programmes focus on reproductive health and both models of traditional and modern health.

CIH states that they must assess the impact of globalization on the health of IPs and establish a holistic approach for the issue of health in the PF, emphasizing its physical, social and emotional dimensions. CIH makes the following specific recommendations: (1) The Inter-Agency Support Group, established to facilitate coordination between the various UN agencies, must include UNAIDS and the Global Fund to Fight against AIDS, Tuberculosis and Malaria (GFATM). (2) The PF should prioritize indigenous children on its agenda as an important permanent focus and UNICEF should organize a technical meeting on indigenous children. (3) The PF should re-engage WHO with IPOs. The Indigenous Health Advisory Group must be established within WHO. (4) The PF should address the issue of indigenous women and health with the OHCHR and UNFEM.

According to the Report on Human Development, African countries have no sufficient infrastructures, as they have no access to health care and education. There must be a direct partnership with IPs in establishing health programmes (IPAAC/Tamanyut). Discrimination is a serious problem for the Batwa people, who are ignored by the public health care system. They can no longer hunt or use medicinal plants. The PF must find a solution to this worldwide problem, as the right to health is the most basic right (UNPB).

There is a high mortality rate as health problems have increased in the Pacific as a result of imperialism. IPs have acute needs with regards to physical and mental health. They have no longer access to traditional food and medicine due to dispossession of land. There is great diversity in the Pacific and WHO should provide culturally adapted mobile health care (KLH).

To combat HIV/AIDS, malaria and tuberculosis is a priority in Burma, where agencies have found a high incidence of epidemics. IPs lack information about these diseases and the regime focuses only on urban areas (CHRO).

Physical and psychological injuries destroy culture and are the cause of death among Aboriginal people. WHO should work with IPs on a comprehensive report on the health of IPs, together with UNAIDS and the Global Fund against Malaria. An international conference on indigenous health must be convened. Health should be seen as a collective and holistic issue, involving land, plants and animals (FAIRA/ATSC/ NAILS88/SSTHO/TSRK). are affected by development activities that destroy sustaining means. Food supplies and ground water are contaminated. IPs suffer from diabetes and cancer (ITC/CTSN). SN says that they have
the highest rate of mental diseases in a First Nation and a high rate of child abuse and domestic violence. Culturally appropriate health programmes on reservations and education awareness are needed. HD says that strong healthy clans contribute to strong healthy nations. There is a need to promote the return to traditional food without chemicals and to use traditional healing in conjunction with modern medicine (also KLH). The infant mortality rate is very high among the Aymara. Many children are orphans, homeless and sick, and are adopted throughout the world. The Aymara want to become economically independent to have better access to health and education (AA). What happens with IPs’ medicine is an illustration of colonization. Traditional medicinal knowledge and practice should be valued and recognized (THOA).

Canada states that the health of IPs must be improved at the global level and that IPs must identify their own priorities. Inequalities in population health require integrated strategies, including gender and employment issues. It is important to integrate Aboriginal traditional medicine and to strengthen human capacities such as health care services for IPs. The PF must identify best practices that are culturally acceptable.

Chile, CONADI, says that they are promoting complementarity between traditional and modern medicine to establish an inter-cultural health system. Inter-cultural communications must be improved. Summarizing the topic of health, Mililani Trask notes that there is a general agreement on the following issues: (1) IPs have acute health needs and the socio-economic aspect is important. Mental health should be distinguished from physical health. A holistic approach is required. (2) Culturally appropriate methods are needed for health care delivery. (3) There is a need for including IPs and developing programmes to strengthen capacities. (4) There is a direct relationship between land use and health. (5) There is a direct relationship between poverty and ill health and food and nutrition. (6) Women and children’s health, such as reproductive health, sterilization, and immunization, needs to be addressed. The following specific recommendations are made: (1) The PF should work with agencies and the Global Fund against AIDS. (2) UN agencies must identify focal points for IPs, including children and women. UN agencies are requested to report information so that the PF might assess policies. (3) There is a call for a second decade to focus on indigenous health and to renew efforts with WHO. (4) There is a call for a conference with UNICEF, UNIFEM, and CIH to address children and women’s needs. (5) Ill health in indigenous communities should be addressed. (6) FAO should address the needs for native food and diet to maintain traditional food practices. (7) There is a call to WHO, CIH, and the PF to address immunization in the Pacific and elsewhere. (8) IPs should benefit from research. (9) There are problems with informed consent regarding genetic resources and involvement in research. (10) The needs of marginalized peoples, such as nomadic and Pacific people, are addressed. Mobile health care services are requested.

Education and culture

The United Nations Educational, Scientific and Cultural Organization (UNESCO) presents the Declaration on Cultural Diversity and its action plan, which includes immaterial and creative cultural diversity. They refer to the immaterial cultural heritage of IPs and interaction among education, biological diversity and sustainable development. Cultural diversity is as important as biological diversity for development.

Ida Nicolaisen asks about the concrete steps taken to secure indigenous languages and cultures as an urgent matter. Fortunato Turpo Choquehuana refers to the homogenizing pressure of globalization on cultures and Yuji Iwasawa asks what indigenous diversity means to UNESCO. Otilia Lux de Coti says that the Declaration should be reviewed before they make any recommendation. She refers to bilingual and bicultural education. Ayitegan Kouévi says that bilingual education must be ensured. Ayitegan Kouévi and Wilton Littlechild ask if UNESCO is working on developing an international convention on cultural diversity. What are the concrete steps taken to preserve languages that are threatened with extinction? Parshuram Tamang asks. Zinaida Strogalschikova asks whether UNESCO could fund a programme for the re-writing of history by IPs in Russia. Yuri Boitchenko says that gender issues and other issues cannot be treated separately. Wilton Littlechild underscores the spiritual dimension of communication. UNESCO refers to capacity building and development of communication among IPs. Documents and action to promote indigenous cultures have been produced. A legal instrument for implementation is being developed but the UN lack resources. As regards a future convention, no agreement has been reached yet.

The United Nations Children’s Fund (UNICEF) is committed to indigenous children’s education, which respects their identity, language, and culture, based on the principles of the best interest of the child, non-discrimination, and the right to participate. School has a crucial role to play in the development of identity. They are making a special effort in bilingual education by training teachers and producing bilingual teaching material in Ecuador, Guatemala, Venezuela, and Namibia.

Mililani Trask requests information about vaccination and immunization programmes for nomadic children. Wilton Littlechild asks if they focus on successful and gifted children and if they have data on dropout students. He refers to the World Summit on Physical Education. Otilia Lux de Coti points out the need to reduce the
dropout rate, especially for girls, and to evaluate educational programmes for indigenous children. **Njuma Ekundanayo** states that activities focus on Latin America and asks if UNICEF has any programme for IPs of Africa relating to the practice of indigenous languages. **Parshuram Tamang** asks what kind of policy programmes are developed for children under five in the health area. **UNICEF** has immunization programmes for all children, in partnership with WHO, including in remote areas and for nomadic children. They have data on dropout children. African programmes are equally supportive following the principle of non-discrimination. They have health facilities for mothers respecting cultural practices and rights.

**EI** says that emergent programmes are needed to reverse the loss of languages due to colonization. Preservation of indigenous languages is necessary to teach indigenous values. IPs must improve their level of participation in order to share their knowledge. **SCT** informs that Michigan University is planning to host an international conference to discuss how indigenous ways of learning can be integrated in the Western curriculum. **PIA** points out that a territory is worthless if there is no one to live in it and that natural resources are worthless if there is no one to enjoy them. **ALS** says that the PF must take steps to preserve and develop indigenous knowledge. **ATSIC/FAIRA/NAILSS/NSTSIO/TSRA** say that IPs need clear commitments by States with regards to education. **NKIKLH** says that IPs indigenous land-based programmes suffer from underfunding. The PF should facilitate the development of programmes with UNESCO. **IPNC** states that education is a key element in the issue of colonization. Resolution 644 regarding discrimination provides no implementation procedure for peoples who are losing their language. **KLH** says that only 35,000 Hawaiian still speak their language. Sacred sites are destroyed by the military, culture is destroyed by tourism, and traditional knowledge is stolen by the pharmaceutical industry. There are only 10% of indigenous students in universities.

**NTG** says that IPs are struggling for appropriate education. Assimilation policies have produced uprooted confused children in the dominant education system. There is an urgent need to recognize indigenous languages, as a language is power, a tool, a resource, and a reflection of the cosmovision. A **Quichua student** from Amazonia, Ecuador points out the lack of support to educational development. Bilingual educational programmes must be strengthened, but resources are needed. IPs must develop their own programmes for sustainable development. **AU** points out the need to conduct a study on whether IPs are over represented in dropout statistics. IPs must educate their teachers in their history.

**ECMI/ANIPA** say that the dying out of a language is the dying out of the people. Language represents the link between the past and present time. They stress the importance of women’s role in education (also **NTG**). Intercultural education must provide for the development of IPs’ cultures. **EMIROAF** says that indigenous women suffer more deprivation than men, as they are often uneducated. There is a need for basic social facilities, empowerment, education and development, and vocational training. **THOA** works for the restitution of oral history in three languages –Aymara, Quechua, and Uru-., strengthening of culture, restitution of political organization, and transmission of indigenous knowledge, science and literature. Despite bilingual or intercultural education experiences, education continues to be alienating. Folklore is used to generate income but is denied as a cultural creation. The PF should work for the inclusion of IPs’ values in cultural policies and in the protection of sacred sites. Media should promote indigenous languages. **(EU/TPMIP)** children have access to education in the Andes (ACRICAR). **AMQP** reports on the situation of marginalized children in the Andes and the rain forest, requesting support from the State for literacy programmes in the mother tongue. The PF should find solutions for higher education. **CAPAJ** informs that IPs are denied access to their sacred sites, which are exploited by the tourism industry.

