EDITORIAL

The Working Group on Indigenous Peoples (WGIP) in July 1996 started to discuss the situation of the Indigenous Peoples (IPs) more systematically, according to themes: the issue of health was addressed during half of the session in collaboration with the World Health Organization (WHO). Both indigenous...
organizations and governments reported on specific problems and achievements concerning the
indigenous health situation in the broadest sense. Though many contradictions surfaced, there was general
agreement on the advantages of this more systematic approach during the WGIP, such as the possibility
for indigenous organizations to establish a dialogue with a UN specialized agency. Therefore, next year's
session will focus on land and environmental issues. Such an approach offers an opportunity to collect
concrete data on specific situations in time for it to be presented in July 1997.

Several significant fora on biodiversity and environmental issues have been programmed for 1996-1997
between the 14th and the 15th sessions of the WGIP. These fora will be producing conclusions,
declarations and recommendations that can be taken into account at the next WGIP session.

This year, while the great value of traditional medical health systems of the IPs was recognized and the
need to enhance them further was widely expressed, participants also asked for a more intensive and
continued cooperation with UN specialized agencies such as WHO.

The Working Group of the Commission on the Draft Declaration will meet for two weeks in October
1996 for the second time. In addition to the IPs, a number of governments expressed their hope that this
time discussions will proceed in a spirit of cooperation without undue hindrance caused by unproductive
discussions on the issue of the definition of IPs.

In another recent development, the UN Centre for Human Rights and doCip have launched jointly a pilot
programme of fellowships for indigenous organizations and communities. This is in response to requests
by, and subsequent discussions with, indigenous representatives over the past three years. The fellowship
is accorded to three indigenous persons who will have the opportunity to share their own experiences and
knowledge with international and non-governmental organizations in Geneva during six months starting
in 1997. The pilot year will be a learning experience which will be evaluated by both the fellows and the
organizers. We hope that this programme will be constructive and that more indigenous fellows could
benefit in the years to come.
the Convention was to be implemented directly by the contracting parties and drew attention to articles 8 (j), 10 (c), 17 (2) and 18 (4), which were of particular relevance for IPs.

In her closing statement, Ms Daes stated that the concept of IPs should be universal and flexible. The discussion on the issue of health had been a success, thanks to the World Health Organization (WHO). The Human Genome Diversity Project (HUGO) was identified as an area of great concern by indigenous representatives. Ms Daes reaffirmed the need for a PF and hoped that the International Decade would encourage sustainable development in all areas.

Conclusions and Recommendations

The WGIP considered the following:

**Standard-setting**

- took note of the comments referring to the concept of IPs and expressed its willingness to assist the WGCD in any clarification pertaining to the Draft Declaration;
- noted that indigenous representatives and many governments considered it neither desirable nor necessary to elaborate a definition of "IPs";
- decided to recommend to the Sub-Commission that it transmit the working paper of its Chairperson-Rapporteur (E/CN.4/Sub.2/AC.4/1996/2) to governments, intergovernmental organizations and IPs for their comments, and to request the Chairperson to prepare a supplementary working paper for the WGIP at its 15th session;
- decided to continue its consideration of the concept of IPs at its 15th session.

**Review of developments**

- decided to recommend to the Sub-Commission that it request the CHR to organize meetings with WHO on the international and regional levels, in the framework of the Decade, with the participation of governmental health officers and indigenous health experts, in order to elaborate practical projects and programmes;
- expressed its concern about the HUGO Project and considered that it should be halted until all IPs affected were fully informed and their consent was sought;
- decided to continue its consideration of the issue of health;
- decided to highlight the question of "IPs: land and environment" at its next session;
- decided to request the Chairperson-Rapporteur to inform the Board of Trustees of the Voluntary Fund that its 15th session would highlight the question of "IPs: land and environment", so that the Board could take into account the information when it considered applications to the Fund.

**Permanent Forum**

- noted that many indigenous organizations and governments had expressed the view that the PF should be established at the highest possible level and that it should not be a replacement for the WGIP;
- emphasized the importance of the ongoing review of existing UN mechanisms, procedures and programmes and hoped that the relevant UN bodies and agencies would provide the necessary information;
- expressed its appreciation to the government of Chile for its offer to host the second workshop on the PF at the beginning of 1997.