**YC** says that there are no official schools for the Yanomami. It is important that they learn how to read and write. They do not want to lose their knowledge and culture.

**TKM** points out continued institutionalized racism and the need for Maori to take control of their education. **WCC** says that Aboriginal people in Australia are still not included in the Constitution. History is viewed from the colonizer’s perspective. Aboriginal people are entitled to know the truth about centuries of physical and cultural genocide.

**EMIROAF** says that Africa must learn to live with the ethnic plurality of the African peoples. The PF should monitor and evaluate the state of indigenous education in the world. **IPAAC/Tamaynut** say that African peoples adopted undemocratic cultural policies in the name of national unity. South Africa, Benin, and Algeria recognize multiculturalism, but do not apply it. **NFIPF** says that language and culture are threatened at school, even though the Namibian constitution provides for the preservation of languages. Nama students are struggling to preserve their culture and language.

**TH** addresses the issue of nomadic children attending school, pointing out the absence of girls, due to the lack of school infrastructure and inappropriate education.

Summarizing the discussion on education and culture, **Njuma Ekundanayo** notes that financial policies, training and capacity building need to be further developed. Cultural diversity and biological diversity are
closely linked. Through education, awareness-raising relating to respect and protection of traditional knowledge is possible with regard to the environment and management of natural resources. Research should be undertaken on dropout students and physical education, as well as to promote and respect diversified cultures. The PF welcomes UNESCO Declaration on Cultural Diversity and hopes for its implementation. Fortunato Turpo Choquehuanca points out that cultural diversity is a basic principle of IPs and that it is important to work with indigenous women and children. Otilia Lux de Coti says that participants stress the need to facilitate education through grants. Archaeological and sacred sites are used for tourism. Non-indigenous children should get to know them in order to be aware of IPs’ contribution to culture.

Human rights
The Office of the High Commissioner for Human Rights (OHCHR) presents its activities related to the support of technical cooperation programmes, special rapporteurs and treaty bodies that protect the rights of IPs. The WGIP, the indigenous fellowship programme, the Voluntary Funds and the seminars are wide-ranging normative and practical activities. Human rights (HR) are central to economic and social development, and HR and human development reinforce each other. They are tools for sustainable development. The PF may wish to identify priority areas in order to assist special rapporteurs and special agencies.

Yuji Iwasawa states that a study considering existing mechanisms to protect HR should be undertaken. It should consider how treaty bodies and other procedures have addressed indigenous issues. Mililani Trask asks whether there is an outreach programme in the regions for IPs to file complaints. Zinaida Strogalschikova asks how the OHCHR works with reports and organizations that struggle for human rights. Wilton Littlechild suggests not losing the momentum created by the HCHR. Ayitegan Kouévi notes that the OHCHR has not addressed the issue of the right to self-determination and asks how to persuade States that this right does not mean secession but autonomy. Yuri Boitchenko asks whether the OHCHR has any intention to take steps to implement the Durban Programme of Action.

The OHCHR replies that there are many outreach activities such as the UN guide for IPs, cooperation and training programmes in regions. A discussion on self-determination is being held in the Working Group on the Draft Declaration. A seminar on self-government took place in Nuuk, Greenland, in 1991. A unit has been set up within the Office to implement the Durban process. The Deputy HCHR says that his Office will continue to service the PF without prejudice to the decisions to be taken. Work will continue without interruption until the permanent secretariat is established.

The International Labour Organization (ILO) refers to Convention 169, which includes wide-range issues, such as land rights, education, development, and HR. Its technical assistance consists of a Project to promote Convention 169, initiated in 1996, and the INDISCO programme launched in 1993, to improve the socio-economic conditions of indigenous and tribal peoples. Mililani Trask says that ILO Convention 169 qualifies the right to self-determination of IPs and constitutes a primary problem, which prevents progress on the Draft Declaration. She asks if ILO accepts that their document is preventing passage of the DD and if they will engage in a dialogue with the PF members on the term “peoples”. Otilia Lux de Coti and Yuri Boitchenko ask if ILO has considered the situation of non-implementation. Yuji Iwasawa requests a detailed report on ILO supervisory work.

ILO replies that Convention 169 is the expression of minimum standards and does not impose any limitation of the right to self-determination. Article 22 of ILO constitution requires States to report on the implementation of the Convention. A body of 20 independent experts examine governments’ reports. ILO system does not provide for the filing of complaints by NGOs.

The World Intellectual Property Organization (WIPO) has conducted assessment of needs of traditional knowledge holders and field missions. WIPO member states, agencies, NGOs as observers can apply for all meetings of the Inter-governmental Committee on Traditional Knowledge. Ida Nicolaisen asks whether WIPO is conducting studies on indigenous knowledge and to what extent HR are taken into account. WIPO says that the nature of the work has changed with the new Committee, but they are still conducting studies. HR issues are also reference points in their work.

The indigenous delegations reiterate their call for a prompt adoption of the Draft Declaration on the Rights of IPs (DD) as a first step for the recognition of IPs as peoples. The PF should recommend that agencies review the text of the DD and report to ECOSOC (ILRC). Lack of progress in the WGDD is due to a handful of States. For instance, the USA only recognizes internal self-determination, which does not exist in international law. Delegations make a number of recommendations to the PF. They support the drafting of a report on the state of the world’s IPs. The PF should also use the Treaty Study (TSNTC/TO). This Decade should end with the convocation of an international conference on HR (ICN). The issue of self-determination should be addressed (MNa) as a separate agenda item at the next session of the PF (SC). States should be required to give their interpretation of article 1 of the Covenants (AHREOC). Political participation of IPs must be guaranteed (PIA, COHIC). Systematic violations of land and resource rights must
be included in the report (ICN). The PF should undertake a study on all HR instruments that have been adopted (IPNC).

The PF should serve IPs and not governments (COICA). IPs are considered as stakeholders and not as holders of rights. There is no need to develop code of conducts, as rights are already included in international covenants. The PF should enquire from IMF and WTO if they have the obligation to respect IPs’ HR and how this is reflected in their policies (IITC).

The PF should conduct studies such as on the World Bank’s impact and new policy, and appoint a special rapporteur to work on multilateral banks (ILRC). Ida Nicolaisen suggests working on the Asian Development Bank and African Development Bank, which have major impacts. The World Bank replies that it has institutionalized safeguard policies not to impact on IPs, which respect their economic, social and cultural rights. Political rights are discussed at the international level. The WB cannot establish new HR standards and shall not interfere in State political affairs.

The PF should not duplicate the role of UN agencies and should assist the work of the Third Committee. ECOSOC will have to present indigenous issues at the level of the General Assembly (FAIRA/ATSIC/NAILSS/NSTSIO/TSRA). The appointment of the Special Rapporteur on IPs should not be seen as the only mechanism available to IPs. Issues such as biodiversity, protection of languages and cultures, impacts of colonization and globalization must be considered (ATSIC). Technical cooperation must be reviewed in order to take IPs into account (SDVM). Recognition of collective rights in international law represents a challenge (MNa). A mechanism should be put in place to file complaints and for the enforcement of legal agreements (ON). There is an urgent need for the protection of indigenous sacred sites, lands and ways of life (WSYH).

ILO should study the case of IPs who leave their homeland in search of work (MULTO). UNICEF should present a much more detailed report on indigenous children to the PF. Children are objects of welfare, not holders of rights, which is contrary to the Convention on the Rights of the Child (CORE).

The critical situation of IPs in Africa demands the special attention of the PF. There are few mechanisms to defend their rights and African governments consider indigenous issues as very controversial ones. The African Commission on HR has established a working group on IPs (IWGIA). African IPs are the victims of eviction without consultation for the extraction of resources. The PF should facilitate the work of the African CHR and join efforts with UN mechanisms for African IPs (ACHPR). AIWO stresses that political rights represent the key to emancipation. IPs are used by tourism, while their cultures and traditions are despised.

The indigenous delegations report on the HR situation in their countries, where violations are linked to the denial of the right to self-determination.

AIMPO reports on the HR abuses suffered by the Batwa people, who have no land rights, no secure employment, no access to education and live in temporary shelters. Referring to the Batwa people in Tanzania, CORDS says that subsistence hunting has been outlawed, which is a denial of the basic human right to subsistence. The Amazigh people of Northern Africa are forbidden to use their language. IPs of Africa are denied basic rights and some of them are threatened with extinction.

NPMHR reports on the armed conflict in Nagaland and appeals to the PF to initiate reports on HR violations and send fact-finding missions. NTG refers to the degrading HR situation in Nepal, where the state of emergency has been declared. Women and children are used as human shields in the conflict and the youth are forced to take up arms. HIHRW addresses the issue of systematic HR violations against the Hmong people, who are victims of genocide and persecution. CHRO states that fundamental HR are denied in Burma and that the Chin people suffer from religious persecution. CHRO requests the PF to establish a working group on religious persecution. ADO says that the right to live is at stake in Malaku. The inter-religious conflict is used as a pretext for invasion by Indonesian troops. Crimes against humanity are perpetrated with impunity. CFWPICD states that the Indonesian government sends the military to protect logging companies in indigenous lands and that the IPs of West Papua continue their fight for independence. AIPP reports on the situation in Taiwan, where IPs’ lands are used as nuclear waste dumping sites.

KLIH says that the US government has never complied with its obligation with regards to self-government. Hawaii must be re-inscribed on the list for decolonization. FAIRA/ATSIC/NAIILSS/NSTSIO/TSRA say that the government of Australia has attacked the Special Rapporteur on Racism, who reported on the treatment of Aboriginal peoples, and wants to review treaty bodies.