**Decade**
• noted the decision by the Coordinator of the Decade to form an advisory group for the Voluntary Fund for the International Decade;
• decided to recommend to the Sub-Commission that it request the appropriate services of the UN to establish separate accounts for the Voluntary Fund for the International Decade and the Voluntary Fund for IPs and, if possible, to transfer the financial management of the Funds from New York to Geneva, and to establish different membership for the bodies advising on those two funds;
• decided to recommend to the Sub-Commission and to the Coordinator of the Decade that the Centre for Human Rights should organize a workshop for indigenous journalists with the participation of appropriate departments of the UN;
• decided to undertake at its 15th session a thorough review of the activities planned and actually carried out;
• decided to recommend that the Sub-Commission request the Secretary-General to consult with indigenous representatives on whether the commemoration of the International Day (9 August) should be brought forward to 1 August in order to coincide with the annual sessions of the WGIP.

Treaty study

• noted the suggestion that the Special Rapporteur should study the contemporary significance of the historical doctrine of terra nullius;
• stressed the importance of Sub-Commission Decision 1995/118, endorsed by the Commission on Human Rights (Decision 1996/109), in which it was recommended that the Special Rapporteur undertake a field mission.

Meetings, conferences and other matters

• decided to recommend that the Sub-Commission consider the renaming of the Working Group on Indigenous Populations as the "Working Group on Indigenous Peoples";
• expressed support for the conclusions and recommendations of the Expert Seminar on Indigenous Land Rights and Claims held in Whitehorse, Canada;
• decided to recommend to the Sub-Commission that a special rapporteur be appointed to conduct a comprehensive study of the problem of recognition of and respect for indigenous land rights;
• decided to consider the following questions as separate agenda items at its 15th session: "Standard-setting activities", including a sub-item on "the concept of IPs"; "Review of developments pertaining to the human rights and fundamental freedoms of IPs", including sub-items on "IPs: land and environment" and "IPs and health"; "PF for IPs"; "International Decade of the World's IPs"; "Treaties, agreements and other constructive arrangements between States and IPs"; "Other matters".

Evolution of standards concerning the rights of Indigenous Peoples

Definition

Presenting her working paper on the concept of IPs (E/CN.4/Sub.2/AC.4/1996/2), Ms Daes affirmed that a universal definition was neither possible nor desirable because of the diversity of IPs. Martinez Cobo's definition should be used in certain cases. The eventual implementation of the Declaration on the Rights of IPs should be entrusted to a fair-minded body, so that a regional specificity of the concept of IPs was possible in practice.

According to Mr Alfonso Martínez, member of the WGIP, IPs had the right to identify themselves but this could not be an exclusive right of IPs at the international level. Such criterion could create conceptual and practical problems with regard to situations in Asia and Africa. The immediate challenge consisted of defining groups which were not IPs. He specified that the absence of a definition could not delay the
process of drafting the Declaration.

**Mr Guissé**, member of the WGIP, expressed the view that the elaboration of criteria, rather than a precise definition, might be achieved for the sake of clarity. He warned against the confusion between the concepts of "self-identification" and "self-definition".

The **International Labour Organization (ILO)** pointed out that the term "indigenous and tribal" used in ILO Conventions 107 and 169 included all peoples in a similar situation, wherever they lived and whether or not their ancestors inhabited an area before others did. If it proved necessary to specify coverage in the Declaration, it should not consist of a definition in the strict sense.

In a joint resolution, the **Indigenous Peoples Caucus (IPC)** endorsed Sub-Commission resolution 1995/32 and Martinez Cobo's report, acknowledged Ms Daes' working paper, and rejected any attempt that governments define IPs. Many indigenous representatives stated that a universal definition was not necessary to implement indigenous rights, as terms such as "peoples" and "minorities" had not been defined in international law (**Coordinación de los Pueblos Indígenas de Centro y Sudamérica-CPICS, Association Nouvelle pour la Culture et les Arts Populaires-ANCAP, Taiwan Aborigines Delegation-TAD, Central Land Council-CLC**). A definition would limit and exclude some peoples from enjoying rights in international law (**Dene Nation-Canada, ANCAP, Assembly of First Nations-AFN, Indian Law Resource Center-ILRC, Saami Council, Ka Lahui-Hawaii, CPICS**). A single definition would enable States to further diminish the rights of IPs (**Asian Indigenous Peoples Pact-AIPP**). A description, rather than a definition whose purpose was to control, would be more appropriate (**World Council of Churches**). Indigenous identity should be the core principle of any definition (**Indigenous Women Aboriginal Corporation-IWAC**).