CISA reports on problems of unemployment, high suicide and substance abuse rates in the Red Nation of Northern Canada. The very existence of their nation is at stake. HD addresses the issues of environmental degradation, desecration of sites, and contaminated drinking water. SDN refers to the relocation of the Dineh people. Energy is produced on their land for far away cities. Their sacred sites have been bulldozed. CPINM of Northern Mexico, refers to their violent eviction in 1982. In the same region, CPINM has no guarantees against displacement as companies move in their territories. They are faced with problems related with the nearby US border and migrants. CIR has no land title and decisions are taken without their being consulted.
COHIC of Guatemala underscores the importance of land rights in a militarized State with a colonialist structure without the participation of IPs. Threats against indigenous leaders must end and land conflicts must be solved. COHIC mentions the high mortality rate among women and children.

COICA says that IPs must affirm their values and legal systems and denounces violations such as those generated by the Plan Colombia, oil mining and logging.

NFSD of San Andrés Islands, Colombia, refers to the violation of HR and collective rights, policies to extinguish their culture, and invasion of indigenous lands.

CAPAJ reports on the corruption and environmental degradation caused by dispossession of waters in Ancomarca, Peru. HR are not respected and ILO Convention 169 is not implemented. AMQ says that IPs have no access to land and waters and cannot claim their rights. Waters should not be privatized.

YC reports on the 2000 Indigenous March in the state of Bahia, Brazil, where they were not allowed to protest on the occasion of the 500 years of Brazil.

MDN reports on the building of dams by a Spanish company on the Mapuche Pehuenche lands in Chile, despite the Indigenous Law. CSMP refers to logging in Mapuche lands, which are invaded and contaminated and whose sacred sites are violated. Large-scale investments impedes recognition of collective rights in Chile (MNa).

RAIPON refers to long-standing problems in Russia, despite changes in State policies. IPs are losing the lands of their ancestors. There is an increase in IPs’ mortality rate. ICK claims that their territory has been reduced by 25 per cent and that the drop in population is due to government policies. Industrialization has prevented their people from developing. ISTOK refers to poor housing, drug abuse problems and inadequate education for their children.

NORWAY states that all issues covered by the PF mandate have HR aspects. It is crucial that HR be integrated in the PF work. But the PF should not become another HR body, as its mandate is broader.

FINLAND refers to the Saami Rights Policy. The DD should be adopted before the end of the Decade (also ITALY). They can adopt most of the articles as such, but linguistic rights should be reviewed.

SWEDEN mentions the reconciliation process with the Saami, with a formal apology by the government in 1998. Effective mechanisms for the protection of HR are needed, as HR are the cornerstone of all issues. The work of the PF must be right-based.

CANADA says that IPs represent the fastest growing population group in Canada and that there are gaps in education. Preparation for the next session of the WGDD is important, as the issue of self-determination will be addressed.

The Minister of Minorities of the RUSSIAN FEDERATION proposes to hold a world forum for IPs and another International Decade (also ITALY) that would focus on specific steps and decisions for the rights and socio-economic development of IPs. In Russia, the government is implementing policies in the area of creation of sustainable ways of life.

The UNITED STATES hopes that the PF will focus on concrete and practical action and fully supports the mandate of the PF as an advisory body to ECOSOC and its coordinating role. ECOSOC Secretariat should support the PF. The PF should be funded by the UN regular budget and voluntary contributions.

ITALY supports a permanent secretariat with indigenous staff funded by the UN regular budget and the creation of a holistic database. The context is wider than HR and includes cultural diversity rights.

CHILE points out that constitutional recognition of IPs is in process in Chile and mentions the process of acquisition of land by the government to be returned to the IPs. CHILE denies allegations of ethnicocide and genocide.

INDONESIA denies “baseless accusations” and asserts its commitment to protect HR in all islands, including Maluku.

Ayitegan Kouévi summarizes the discussion on the theme of human rights. The speakers request that measures be taken to remedy persistent violations. The right to land is a prerequisite for the indigenous identity. Negotiations on the Draft Declaration are stalled for political reasons. Human rights and development are closely linked. The PF should define its relationship with the WGIP in order to avoid duplication of work; visit IPs in situ; undertake studies on treaties that are part of HR; implement IPs’ collective rights; consider all HR principles, including land rights; promote political participation and cultural diversity. Regional organizations should provide information on mechanisms they have implemented to protect HR.

**Work plan of the Permanent Forum**

The Indigenous Caucus recommends the following resolution for adoption: (1) adoption of the Declaration by the CHR before the end of the Decade; (2) drafting of a Convention on the Rights of IPs by the CHR. The Indigenous Caucus presents another resolution on indigenous children and youth: (1) inclusion of indigenous...
children and youth as a specific agenda item; (2) UN agencies must report on their activities and impacts on children; (3) UNICEF should present a comprehensive report on an annual basis, including data on birth registration and immunization. The PF should (4) establish strong links with the special rapporteur on children;

The PF must address the serious and urgent issue of IPs who are dying out. In the case of the Kaweshkair people of the Tierra del Fuego, Chile, only nine persons are left (KPIP).

Among other things, AIPP recommends the following: the PF should (1) establish a working group to conduct consultations on issues such as women, militarization, religious intolerance, and economic and social issues; (2) work with the Working Group on Article 8(i) to conduct evaluations on sacred sites and territories of IPs; (3) establish a mechanism to review and evaluate laws and policies on IPs; (4) organize a world conference to evaluate the Decade by 2004.

MOSOP/SDN stress the issues to be considered such as respect and definition of land rights, protection of resources for traditional use, non-expropriation of religious sites, protection of water rights, adoption of principles on TNCs, environmental rights and rights to be incorporated in a convention. The effects of colonization of IPs (CAP, ATSIC) and the issue of genetic engineering must be addressed (RAGE). The PF should promote a bicultural approach to education. IPs must maintain their cultural practices. The Action Plan adopted by the World Conference against Racism in Durban should be implemented (IPAAC/Tamaynut).

Training should be provided for IPs who are not used to the diplomatic world (AILA). The PF should work with academic and education institutions for research, dissemination of information, and awareness raising (CIILSP). SC/ICC express concern about the lack of funding for inter-sessional work. In a joint statement, CAPAJ/TO/IWA inform that the proposal of a permanent indigenous delegation in Geneva, who could contribute to PF work with the UNHCR, ILO, WHO and OHCHR, is supported by the Swiss government. AU supports PF meetings in New York.

PIA reports on a law to demarcate indigenous territories in Venezuela with the participation of IPs and political participation of IPs as examples for a point of departure. ANIS refers to the situation of violence and absence of social peace in El Salvador. OGT reports on the war affecting IPs in Colombia. IYI states that there is no higher education in native language in Greenland.

doCip recalls the path mapped out by the elders that led to the establishment of the PF. Historical continuity is the right to self-determination and to land.

CANADA believes that the PF should explore to what extent the various mandates and work plans of UN agencies interact with each other to advance indigenous priorities. NEW ZEALAND suggests that policy guidelines for consultation be established for UN agencies.

SWITZERLAND advocates for a permanent secretariat in Geneva with the full support of the Swiss government. PF sessions could rotate between New York and Geneva. History and experience plead for Geneva, where many UN agencies have their headquarters (supported by the RUSSIAN FEDERATION).

The RUSSIAN FEDERATION points out the necessity of developing certain rules of procedure and supports the organization of regular events in regions to deal with regional problems.

DENMARK points out the importance for expert members of drafting the report in a manner such as to endorse easy consensus by the ECOSOC.

MYANMAR addresses the issues of national groups, children, and HIV/AIDS.

In concluding this first session of the Permanent Forum, the Chairman points out that the most important and urgent concern is the establishment of a permanent secretariat to be decided by ECOSOC. When the secretariat is established, closed meetings will be avoided.