The concept of IPs must remain flexible, inclusive and adaptable to diverse situations (**ILRC**). Most of the indigenous representatives stressed that self-identification was a fundamental right of peoples and an integral part of the right to self-determination in the context of international standards and domestic law. Interference from States meant continuation of oppression and colonization. Self-identity, distinct culture and social organization, antecedence, and attachment to a particular territory were essential criteria for all the indigenous organizations.

The **IPC** presented another joint resolution in which they called for the official renaming of the "Working Group on Indigenous Populations" as the "Working Group on Indigenous Peoples".

The **Naga Peoples Movement for Human Rights (NPMHR)** specified that no distinction should be made between "indigenous" and "tribal" and that peoples categorized as "scheduled tribes" in the Indian constitution should be recognized as IPs. The **Jharkhand Organisation for Human Rights** asserted that the government of **India** only acknowledged the existence of IPs when financial considerations were at stake and referred to recent negotiations with the World Bank. They clarified that the term "IPs" actually referred to indigenous ethnic minorities, tribal groups and scheduled tribes. According to the **Jumma Peoples Network (JPN)**, the government of **Bangladesh** denied the existence of IPs in their country. Their attempts to identify IPs on the basis of arrival was considered a conspiracy to block the Draft Declaration. The **Nepal Federation of Nationalities (NFN)** referred to Nepal's recognition of nationalities as IPs and its efforts for the establishment of the National Foundation for the Upliftment of Nationalities, and expressed his disagreement with the views of Asian governments with regard to the definition. The **TAD** explained that after 400 years of colonial rule in **Taiwan** and a 12-year struggle with the government for their identity, they had finally recovered the right to use their own native names and gained some recognition in the constitution. However, the government still refused to recognize many Aborigines from the plains and the mountains.

**Governments**

- **Australia** considered that it was not necessary to arrive at an all-purpose definition in order to
advance the rights of IPs and that the notion of self-identification was the starting point. Other factors such as descent and recognition by the indigenous community concerned should also be taken into account.

- Sharing this view, Chile pointed out that the question of the definition should not cause delay for other activities for IPs.
- Finland chose to leave the question of a legal definition to be resolved by IPs themselves with their own governments.
- Canada and Brazil agreed that the concept of IPs should have a universal application. Brazil added that a definition was not possible or useful.
- Bangladesh called for a focused definition as an essential step in guaranteeing the rights of IPs and pointed out that the country's population of 120 million were all indigenous and warned against a Native American stereotype to describe IPs.
- India rejected the notion of self-identification and asserted that by avoiding the critical issues of identifying the actual beneficiaries of the Declaration, the WGIP would lose its focus on the human rights questions of the truly IPs. The representative stated that "tribal" referred to a social structure while "indigenous" did not. He also rejected the criterion of cultural distinctiveness, as a multitude of "culturally distinct" groups had co-existed in India since time immemorial.
- As for Nigeria, a clear-cut definition was necessary to distinguish between IPs and minorities, and the self-identification approach was self-defeating.

Review of developments pertaining to the promotion and protection of human rights and fundamental freedoms of Indigenous Peoples

This item was divided into two parts: the first part dealt with integrity and security, culture, religious and linguistic identity, education and public information, economic and social rights, land and resources, and the implementation of IPs rights, while the second one was dedicated to the issue of health.

Many indigenous representatives reported on the situation in their respective countries. In Quebec, the Grand Council of the Crees (GCC) opposed the secession of the province from Canada by organizing a parallel referendum. A State-organized native vote in Hawaii meant to enable IPs to exercise their right to self-determination was denounced as inadequate under international law (Kanaka Maoli Tribunal Komike, Ka Lahui, Pacific Asia Council of IPs). Many aboriginal delegates from Australia expressed their fear with regard to the newly elected government who was hostile to indigenous affairs (Aboriginal and Torres Strait Islanders Commission-ATSIC, CLC, Aboriginal Provisional Government).