Kofi Annan addressed the closing meeting of the PF stating that the “Forum has formidable responsibilities. You must determine how best to mobilize the expertise and resources of the United Nations system. You will need to forge new relationships between indigenous communities and specialized agencies. And you will have to convince governments that they must join these efforts and increase the attention they pay to indigenous issues.”
### List of abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>AA</td>
<td>Aymara Alliance</td>
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<tr>
<td>AAS</td>
<td>Ainu Association of Sapporo</td>
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<td>ABL</td>
<td>Algonquins of Barriere Lake</td>
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<tr>
<td>ACIPHR</td>
<td>Working Group of the African Commission for Human and Peoples Rights for IPs</td>
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<td>ACJP</td>
<td>Ambedkar Center for Justice and Peace</td>
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<tr>
<td>ACRICAR</td>
<td>Asociación de Criadores de Camelidos de la Región del Perú</td>
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<tr>
<td>AHREOC</td>
<td>Australian Human Rights and Equal Opportunity Commission</td>
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<td>AIHC</td>
<td>American Indian Community House, British Columbia, Canada</td>
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<td>AILA</td>
<td>American Indian Law Alliance</td>
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<tr>
<td>AIMPO</td>
<td>African Indigenous and Minority Peoples Organization</td>
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<td>AIPP</td>
<td>Asian Indigenous Peoples Pact</td>
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<td>AIPR</td>
<td>Association of the IPs of the Ryukyus</td>
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<td>ATIPN</td>
<td>Asian Indigenous and Tribal Peoples Network</td>
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<td>AIWO</td>
<td>African Indigenous Women Organization</td>
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<tr>
<td>AMASUTA</td>
<td>Alliance Indigenous People of Sulawesi Tengah</td>
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<td>ALS</td>
<td>Association of Limbu Shamans</td>
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<tr>
<td>AMQP</td>
<td>Asociación de Mujeres Quechua del Peru</td>
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<tr>
<td>AN</td>
<td>Asociación Napguana, Taller de Mujeres</td>
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<tr>
<td>ANA</td>
<td>Asociación Nacional Aborigen, Costa Rica</td>
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<tr>
<td>ANIPA/ECMI</td>
<td>Asamblea Nacional Indígena Plural por la Autonomía/Enlace Continental de Mujeres Indígenas</td>
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<tr>
<td>ANIS</td>
<td>Asociación Indígena Nacional de El Salvador</td>
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<tr>
<td>AO</td>
<td>Alifuru Organization, Maluku Island</td>
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<tr>
<td>ATISINC</td>
<td>Aboriginal and Torres Strait Islanders Social Justice Commissioner of the Australian Human Rights Commission</td>
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<td>ATSC</td>
<td>Aboriginal and Torres Strait Islanders Commission</td>
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<td>AU</td>
<td>Alaska University</td>
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<tr>
<td>AYFIR</td>
<td>Abya Yala Fund for Indigenous Rights</td>
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<td>CAP</td>
<td>Congress of Aboriginal People</td>
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<tr>
<td>CAPAJ</td>
<td>Comisión Jurídica para el Autodesarrollo de los Pueblos Originarios Andinos</td>
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<tr>
<td>CARICOM</td>
<td>Caribbean Community</td>
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<tr>
<td>CCIIPM</td>
<td>Centro Chirapaq Taller Permanente de Mujeres Indígenas de Perú</td>
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<tr>
<td>CFWPICD</td>
<td>Christian Foundation for West Papua Indigenous Community Development</td>
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<td>CHRO</td>
<td>China Human Rights Organization</td>
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<tr>
<td>CIIH</td>
<td>Committee on Indigenous Health</td>
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<tr>
<td>CILSP</td>
<td>Centre for International Indigenous Legal Studies Project, Faculty of Law at UBC</td>
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<tr>
<td>CTK</td>
<td>Comunidad Indígena Kumiai San José de la Zorra, Baja California, Mexico</td>
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<tr>
<td>CISA</td>
<td>Indian Council of South America</td>
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<td>CK</td>
<td>Council of Katmai, Alaska</td>
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<tr>
<td>COHIC</td>
<td>Coordinadora Nacional Indígena y Campesina, Guatemala</td>
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<td>COICA</td>
<td>Coordinadora de las Organizaciones Indígenas de la Cuenca Amazónica</td>
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<tr>
<td>CONADI</td>
<td>Corporación Nacional de Desarrollo Indígena</td>
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<tr>
<td>CORDS</td>
<td>Community Research and Development Services</td>
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<tr>
<td>CORE</td>
<td>Centre for Organization Research and Education</td>
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<tr>
<td>CPA</td>
<td>Cordillera Peoples’ Alliance</td>
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<tr>
<td>CPINM</td>
<td>Consultoria de los Pueblos Indígenas en el Norte de México</td>
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<tr>
<td>CSMPC</td>
<td>Committee in Support of the Mapuche People of Chile</td>
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<tr>
<td>CTC</td>
<td>Curung Tribal Council</td>
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<tr>
<td>CTT</td>
<td>Consejo de Todas las Tierras</td>
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<tr>
<td>CV</td>
<td>Chickaloon Village, Alaska</td>
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<tr>
<td>doCip</td>
<td>Indigenous Peoples’ Centre for Documentation, Research and Information</td>
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<tr>
<td>EI</td>
<td>Education International</td>
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<tr>
<td>EMIROAF</td>
<td>Ethnic Minority and Indigenous Rights Organization of Africa</td>
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<tr>
<td>FAEK</td>
<td>Fundación Achuar Ecológica Kapawi</td>
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<tr>
<td>FAIRA</td>
<td>Foundation for Aboriginal and Islander Research Action</td>
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<tr>
<td>HD</td>
<td>Haudenosaunee Delegation</td>
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<tr>
<td>HFN</td>
<td>Hupacasath First Nation</td>
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<tr>
<td>IHHRW</td>
<td>Iñupiaq International Human Rights Watch</td>
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<tr>
<td>HPA</td>
<td>Habitat Pro Association, Peru</td>
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<tr>
<td>IA</td>
<td>Interior Alliance, British Columbia, Canada</td>
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<tr>
<td>ICC</td>
<td>Inuit Circumpolar Conference</td>
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<tr>
<td>ICIP</td>
<td>Indigenous Community of Hecho Pai – Pai de Jamau, Mexico</td>
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<tr>
<td>ICITP</td>
<td>Indian Confederation of Indigenous and Tribal Peoples</td>
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<tr>
<td>ICaK</td>
<td>Irelm Council of Kamchatka</td>
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<tr>
<td>ICN</td>
<td>Innu Council of Kitatsinat</td>
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<td>IIN</td>
<td>Indigenous Information Network</td>
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<tr>
<td>IITC</td>
<td>International Indian Treaty Council</td>
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<td>IIYC</td>
<td>International Indigenous Youth Conference</td>
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ILRC: Indian Law Resource Center
IPAAC/WAC: Indigenous Peoples of Africa Coordinating Committee/World Amazigh Congress
IPNC: Indigenous Peoples and Nation Coalition
IPSF: Indigenous Peoples Survival Foundation
ISTOK: Altay Regional Public Organization of the Kumandin People
ITPDC: Indigenous Tribal Peoples Development Centre
IWA: Indigenous World Association
IWGA: International Work Group for Indigenous Affairs
IYI: Inuit Youth International
JOHAR: Jharkhandis Organization for Human Rights
KLH: Ka Lahui Hawai'i
KPIP: Kaweshkair Project for Indigenous People, Chile
LIIC: Lauravetl'an Indigenous Information Center
MDN: Mapu Domuche Newen, Mapuche-Pehuenche
MED: Maasai Education Discovery
MN: Mapuche Nation
MNC: Metis National Council
MOSOP: Movement for the Survival of the Ogoni People
MULTO: Movimiento de Unificación y Lucha Triqui de Oaxaca
NAILSS: National Aboriginal and Islander Legal Services Secretariat
NCIV: Netherlands Centre for Indigenous Peoples
NFIPP: Nama First Indigenous Peoples Forum in Namibia
NFSDE: Native Foundation for Self-Determination San Andrés Islands, Colombia
NKIBHL: Na Koa Baika o Ka Lahui Hawai'i
NPMHR: Naga Peoples Movement for Human Rights
NTG: Nepal Tamang Ghedung
NSTISO: National Secretariat of Torres Strait Islander Organizations
OGT: Organización Gaónawindva Tayrona Sierra Nevada de Santa Marta, Colombia
ON: Onondaga Nation
PCG: Peace Campaign Group
PCJSS: Parbatya Chattagram Jana Samhati Samiti
PDE: Parlamento Indígena de América, Venezuela
PIDPP: Programme d’intégration et de développement du peuple pygmée
PIPE: Partnership for Indigenous People Environment
PL: Pueblo of Laguna
RAGE: Regional Action Group for the Environment
RAIPON: Russian Association of the Indigenous Peoples of the North
SC: Saami Council
SCSTM: Saginan Chipewa Tribe of Michigan and Central Michigan University
SDN: Sovereign Dineh Nation
SDVM: Servicios para el Desarrollo Valle del Mequital
SG: Shamin Gaikou Centre
SGF: Seventh Generation Fund
SMOO: Simba Masaa Outreach Organization
SN: Siksika Nation
SP: Saami Parliament of Norway
TF: Tebtebba Foundation
THOA: Taller de Historia Oral Andina
TH: Tin Hinane
TKM: Te Kawai Maro
TRIPS: Trade related aspects of intellectual property rights
TSNTC/TTO: Teton Sioux Nation Treaty Council/Tetuwane Oyate
UN: United Nations Development Fund for Women
UNN: United Nations Development Fund for Women
UNPB: Unissons-nous pour la promotion des Batwa
TSRA: Torres Strait Regional Authority
VP: Voices for Peace
WBUIC: World Blind Union Indigenous Caucus
WCC: World Council of Churches
WIMSA: Working Group for Indigenous Minorities in South Africa
WSYH: Wittenbera Smith Yellow Hammer
Y: Yanomami Community
YW: Yachay Wasi
ZERO: Zazao Environmental Rights Organization
The final report of the 1st session of the Permanent Forum on Indigenous Issues has been published in two parts with the following classification marks:
The final version of PF's decisions appear in Update 44-45 (May-June 2002), with the exception of the last part of draft decision 1, concerning the oral statement by the secretariat about the programme budgetary implications.

3. THE FUTURE OF THE WORKING GROUP ON INDIGENOUS POPULATIONS

Indigenous Caucus Statement
20th Session of the WGIP, 22-26 July 2002

We, indigenous peoples’ delegates from all continents of the world, meeting in caucus in Geneva on 20-21 July 2002, have the following statement on Agenda item 4(a): The WGIP: Achievements in the United Nations system and a Vision for the Future.

1. The UN Working Group on Indigenous Populations over the past 20 years has served as the focal point within the United Nations for the promotion and protection of indigenous peoples rights. The WGIP has innovated and supported a range of initiatives and activities including:
   • UN Draft Declaration on the Rights of Indigenous Peoples
   • UN Voluntary Fund for Indigenous Peoples
   • UN Year for the World’s Indigenous Peoples and the UN Decade
   • Technical Seminars of the themes of Self-Government; Sustainable Development; Land; Indigenous Peoples
   • Human Rights and Natural Resource Corporations; and Health and Indigenous Youth and Children
   • Reports of the Special Rapporteurs on Indigenous Cultural Heritage, Land, and Treaties and other Constructive Arrangements with States
   • UN Fellowship Programme for Indigenous Peoples
   • International Day of Indigenous Peoples (August 9)

These activities have succeeded in raising the profile of indigenous peoples internationally and in promoting the recognition of indigenous peoples’ rights.

2. The broad mandate and democratic process of the WGIP has nurtured the development of hundreds of experts and practitioners on indigenous peoples’ human rights from the United Nations, governments, indigenous peoples, academia and NGOs. Indeed in its 20 years life, it has become a centre for authoritative international discourse on the rights of indigenous peoples, informing and educating many scholars and activists alike. Moreover, the meetings of the WGIP have provided opportunities for indigenous peoples and other participants to meet and deepen concrete partnerships and projects.

3. Recognizing these achievements does not necessarily mean continuing in its established and habitual ways. Human rights continue to develop and evolve internationally and we see no reason why this should cease to develop for indigenous peoples, whose distinct identities as peoples remain unrecognized in many parts of the world, and are subject to discrimination, racism and marginalization. Indigenous peoples’ determined responses to colonialism and oppression have already advanced the elaboration of human rights standards for all peoples. Among the contemporary human rights challenges facing indigenous peoples are the elaboration of international standards on indigenous territorial rights and land ownership; on the private sector; on the protection of traditional knowledge, cultures and heritage; on trade, indigenous economies and sustainable development; and on peace and conflict resolution, to name but a few. The Indigenous Peoples Caucus challenges the WGIP to dispose itself to address these new normative challenges to empower indigenous peoples to enjoy all the universally recognized human rights and fundamental freedoms.

4. International standards on these themes have been elaborated in the UN Draft Declaration on the Rights of Indigenous Peoples, and its early adoption, in its present form, remains the highest priority for the Indigenous Caucus. The processes leading to the adoption of the Draft UN Declaration on the Rights of Indigenous Peoples, under the auspices of the WGIP, enjoyed the open and full participation of indigenous peoples, governments, international organizations and scholars; and, resulted in its broad endorsement as the minimum standards to
secure the rights and well-being of indigenous peoples. In the words of the UN High Commissioner for Human Rights:

"The United Nations draft declaration states the link between human rights and development, namely that the one is not possible without the other. Thus, economic improvements cannot be envisaged without protection of land and resource rights. Rights over land need to include recognition of the spiritual relation indigenous peoples have with their ancestral territories. And the economic base that land provides needs to be accompanied by a recognition of indigenous peoples' own political and legal institutions, cultural traditions and social organizations. Land and culture, development, spiritual values and knowledge are as one. To fail to recognize one is to fail on all."

5. “The Indigenous Caucus urges governments to uphold the right to self-determination of indigenous peoples, in keeping with their international human rights obligations. We further urge the Working Group on the Draft Declaration on the Rights of Indigenous Peoples under the UN Commission on Human Rights to work towards its early adoption to fulfill one of the main goals of the UN International Decade.

6. This Agenda item on The WGIP: Achievements in the United Nations system and a Vision for the Future allows a renewed look at the WGIP’s mandate, interpreting this in the light of contemporary realities of indigenous peoples and the changed landscape of the United Nations in this new Millenium.

7. The world today is driven by deep imbalances in the social and ecological spheres. The UN Millennium Development Goals targets the eradication of poverty suffered by 2 billion of the world’s peoples, including most of the indigenous peoples of the world. The upcoming World Summit on Sustainable Development (WSSD) is grappling with the unsustainability of economic, trade and financial globalization vis-a-vis social and human development and environmental protection. Indigenous peoples must be fully empowered to play our role in achieving the broad goals of the UN- peace, human rights and sustainable development. To do this, we need all the existing UN mechanisms on indigenous peoples to play their distinct and complementary roles.

8. The WGIP has been and continues to be the principal body within the United Nations elaborating international standards on the rights of indigenous peoples. The newly established Permanent Forum on Indigenous Issues plays an advisory and co-coordinating role within the UN system on issues relating to economic and social development, culture, the environment, education, health and human rights. The Special Rapporteur on the situation of Human Rights and Fundamental Freedoms of Indigenous Peoples gathers information and makes recommendations on how to prevent and remedy violations of the rights of indigenous peoples. Any reasonable study of the content and intent of the mandates of the Working Group and the Permanent Forum will underscore that they are complementary to each other, and that this has been the understanding of indigenous peoples. The Indigenous Caucus strongly recommends the strengthening of each of these mechanisms and their capacities to work in a complementary way.

9. Also in the spirit of revitalization, we would like to propose elements of a Work Plan for the Working Group:

- The Work Plan should be for the next decade, with a strong focus on the Working Group’s important standard-setting mandate. Under Agenda Item 6, the Indigenous Caucus will make a statement on specific areas for further standard-setting activities to be carried out by experts of the WGIP.
- Further work on the right to development, examining standards on the private sector, trade, protection of indigenous intellectual property and traditional knowledge, and protection of cultural and biological diversity. The principle of free, prior and informed consent to developments affecting our lands and welfare, is another important area.
- Increased outputs through research partnerships between indigenous peoples and working group members. These research partnerships could be across sectors like indigenous health, and regional reviews of the enjoyment of indigenous rights within different global regions.
- Design a specific strategy to progress indigenous peoples’ human rights in broader UN processes, such as the WSSD and the Convention on Biological Diversity and the World Intellectual Property Organization (WIPO), working in synergy with the UN Permanent Forum and the UN Special Rapporteur on the Fundamental Rights and Freedoms of Indigenous Peoples.

10. Finally, all of us present here, united in fulfilling the goals of the UN Decade for the World’s Indigenous Peoples, should strengthen our political commitment and partnerships to increase, rather than decrease the human and financial resources available for the promotion and protection of the rights of indigenous peoples. The WGIP with its meager resources has achieved much in the past 20 years. It should not be penalized for its success, and instead supported to achieve much more in the next 20 years.

11. The Indigenous Peoples Caucus is fully committed to working with the members of the WGIP, Governments, the United Nations, NGOs and all interested parties to further strengthening the work of the WGIP in the future.

Indigenous Caucus Recommendations

20th session of the WGIP, July 22-26

Distinguished Members of the Working Group:

The Indigenous Caucus considers that the Working Group on Indigenous Populations is the only body that has the mandate for the protection and promotion of the human rights and fundamental freedoms of indigenous peoples. Therefore, the Indigenous Caucus demands that the Working Group on Indigenous Populations be maintained. This proposition is not contradictory but complementary and in conformity with General Assembly resolution 41/120, in particular with the disposition of paragraph 4 relative to this resolution. Therefore, the Indigenous Caucus will continue to accept the challenges at the Working Group on Indigenous Populations of standard setting and to develop and strengthen functional mechanisms for implementations procedures to protect indigenous peoples. We strongly believe that the standard setting activity needs continual development.

The indigenous delegates attending the 20th meeting of the Working Group on Indigenous Populations, having discussed the mandate of the body, the concerns, the needs and priorities of our indigenous peoples, nations, organizations and communities. Therefore, the Indigenous Caucus has taken the decision by consensus to submit the following proposals and recommendations to the experts of the WGIP for future work. We appreciate and expect the strong support of the distinguished members of the Working Group on each agenda item. Furthermore, we kindly demand that the WGIP experts set the agenda for the future work of this body in accordance with the following points:

I. Future standard setting activities

- Review of human rights of indigenous peoples in existing international mechanisms
- Corporate accountability to indigenous peoples on their land and territories
- Free, prior and informed consent
- Environmental and social impact assessments of development projects
- Protection of "indigenous knowledge" and/or "traditional knowledge" as a follow up of Madam Daes Report E/CN.41/Sub.2/2000/26
- Forced relocation of indigenous peoples, including property rights, militarization of lands and territories and other affects with a view to setting a standard that the burden of proof on colonization be on the colonizer, not the indigenous colonial victim
- Creation of a juridical process of dispute and conflict resolution for indigenous peoples, including access to international juridical bodies.

II. Future studies and reports

- A report of the primary obstacles faced with the promotion and protection of human rights of indigenous peoples. The report would look at 4 or 5 of the most significant obstacles. The inadequacy of the human rights complaint procedure to indigenous peoples, etc.
- A report of all existing or developing international standards affecting indigenous peoples with a review of implementation procedures to examine how they are effectively protecting the rights of indigenous peoples. This should include how existing standards deviate from actual and effective remedy for indigenous peoples and should include recommendations for universal application and consistent remedy.
- A study of the impact of transnational corporations affecting indigenous peoples on their lands and territories in conjunction with the work done by the Sub-Commission.
- A study on the violations of the rights and situations of indigenous children and youth in compliance with Article 45 of the Convention of the Rights on the Child in collaboration with the Committee on the Rights of the Child, the Special Rapporteur and UNICEF.
- Study on UN agencies and their policies and impacts to determine if they are in compliance with existing human rights standards.
- Study on self-determination as means of both resolution and prevention of conflicts as complementary to the work done by the UNESCO of Catalonia.
- Study on positive and negative outcomes of "ethno-development" projects with respect to indigenous rights and their impact on a micro and macro level.
- Such study will allow the setting of standards regarding indigenous participation in the decision making process.

III. Other matters

- Critical review of the WHO paper on "participatory research guidelines" which in our view does not ensure a real protection.
- Future seminars:
a) Practical implementation of treaties and instruments related to intellectual property rights.
b) Possible mechanisms for peaceful resolution of self-determination claims in the UN system.
Future workshops.
Follow up of the private sector and indigenous peoples.
Future fellowship program.
Call for a second International Decade of the World’s Indigenous Peoples.
Call for a World Conference on Indigenous Peoples.
Establish the Indigenous Olympic Games.

Conclusions and Recommendations of the Working Group on Indigenous Populations
During its 20\textsuperscript{th} session held in July 2002, the Working Group on Indigenous Populations adopted the following conclusions and recommendations.