The Consejo Regional Indígena del Cauca (CRIC) stated that IPs were subject to State interference and military violence in Colombia. The civil war in Suriname had forced IPs to become refugees, thus destroying the social cohesion of communities (Foundation Rebuilding Temereng). The United Liberation Front of Asom, the Jammu Kashmir Peoples National Party and the United National Liberation Front-Manipur denounced gross human rights violations committed by the Indian military with impunity. The Society for Protection of Tribal Interest stated that IPs were displaced because of development projects without being relocated. The JPN denounced the impunity granted to security forces in the Chittagong Hill Tracts (Bangladesh). The Hmong people of Laos were subject to imprisonment, persecution, ethnic cleansing and forced relocation (Lao Human Rights Council-LHRC). The AIPP reported on the targeting of indigenous activists in Asia where cases of torture, rape, kidnapping, detention and political assassinations had been registered. In Africa, governmental oppression and bloody repression forced IPs to become refugees (Association des femmes réfugiées touarègues-AFRT).

In many African and Asian countries, IPs were denied a special status. The ANCAP called for the official recognition of Amazigh culture and language in the Moroccan constitution. The Ainu National Congress reported that the government of Japan had set up a national committee within the framework of the UN Decade of Human Rights Education but that IPs were excluded from it. The Amis of Taiwan (TAD)
demanded that their intellectual property rights be respected by the international community.

The Organization of IPs in Suriname denounced the devastating effects of the structural adjustment programme. The Elder's Council of Shorsk People (Russian Federation) stated that their people were trying to develop their own mining initiatives in collaboration with companies using environmentally safe technology. The national and transnational pearl enterprises set up in the Moluccas had forced the traditional local divers into poverty (Homeland Mission 1950). The transmigration policy had given rise to ethnic conflicts (Mena Muria Foundation).

Loss of traditional land and forced relocation affected many IPs from all over the world, such as tribal peoples of India, Dineh people of the U.S.A. The Coordinación de Organizaciones Mapuches del Neuquen accused the government of Argentina of not transferring land control to the Mapuche in spite of the law. The IPs of Brazil were deeply concerned about the new decree meant to reduce the land demarcation process (Coordenação das Organizações Indígenas da Amazônia Brasileira-COIBA). Land invasion in Yanomami territory by gold prospectors was denounced once more. In Nicaragua, the government did not respect the demarcation of Miskito territories. (ILRC). Several organizations of Australia opposed the amendment of the Native Title Act aimed at reducing the right to negotiate the use of indigenous lands (Aboriginal and Torres Strait Islanders Social Justice Commissioner-ATSISJ, Kimberley Land Council, IWAC). Human rights were continuously violated by the Indonesian military and the mining companies (West Papua Peoples Front). The Chippewa people reported on a conflict with the government of Ontario (Canada) about a sacred burial ground converted into a park and a military base. The Lakota people's territory was used as a dumping site for toxic wastes (Black Hills Teton Sioux Nation-BHTSN).

The representative of ILO referred to the technical assistance projects carried out, such as their assistance to the government of the Russian Federation in the adoption of a legislation protecting the rights of IPs; the UN in the drafting of the Guatemala peace plan; the promotion of a programme to support self-reliance of indigenous and tribal communities; and a community-based environment impact assessment.

The representative of MINUGUA stated that the Agreement provided for the creation of several joint commissions for the promotion of educational reform, indigenous participation, land rights, official recognition of indigenous languages and of sacred Mayan sites.