Item 4 : Review of developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous people (IP)
The Working Group
• concluded that following the first session of the PF there indeed existed a real danger that the WG's mandate could be cancelled and the Group terminated as a result of the review of all UN mechanisms, procedures and programmes concerning indigenous issues, "including the Working Group on Indigenous Populations", that the ECOSOC is to undertake in 2003 in order "to rationalize activities, avoid duplication and overlap and promote efficiency". It must be noted with concern that such a review would take place in the Council, to which only very few indigenous organizations had access.
• concluded that it was necessary to thoroughly explore practical steps to establish and expand cooperation among the three bodies now existing within the United Nations in the sphere of indigenous issues.
• agreed that the establishment of two new bodies in this field, together with the review to be taken by the Council, should serve as a catalyst for a thorough reflection on the WG that should lead to an action-oriented programme of work and a consideration of new and improved methods of work. The WG recognized that its own work was under scrutiny and that it should strive both to ensure the effective discharge of its functions and to complement the new mechanisms. It also recognized that the present conjuncture within the WG was propitious for a concerted effort by all members to reinvigorate it through renewed efforts and commitment.
• took due note, in this connection, of the results of the first session of the PF held in New York on 13 and 24 May 2002, and of the matters brought to the attention of the ECOSOC. It also noted the difficulties faced by this new body owing to the lack of the necessary funds to perform adequately the functions included in its mandate. The WG decided to explore at its 21\textsuperscript{st} session (2003) ways and means to develop cooperation with the PF, and to request the Chairperson-Rapporteur to submit a short working paper to that effect. It also decided to request the Sub-Commission and its superior bodies to authorize the Chairperson-Rapporteur to participate in the Forum's second session, to be held in New York in April/May 2003.
• congratulated Mr. Stavenhagen, the Special Rapporteur (SR) on the situation of the human rights and fundamental freedoms of indigenous people, for his first report and welcomed his willingness to establish close cooperation with the WG. It further decided to request Mr. Yokota to submit to the 21\textsuperscript{st} session a short working paper on this issue.

Item 4 (c) : IPs and their right to development, including participation in development affecting them
The Working Group
• concluded that the establishment of human development indicators specifically intended to fully reflect the actual socio-economic situation of IPs was absolutely necessary to perceive the real dimension of some of the problems affecting the daily life of IPs. The WG decided to recommend that the Sub-Commission request UNDP and other pertinent UN bodies to develop such indicators and include them in their periodic publications on this matter.
• also decided, in the light of the advances made in the work of the Sub-Commission on this issue and the results of the recent seminar on the question, to request Mr. Martínez to submit at its 22\textsuperscript{nd} session the working paper on IPs' relationship with natural resource, energy and mining companies requested in 1997.
• decided to request Mr. Yokota to submit at its 21\textsuperscript{st} session a working paper on the possible elaboration of draft guidelines relating to transnational companies whose activities affect indigenous communities, with particular emphasis on elements that would contribute to a better consultative process, equitable benefit-sharing and conflict resolution.
• decided to recommend to the Sub-Commission that it request the High Commissioner for Human Rights to explore with the UNCTAD and the ILO the possibility of jointly organizing in 2003 a seminar on the
practices of transnational corporations affecting the rights of IPs and possible measures to put an end to such situations.

**Item 5 : Review of recent developments pertaining to the promotion and protection of human rights and fundamental freedoms of IP: general statements**

The Working Group

- reaffirmed the fundamental importance of this item, noting in particular that indigenous participants, especially those who were most disadvantaged, strongly supported the opportunity to provide information on their current situations to the expert body.
- expressed appreciation to all participants. It particularly welcomed the decision of those States that accredited delegations composed of senior government officials and experts, and noted their willingness to enter into dialogue, provide relevant information and take interest in the ongoing proceedings. It also appreciated the contribution of the organizations of the UN system, including in particular UNDP, ILO, WHO, UNESCO and the World Bank.
- agreed with the many participants who suggested that the methods of proceeding under the item needed to be re-evaluated and refocused. Accordingly, it decided that at its 21st session, it would structure the general debate on this item on the basis of the various issues that had been brought to its attention by all the participants in the discussions held at the 20th session. In the letter convening the Group's session, the secretariat would provide details on the practical aspects of this new method of work. The Chairperson-Rapporteur, when opening the debate, would encourage indigenous participants to cluster their statements in such a way as to facilitate an interactive dialogue both with the members of the WG and with the States.
- recognized that IPs were disproportionately and negatively affected by the process of present-day globalization, and decided to choose as the principal theme for its 21st session "IPs and globalization". In this respect, it further decided to request Mr. Guissé to prepare a short working paper to serve as a framework for the discussions that could be prepared well in advance and circulated to participants.
- also decided to recommend to the Sub-Commission to request Governments, specialized agencies, regional and other intergovernmental organizations and NGOs (in particular, indigenous organizations) to submit annually to the WG the information they deem useful on developments pertaining to the promotion and protection of human rights, fundamental freedoms and other rights of IPs, in sufficient time to allow the WG to analyze such information, and, on that basis, to submit conclusions and recommendations to the Sub-Commission if need be.

**Item 6 : Standard-setting and other research activities**

The Working Group

- agreed with the comments made by participants concerning the importance of undertaking new standard-setting work. To this effect, it decided to request Ms. Motoc to submit at its 21st session a list (with commentary) of standard-setting activities that might be developed by the WG at its futures sessions.
- also decided to request Ms. Hampson to submit at its 21st session a working paper containing commentaries to the most important (or controversial) provisions of the draft declaration on the rights of IPs.
- further decided to request the Chairperson-Rapporteur to submit at its 21st session a list (with commentary) of possible new studies to be undertaken by members of the Group in the immediate and medium-term future.

**Item 7 : International Decade of the World's Indigenous People**

The Working Group

- concluded that the most adequate manner to culminate the International Decade would be for the UN to convene a world conference on IPs. It decided to recommend to the Sub-Commission to request the High Commissioner for Human Rights, as Coordinator for the Decade, to explore, as soon as possible, the possibility of convening such a conference no later than the summer of 2004.
- decided to appeal to States to contribute generously to the Voluntary Fund for the International Decade so that it could strengthen its activities in the remaining two years of the Decade.
- decided that the Council should be requested to authorize the seminar on treaties, agreements and other constructive arrangements between IP referred to in Commission resolution 2002/63. It also decided to request Mr. Martínez to submit to the Sub-Commission at its 54th session a short working paper identifying the themes and possible outputs of such a seminar, for the consideration of the Commission at its 59th session.

**Item 8 : Follow up to the World Conference against Racism**

The WG took note of the Durban Declaration and Programme of action and welcomed the extensive references to the continuing discrimination faced by IPs and the urgency for action to combat disadvantage. In the light of the pertinent recommendation adopted by the World Conference, the WG decided to review annually the developments related to the implementation of the Programme of action and to submit proposals to the Sub-Commission on this matter. It further decided to invite indigenous organizations and the indigenous caucus to
submit at its 21st session a working paper on other appropriate practical actions that might be undertaken by the Working Group in this respect.

Item 9: Other matters (summary)
The WG also decided on its agenda for 2003 and, in principle, on the principal themes for its 22nd, 23rd, and 24th sessions (respectively: "Conflict resolution of indigenous issues", "Domestic and international protection of indigenous traditional knowledge" and "indigenous children and youth"). It paid tribute to Ms Erica-Irene Daes, Chairperson-Rapporteur of the WG for nearly two decades, deciding to declare her an honorary member of the WG, encouraging her to take part in future proceedings and to submit written communications that the WG might request from her and deciding also to request the Sub-Commission to endorse this decision.

Noting the full participation of IPs in the first session of the PF on the basis of the practices of the WGIP, it decided to request the Sub-Commission to respectfully recommend to the Commission on Human Rights that it amend its procedures, so as to make possible the full participation by indigenous organizations in the Working Group on the draft declaration on the same basis as they participated in the WGIP.

Noting also that the Voluntary Fund for Indigenous Populations had been expanded to include applications from indigenous organizations wishing to participate to the PF, the WG appealed to States to contribute generously to the Fund to enable it to respond adequately to the increasing demand.

As part of the ongoing re-evaluation of its methods of work, and exploring possible ways and means to strengthen its capacity for scientific output, the WG decided to update its mailing list of indigenous and non-indigenous academic research institutions, with the purpose of inviting them to contribute, without financial consequences, to the studies, research and standard-setting activities envisaged in the immediate and medium-term future. Finally, it postponed until next session the discussion of the Leonard Peltier Defense Committee’s letter dated 26 July 2002, inviting all WG’s members to visit Mr. Peltier at Leavenworth Penitentiary, in order to discuss his case.

The Working Group on Indigenous Populations has an indigenous secretary, Mr. John Scott, Aboriginal from Australia.
NGOs’ Petition
Ambassador Dr. Ivan Simonovic
President ECOSOC
United Nations
Room C-209
New York, New York 10017
USA

Geneva, 22 July 2002

Re: United Nations Working Group on Indigenous Peoples

We, the undersigned support groups for indigenous peoples, who have been participating in the work at the United Nations-level for many years, would like to draw your attention to the following concern:

At present, we are aware of the fact that several United Nations member states are considering that the recent establishment of the Permanent Forum on Indigenous Issues (PF) would make the United Nation Working Group on Indigenous Populations (WGIP) redundant. We therefore, want to submit to you, some considerations on this point:

First of all, the mandates of the WGIP and the PF are different.

The two-fold mandate of the WGIP is:

- To review national developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous peoples; and
- To develop international standards concerning the rights of indigenous, taking account of both the similarities and the differences in their situations and aspirations throughout the world.

Whereas, the Permanent Forum is to serve as an advisory body to the Economic and Social Council, with a mandate to discuss indigenous issues related to economic and social development, culture, the environment, education, health and human rights. The Permanent Forum shall:

- Provide expert advice and recommendations on indigenous issues to the Economic and Social Council of the United Nations, as well as programmes, funds and agencies of the UN through the Council;
- Raise awareness and promote the integration and coordination of activities relating to indigenous issues within the UN system; and
- Prepare and disseminate information on indigenous issues.

The WGIP has not yet completed its mandate. Further work on universal standard setting on indigenous rights should therefore still be actively pursued.

The work of the WGIP and PF are to be complementary and mutually supportive. This was the understanding by indigenous peoples when they first began their discussions on the establishment of the PF and is their present understanding as well.

The indigenous peoples present at this 20th session of the WGIP have made very positive assessment on the usefulness of the WGIP, both on the work that has been completed thus far, as well as on the work, which this Working Group could still undertake in the future.

It is for all of these reasons that we support the indigenous peoples in their call for the continuation of the WGIP.

Sincerely,


cc:
Ms. Mary Robinson, High Commissioner for Human Rights
Mr. Miguel Alfonso Martinez, Chairperson WGIP
Mr. John Scott, Secretariat WGIP
Mr. Paulo Sérgio Pinheiro, Chairperson, Sub-Commission
Mr. Per Stig Moeller, Minister of Foreign Affairs Denmark, Chair Council of Minister, European Union
Mr. Christopher Patten, Commissioner for External Relations, European Union
Arguments for and against maintaining the Working Group on Indigenous Populations

In order to clarify the discussion concerning the suppression or the maintenance of the WGIP we thought it useful to summarize the actual arguments. Those listed hereunder are not exhaustive. They simply come from statements of experts, Indigenous peoples (IPs) and States, and of course from the declaration and recommendations of the IPs Caucus.

Arguments aiming at the suppression of the WGIP

1. The United Nations must save money and increase their efficiency.
2. The resolution creating the PF provides that ECOSOC will review all mechanisms, procedures and programmes existing within the United Nations related to indigenous issues, including the WGIP.
3. The PF mandate duplicates and overlaps that of the WGIP.
4. The WGIP is not efficient enough and has not brought forth enough results.

Arguments aiming at the maintenance of the WGIP

1. The WGIP is the cheapest of all the Working Groups of the Sub-Commission, as experts travel to Geneva only once for both sessions. In order to save money, the other Working Groups of the Sub-Commission should also take place during the same period.
2. The paragraph relating to the PF in the resolution that considers the review of all UN mechanisms, procedures and programmes concerning indigenous issues specifies that this review will not prejudge the outcomes. This means that this review will not necessarily entail the suppression of one of these mechanisms. The FP originators never intended to substitute the WGIP for the PF.
3. The WGIP mandate is different from the PF's. The WGIP mandate is:
   a) to review the situation of the IPs,
   b) to develop standards concerning their human rights,
wheras the PF mandate consists of:
   a) providing specialised advice and recommendations on indigenous issues to ECOSOC, as well as to the United Nations programmes, funds and institutions,
   b) raising awareness and encouraging mainstreaming and coordination of activities related to indigenous issues within the United Nations system,
   c) gathering and disseminating information on indigenous issues.

Consequently, the WGIP is the sole UN body in charge of regularly following up IPs' situation with a fundamental impact on their human rights. Moreover, the WGIP has not finished its work on standard-setting activities (i.e., standards on land rights and heritage, codes of conduct related to private sector, trade, conflict resolution and peace, etc.), as well as its studies (for instance on the notion of free and prior informed consent, the implementation of children’s rights, etc.). It should also be necessary to establish mechanisms in order to assess the implementation of existing standards.

4. The WGIP is at the origin of numerous innovative initiatives listed in the Statement of the IPs’ Caucus. These initiatives are innovative. They show the enormous merit to have been worked out in consultation with the IPs. Furthermore, in several specific situations the WGIP has played a mediation role in conflicts between Governments and IPs.
5. The WGIP is the only body through which IPs can have access to human rights bodies, where they can inform the international community of violations of their rights, and which specifically dedicates itself to the protection and promotion of IPs’ rights. The WGIP is entitled to submit resolutions to the Commission on Human Rights. The PF has no direct means to act in this field. Particularly important is the role of the WGIP regarding the collective rights.
6. The WGIP bears an unequalled democratic character within the United Nations. It is a plenary where all IPs - no matter their origin and status - can exchange views on an equal footing with States, as both parties have an observer status. The fact that the PF is located in New York is a heavy drawback for the IPs from Africa and Asia who cannot easily get there.
7. The WGIP is a peaceful, quiet and positive place of discussion between States and IPs. If the WGIP is abolished, this dialogue will cease and confrontations might increase in the respective countries.
8. The WGIP also represents a place where IPs can have concrete, fruitful and free exchanges among themselves.

9. The WGIP is a great place for getting to know the United Nations system for IPs’ representatives, particularly for those who have not had as yet the opportunity to get acquainted with this system, such as women, young people and IPs living in particularly disadvantaged regions.
10. No one knows yet how the PF will really work. No one knows whether the PF will obtain sufficient means to carry out its task. Moreover, the PF will probably be evaluated within five years. How will indigenous issues be dealt with in the United Nations if it is decided that this body does not operate well enough?
11. Who will decide on the WGIP's future within ECOSOC? How shall IPs and experts participate in this decision?
12. The suppression of the WGIP might encourage some United Nations agencies to develop programmes without taking into account of the outcomes of 20 years’ work. That would be an enormous waste of United Nations resources and a lack of respect for the work achieved by the elders.

Finally, the future of the WGIP will be better guaranteed if it adopts a serious programme of work, the elements of which can be found in the Recommendations of the IPs’ Caucus and in the 2002 WGIP report.

<table>
<thead>
<tr>
<th>The Sub-Commission on the Promotion and Protection of Human Rights</th>
<th>voted by consensus its full support to the continuing of the WGIP and recommended that the Commission on Human Rights adopts its resolution (E/CN.4/Sub.2/RES/2002/17).</th>
</tr>
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</table>

The next stage, almost a decisive one, is the Commission on Human Rights. It would in fact be unusual that ECOSOC pass a resolution regarding human rights against the will of the Commission.

Six countries took the floor on this issue during the WGIP, four of them clearly in favour of maintaining the WGIP: CHILE, FRANCE, GUATEMALA and MEXICO. It seems that African governments are in favour of maintaining the WGIP as well.

* * *

4. CONVENTION ON BIOLOGICAL DIVERSITY (CBD)

The sixth meeting of the Conference of the Parties to the CBD and Article 8(j)

By Tamara Dionne Stout, Indigenous Peoples’ Secretariat (Canada) on the CBD

In The Hague, The Netherlands, from April 7 - 19, 2002 more than seventy indigenous peoples from all over the world participated in the 6th Meeting of the Conference of the Parties to the United Nations Convention on Biological Diversity (COP 6). The collective body under which indigenous peoples organize and participate is the International Indigenous Forum on Biodiversity (IIFB). At COP 5, the IIFB gained advisory status to the Convention on Biological Diversity (CBD) on the implementation of Article 8(j) and related provisions (Decision V/16).

Out of the thirty-two decisions coming out of COP 6, a total of seventeen decisions refer to indigenous peoples. The decisions on article 8(j) and related provisions, access and benefit sharing related to genetic resources, forest biological diversity, Global Taxonomy Initiative, Global Strategy for Plant Conservation, alien species, clearing-hose mechanism, environmental impact assessments, education and public awareness and agricultural biological diversity are some of the key decisions. There is an emphasis on the participation and capacity building of indigenous peoples and their inclusion and involvement was called for in: expert groups; research activities, communications; and implementation processes and activities at local, national and international levels. This article focuses on the decision on Article 8(j) and related provisions.

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3 The official language used in the Convention is “indigenous and local communities.”
Article 8(j) and related provisions

The principal decision for indigenous peoples is Decision VI/10 on Article 8(j) and related provisions. The Conference of the Parties discussed and took decisions regarding a composite report on indigenous knowledge, impact assessments, participatory mechanisms, and instruments for the protection of indigenous knowledge. References to the involvement of indigenous women are scattered throughout the decision.

The Executive Secretary of the CBD is requested to prepare reports on the progress of: (a) the integration of Article 8(j) and related provisions into the CBD's thematic programmes (forest, marine and coastal, inland water, dry and sub-humid land, and agricultural biodiversity), and (b) the implementation of the programme of work on Article 8(j) and related provisions.

A. Composite report on indigenous knowledge

The outline for the composite report on the status and trends regarding indigenous knowledge, innovations and practices applicable to the conservation and sustainable use of biodiversity was adopted. The first phase of research will focus on the state of retention of indigenous knowledge related to food, medicine and conservation and sustainable use of flora and fauna and its variability across different ecosystems. There will be a specific emphasis on identifying and assessing measures and initiatives to protect, promote and facilitate the use of indigenous knowledge. It is expected that this information will lay the groundwork for a framework for a global plan of action to reverse the loss of this knowledge and monitor and assess future trends.

In later phases, the relationship between biological, cultural and linguistic diversity will be examined. Processes at national and local levels that threaten the maintenance, preservation and application of indigenous knowledge will be identified, for example national development policies or programmes, migration, and new technologies. A survey of international, national and local trends regarding the recognition and implementation of Article 8(j) and related provisions will also be conducted. Finally, the conclusions will contain both best practices and lessons learned for the maintenance, preservation and application of indigenous knowledge.

The CBD Secretariat is in the process of hiring the consultant team to prepare the report. Indigenous peoples are expected to play an active and substantial role in the development of the report, as a part of the consultant team, the advisory group and providing information and case studies.

B. Recommendations for cultural, environmental and social impact assessments

The objectives of the recommendations are to advance appropriate participation and involvement of indigenous peoples, to take into account their concerns and interests, and to include indigenous knowledge in impact assessments. Notwithstanding, the recommendations are voluntary, subject to national legislation and serve only as a guide to Parties and Governments in the formulation of their impact assessments.

In the impact assessment process, issues such as cultural concerns, areas of significant environmental value, and socio-economic aspects need to be identified and the potential impacts upon them need to be considered. The general requirements for the impact assessments include the respect for human, social, cultural and environmental rights, customary laws, and intellectual property rights of indigenous peoples. Assistance to resource and capacity building of indigenous peoples and development of protocols for access and for indigenous knowledge in impact assessment procedures are also called for.

The most controversial subject at COP 6 under Article 8(j) was the issue of prior informed consent (PIC) with regard to impact assessments. The paragraph referring to PIC went through several modifications. A proposal from Australia, Canada, Jamaica, Malaysia, New Zealand and the USA requested that prior informed consent be subject to national legislation. Canada further added a provision regarding consultation. Several countries such as Colombia, the European Union, and Norway preferred the original paragraph text because Article 8(j) is already subject to national legislation, the recommendations are not compulsory and the paragraph already contains weak language. The IIFB lobbied to remove the term “consultation” and the final result is: “Where the national regime requires prior informed consent of indigenous and local communities, the assessment process shall consider whether such prior informed consent has been obtained.”