Governments

- **Canada** reported on a new federal policy for the implementation of the right of Aboriginal self-government within the constitutional framework of the country. A historic agreement on land management had been signed with 13 First Nations and another one on treaty land entitlement concerning 19 Manitoba First Nations had been initiated.
- The **United States** informed the WG that a new executive order for the accommodation of Indian religious practices had been signed by the President.
- **Australia** reported that no title had been recognized yet under the Native Title Act and that amendments to the Act were a priority.
- **New Zealand** stated that 1990 Education Act recognized the establishment of institutions focusing on Maori tradition and culture. The representative informed the WG that his government was still working on the settlement of claims with regard to the Treaty of Waitangi.
- **Norway** referred to the special health and social problems of the Saami mainly due to environmental pollution and the process of economic adjustment.
- **Brazil** explained that the new decree on land demarcation was meant to clarify the administrative procedure and strengthen the legal basis for implementation.

Health
Recalling the organization's goal "health for all", Mr. Goon (WHO), stated that there was a universal concern about the costs and an increasing gap between demand and response which should be overcome by a number of strategies he identified. He pointed out that there was no greater challenge than improving the health of vulnerable and high-risk groups. WHO reported on a project on substance abuse to assist in the healthy development of IPs.

The Pan-American Health Organization informed the WG that, in cooperation with IPs, the organization had developed principles to improve the health situation of IPs - namely the need for a holistic approach, the right to self-determination and systematic participation, the respect for indigenous cultures and reciprocity in relation as well as a plan of action.

The IPC presented a joint statement on the spiritual, mental, emotional and physical health of IPs in which they condemned the patenting of life forms, structural adjustment programmes and called for the development of programmes by WHO and for a world conference.

Many IPs suffered diseases of poverty resulting from appalling living conditions, poor nutrition, inadequate housing, unclean and insufficient water supplies and poor sewage. The indigenous representatives provided the WG with many statistics on health standards, referring to the high incidence of diseases such as malaria, tuberculosis, cancer, heart disease, diabetes, emphysema, infectious diseases like AIDS and HIV. Public health care systems were often oppressive, unavailable, inaccessible or inappropriate (NPMHR, Organización de Mujeres Aymara del Kollasuyo-Bolivia, Chin National Front-Burma, Escuela Maya de Derechos Humanos-EMDD, Maa Development Association-MDA, Osiligi-Kenya).

The link between the loss of land, the loss of traditional social and economic structures, environmental degradation and poor health conditions was emphasized by many indigenous representatives. Several diseases also resulted from the loss of cultural identity due to colonization, marginalization, militarization and discrimination. The Wannyala-Aetto people of Sri Lanka had been evicted from their forest and new diseases such as diabetes, alcoholism and obesity had appeared due to the loss of traditional subsistence. The MDA stated that the loss of ancestral territories had led to the breakdown of the Maasai food production system and resulted in maternal health problems and child mortality. The Ghumusasa Mahila Sangatham reported on the desintegration of tribal ecosystems in India due to industrialization. In Peru, the Ayllu-Aymara's health condition was affected by water drainage to the deserts (Amauta). Gold prospecting with mercury in Brazil, uranium mining and nuclear waste dumping in North America and in Taiwan affected the health of several indigenous communities.

The denial of human rights was also linked to the health status. According to the NPMHR, a new form of post trauma stress disorder affecting victims of torture and deriving from the impact of militarization and State violence had emerged in tribal areas. The Aboriginal representatives from Australia expressed their concern about the alarming incidence of Aboriginals' death in custody.

Many indigenous communities were threatened with substance abuse and suicide (Greenland Home Rule Government, Association of IPs of Chukotha-Russian Federation, Cactus Valley-U.S.A.). According to the National Aboriginal Islander Child Care Secretariat (Australia), health problems were mainly due to denial of language, loss of relatives and psychological distress. The Assembly of Manitoba Chiefs (Canada) stated that social welfare had destroyed their well-being.

Many indigenous representatives claimed their right to develop their own health policies, considering that the restoration, promotion and protection of autonomous, holistic health-care systems were the only solutions to their health problems (National Aboriginal Community Control Health Organization-Australia, AFN, MDA). The San people of Southern Africa reported on a process to unite the San people across national boundaries in order to retain their culture and a socially healthy environment for their children. The importance of traditional medicine in relation with the protection of biodiversity was emphasized as the only way to preserve traditional medical knowledge. Traditional
healers, whose knowledge is mostly preserved by women, must be able to live peacefully in their natural environment (AFRT). Indigenous communities should be encouraged to freely exercise their own medicine in their cultural context (EMDD).

The HUGO Project was condemned by several organizations. The Asian Indigenous Women’s Network/Tebtebba Foundation (Philippines) called for a moratorium on the patenting of genetic materials from IPs and proposed to identify and develop all possible legal options for IPs to protect their human genetic resources.

Governments

- **New Zealand** informed the WG that the country's national health system had been restructured, which had given hope to the Maori.
- **Australia** deplored the poor state of public health infrastructure with regard to water, housing and sewerage in some indigenous communities and informed the WG that an aboriginal health council had been established to advise the Minister for Health on strategies, priorities and policies.
- **Canada** reported that the national health care system was being decentralized and meant to respond to community needs. Suicide and substance abuse among adolescents were areas of concern.
- **The United States** stated that IPs' health situation had improved thanks to the 1986 Indian Health Care Improvement Act. But they were still concerned about the high incidence of diabetes, tuberculosis and heart disease.
- **Denmark and Greenland Home Rule Government** reported on health problems despite access to free health care. The causes were related to control over land, resources, identity as a people and culture. Intense pressure from industrial countries to limit IPs' right to hunt sea mammals made it difficult to develop a sustainable economy. In 1995, an alcohol-rehabilitation centre had been opened.
- **Norway** referred to a report on health and social services for the Saami people by the Ministry of Health and Social Affairs emphasizing the need for a cross-sectoral approach to improve their situation.
- **Colombia** identified three aspects essential to IPs' health: a holistic vision of the world, the effective interaction between indigenous and non-indigenous health systems, and the need to ensure that globalization did not affect free health care for IPs. Strategies had been developed to educate indigenous youth in traditional medicines.
- **Brazil** recalled that they had made recommendations to WHO with regard to indigenous health and international cooperation and acknowledged the link between IPs' health and their lands. New policies had been developed to respect and maintain traditional health practices and knowledge along with Western medicine.

Permanent Forum

The **IPC** presented a joint statement which stated that the PF should not be a replacement for the WGIP and that it should be established at the highest level of the UN (ECOSOC or GA). Access should be the same as WGIP's and specialized agencies would have an active part to play. In another joint statement, the aboriginal organizations from Australia specified that the PF should be able to receive complaints on human rights abuses and to deal with the review of developments.

The PFs mandate should include the protection of human rights (Asian Indigenous Caucus, Confederacy of Treaty Six First Nations-CTSFN, ATSIC). A broad scope in order to coordinate the activities of UN agencies was proposed by NSWALC. The issues of health, development and biodiversity should be dealt with (Asociación Napguana-Panama, Movimiento Indio Tupac Amaru-Bolivia, Asociación Tohil Morales Niños Mayas-Guatemala, CTSFN). IPs should be able to voice matters crucial to their survival (Consejo de Todas las Tierras-Chile). On the whole, the mandate should cover
cultural, political, economic, civil, social, environmental, developmental, and educational issues. **Treaty Four First Nations (Canada)** and ATSISJC were in favour of a body able to adjudicate international treaty disputes.

As for membership, many indigenous organizations suggested a committee composed of five government representatives, five indigenous representatives and five independent experts from the five geographical regions.

**Governments**

- **Chile** reiterated its offer to host the second workshop at the beginning of 1997, as the PF was considered a priority issue.
- **Denmark**, on behalf of the **Nordic countries** and **Greenland Home Rule Government**, was of the opinion that the PF should have a broad mandate and a large scope covering such issues as development, the environment, culture and human rights and that it should be placed at a high level (ECOSOC).
- As for **Australia**, the PF should deal with economic, social and development issues also at ECOSOC level.

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**International Decade**

ATSIC recalled that they were responsible for planning and coordinating the Decade in Australia. The **International Organization of Indigenous Resource Development** requested that the organization of two world indigenous nations games be included in the programme of activities for the Decade. The **Mejlis of Crimean Tatar People (MCTP)** suggested that the Draft Declaration be adopted in order to start working on a covenant on the rights of IPs. The **Asamblea Nacional Indígena Plural por la Autonomía** complained that they were not informed on the scope of the Decade due to lack of interest on the part of the government of **Mexico**.