C. Participatory mechanisms for indigenous and local communities

A report will be prepared by the Executive Secretary based on information submitted by Parties, Governments, NGOs, indigenous peoples and local organizations on cases, experiences, practices and lessons regarding participatory mechanisms. Requests for funding, capacity building, awareness and indigenous communication mechanisms for facilitating the full and effective participation of indigenous peoples and local communities were made. Also cooperation with other environmental conventions (i.e. Climate Change, Ramsar, Desertification, and Migratory Species), the Permanent Forum on Indigenous Issues, World Intellectual Property Organization (WIPO), Global Environmental Facility (GEF) was called for. Finally, a technical expert group will be set up to...
develop the thematic focal point within the clearing house mechanism related to Article 8(j) and related provisions. It is scheduled to meet October 22-24, 2002 in Bolivia.

D. Assessments of the effectiveness of existing sub national, national and international instruments, particularly intellectual property rights instruments, that may have implications for the protection of the knowledge, innovations and practices of indigenous and local communities

Information gathering and evaluation of existing mechanisms (i.e. customary laws) to protect indigenous knowledge will continue. At the same time, Parties and Governments are called to develop and implement strategies to protect indigenous knowledge, innovations and practices. Indigenous peoples and local communities will participate in both activities. World Intellectual Property Organization’s (WIPO) Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore was called to increase the involvement of indigenous peoples in its work and to consider mechanisms to protect indigenous knowledge. The Working Group on Article 8(j) and Related Provisions was requested to address the issue of sui generis systems for the protection of indigenous knowledge.

The most significant change in this section concerned the promotion of indigenous knowledge registers and databases. The Colombian government requested that all references to databases and registries be removed from the decision. Those references were replaced with the creation of mechanisms to protect the indigenous knowledge, innovations and practices. The Parties supported this proposal.

The Next Working Group on Article 8(j)

The agenda for the third meeting of the Ad Hoc Open-ended Intersessional Working Group on Article 8(j) and Related Provisions, tentatively scheduled for January 2004, will include: (1) a review of the first stage of the composite report; (2) further work on recommendations for cultural, environmental and social impact assessments, (3) consideration of issues related to sui generis systems for the protection of indigenous knowledge, and (4) a review of the Bonn Guidelines on Access and Benefit-sharing as related to genetic resources (Decision VI/24).

For the complete text of COP 6 decisions, please see the Secretariat to the Convention on Biological Diversity website: http://www.biodiv.org/decisions/

The fourth session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore will be held in Geneva, Switzerland, from 9-17 December 2002.

World Intellectual Property Organization
Phone: 41 22 338 81 61 or 338 95 47 Fax: 41 22 338 8810 E-Mail: publicinf@wipo.int
Web: www.wipo.org
5. UPCOMING MEETINGS FOR INDIGENOUS PEOPLES

21 October 2002 (in Geneva, Switzerland)
Human Rights Committee, 76th session: Egypt, Suriname, Togo
UN High Commissioner for Human Rights. Phone: + 41 22 917 9000 E-mail: webadmin.hchr@unog.ch
Web: www.unhchr.ch

22 - 24 October 2002 (in Bolivia)
Technical Expert Group on Clearing House Mechanism/Traditional Knowledge
Secretariat of the Convention on Biological Diversity. Phone: 514 288 2220 Fax: 514 288 6588
E-Mail: secretariat@biodiv.org Web: www.biodiv.org

3 - 15 November 2002 (in Santiago de Chile, Chile)
12th Meeting of the Conference of the Parties to CITES
Convention on International Trade in Endangered Species of Wild Fauna and Flora Phone: 41 22 917 8139/40
Fax: 41 22 797 3417 E-Mail: cites@unep.ch Web: www.cites.org

11 - 22 November 2002 (in Geneva, Switzerland)
Committee against Torture, 29th session: Belgium, Cyprus, Egypt, Estonia, Slovenia, Spain, Venezuela
UN High Commissioner for Human Rights. Phone: + 41 22 917 9000 E-mail: webadmin.hchr@unog.ch
Web: www.unhchr.ch

11 - 29 November 2002 (in Geneva, Switzerland)
Committee on Economic, Social and Cultural Rights, 29th session: Estonia, Georgia, Greece, Poland, Slovakia, Solomon Islands
UN High Commissioner for Human Rights. Phone: + 41 22 917 9000 E-mail: webadmin.hchr@unog.ch
Web: www.unhchr.ch

15 - 17 November 2002 (in Valencia, Spain)
17th Session of the Global Biodiversity Forum
World Conservation Union - IUCN. Phone: 4122 999 00 01 Fax: 4122 999 00 25
E-Mail: caroline.martinet@iucn.org Web: www.gbf.ch

18 - 26 November 2002 (in Valencia, Spain)
The Eighth Conference of the Contracting Parties to the Ramsar Convention (COP-8)
Ramsar Convention Wetlands. Fax: +41 22 999 0169 E-Mail: peck@ramsar.org Web: www.ramsar.org

26 - 28 November 2002 (Venue to be determined)
Open-ended expert workshop on capacity building on access and benefit-sharing
Secretariat of the Convention on Biological Diversity. Phone: 514 288 2220 Fax: 514 288 6588
E-Mail: secretariat@biodiv.org Web: www.biodiv.org

2 - 13 December 2002 (in Geneva, Switzerland)
UN High Commissioner for Human Rights. Phone: 41 22 9179000 Fax: 41 22 917 9010
E-Mail: webadmin.hchr@unog.ch or jscott@ohchr.org Web: www.unhchr.ch

9 - 17 December 2002 (in Geneva, Switzerland)
Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (Fourth Session)
World Intellectual Property Organization. Phone: 41 22 338 81 61 or 338 95 47 Fax: 41 22 338 8810
E-Mail: publicinf@wipo.int Web: www.wipo.org

10 - 14 March 2003 (in Montreal, Canada)
Eighth Meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA-8)
Secretariat of the Convention on Biological Diversity. Phone: 514 288 2220 Fax: 514 288 6588
E-Mail: secretariat@biodiv.org Web: www.biodiv.org
7 - 10 April 2003 (Venue to be determined)
Ad Hoc Technical Expert Group on protected areas
Secretariat of the Convention on Biological Diversity. Phone: 514 288 2220 Fax: 514 288 6588
E-Mail: secretariat@biodiv.org Web: www.biodiv.org

26 May - 6 June 2003 (in Geneva, Switzerland)
Third Session of the United Nations Forum on Forests
Secretariat Intergovernmental Forum on Forests. Phone: 1 212 963 3262 Fax: 1 212 963 4260
E-Mail: unff@un.org Web: http://www.un.org/esa/sustdev/forests.htm

8 - 17 September 2003 (in Durban, South Africa)
The Fifth World Congress on Protected Areas
World Conservation Union - IUCN. Phone: 4122 999 0159 Fax: 41 22 999 0025 E-Mail: pds@hq.iucn.org
Web: http://wcpa.iucn.org/

21 - 28 September 2003 (in Quebec, Canada)
World Forestry Congress
World Forestry Congress. Phone: +418 694 2424 Fax: +418 694 9922 E-Mail: sec-gen@cfm2003.org
Web: www.cfm2003.org

19 - 31 October 2003 (Venue to be determined)
Sixth Session of the Conference of the Parties (COP 6) for the Convention to Combat Desertification
UN Convention to Combat Desertification. Phone: 49 228 815 2800 Fax: 49 228 815 2899
E-Mail: secretariat@unccd.de Web: www.unccd.de

10 - 14 November 2003 (in Montreal, Canada)
Ninth Meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA-9)
Secretariat of the Convention on Biological Diversity. Phone: 514 288 2220 Fax: 514 288 6588
E-Mail: secretariat@biodiv.org Web: www.biodiv.org

1 - 5 December 2003 (Venue to be determined)
Second meeting of the Ad Hoc Open-ended Working Group on Access and Benefit-Sharing
Secretariat of the Convention on Biological Diversity. Phone: 514 288 2220 Fax: 514 288 6588
E-Mail: secretariat@biodiv.org Web: www.biodiv.org

1 - 12 December 2003 (Venue to be determined)
COP 9 and Sessions of the Subsidiary Bodies (SBI and SBSTA) UN Framework Convention on Climate Change
UN Framework Convention on Climate Change. Phone: 49 228 815 1425 Fax: 49 228 815 1999
E-Mail: icolineau@unfccc.de Web: www.unfccc.de

26 - 30 January 2004 (Venue to be determined)
Ad Hoc Working Group on Article 8(j)
Secretariat of the Convention on Biological Diversity. Phone: 514 288 2220 Fax: 514 288 6588
E-Mail: secretariat@biodiv.org Web: www.biodiv.org

March 2004 (in Kuala Lumpur, Malaysia)
Seventh meeting of the Conference of the Parties (COP-7)
Secretariat of the Convention on Biological Diversity. Phone: 514 288 2220 Fax: 514 288 6588
E-Mail: secretariat@biodiv.org Web: www.biodiv.org
6. OTHER MATTERS

The next session of the Working Group on the Draft United Nations Declaration on the Rights of Indigenous Peoples will be held in Geneva, Switzerland, from 2-13 December, 2002. The articles to be discussed during this session are: Article 3, Article 31 and Article 36.

Office of the High Commissioner for Human Rights
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International Human Rights Training for Indigenous Peoples: A Review
This sixty page document, published in May, 2002 by the Ford Foundation (New York), contains an overview of human rights training programs for indigenous peoples, a presentation of key findings and indications from the review and a list of profiles of such training programs.

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Special thanks
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Translation

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