**Governments**

- **Sweden** informed the WG that it had established a National Committee for Indigenous Issues, which had adopted a plan of action. Among other activities, it had organized a seminar on land rights.

**Voluntary Fund**

Many indigenous representatives deplored the lack of funds available (**Dene Nation, MDA, ANCAP**). ATSIC reaffirmed their financial support for both Voluntary Funds and requested an open accountability and the transfer of the administration from New York to Geneva.

**Governments**

- According to **Japan**, the preservation of IPs' culture and cultural exchanges should be enhanced by the programmes of the VF.
- It was important that the VF be established as a separate account (**Japan, Denmark, New Zealand**). Denmark and New Zealand welcomed the establishment of the Advisory Group for the VF and stated that their contribution would depend on the management of the Fund.
- **Canada** reported on a meeting with aboriginal leaders on the objectives and activities of the Decade, particularly on the international trade and development theme of the Decade.
- As for **Australia**, the success of the Decade depended in part on the UN specialized agencies and
other UN organizations. An important objective was to increase awareness of IPs’ rights and concerns in the wider community.

Study on treaties

NSWALC stated that no treaties had been signed between Aboriginal and non-Aboriginal peoples in Australia because of the *terra nullius* doctrine, whose historical application should be studied. *Ka Lahui* (Hawaii) requested that a case study contained in document E/CN.4/Sub.2/1992/32 be completed. The MCTP asked the Special Rapporteur to undertake case studies on the peoples of former Soviet Union. The MDA informed the WG that in 1904 the Maasai had entered into a treaty with the British without understanding the consequences and asked for compensation.

Mentioning the current negotiations with the U.S. government, BHTSN repeated that treaty violations could not be settled with money. Referring to "modern" treaty-making processes, AFN pointed out that discussions were arbitrarily limited by government policy.

Other matters

- The Fourth World Indigenous Youth Conference held in Saamiland was aimed at seeking a balance exchange between political and cultural issues and gave rise to the establishment of an Indigenous Youth Network.
- In a joint statement, the IPC called for the amendment of CHR resolution 1995/32 in order to ensure the full participation of IPs in the Working Group of the Commission on the Declaration.
- The ILRC proposed that a special rapporteur be appointed to analyze existing land rights arrangements.

Sources: *UNPO Monitor, Report of the WGIP, doCip*

List of abbreviations

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<th>Abbreviation</th>
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<tr>
<td>AFN</td>
<td>Assembly of First Nations (Canada)</td>
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<td>AFRT</td>
<td>Association des femmes réfugiées touarègues (Burkina Faso)</td>
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<td>Asian Indigenous Peoples Pact</td>
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<td>COIAB</td>
<td>Coordenaçao das Organizaçoes Indígenas da Amazonia Brasileira (Brazil)</td>
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<td>CPICS</td>
<td>Coordinación de los Pueblos Indígenas de Centro y Sudamérica</td>
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<td>CRIC</td>
<td>Consejo Regional Indígena del Cauca (Colombia)</td>
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Sub-commission on Prevention of Discrimination and Protection
of Minorities

48th Session - 1996

Resolutions concerning Indigenous Peoples

Discrimination against Indigenous Peoples (Res. 1996/31)

The Sub-Commission requests indigenous organizations, governments and intergovernmental and non-governmental organizations (NGOs) to provide information and data on "environment, land and sustainable development of IPs" for the 15th session of the WGIP next year and recommends that the WGIP be authorized to meet for five working days prior to the 49th session of the Sub-Commission next year.

International Decade of the World's Indigenous Peoples (Res. 1996/34)

The Sub-Commission recommends:

- improving indigenous participation in planning and implementing the activities of the Decade;
- that the Centre for Human Rights organize a workshop for indigenous journalists, as well as technical meetings on indigenous land rights and claims focusing on the negotiation process and co-management regimes;
- that the WGIP include a "Review of the activities carried out in 1994-1996" for its 15th session.


The Sub-Commission recommends that the Centre for Human Rights organize a second workshop on a Permanent Forum for Indigenous Peoples in early 1997.

Religious freedom of Indigenous Peoples (Res. 1996/36)

The Sub-Commission - emphasizing the concern expressed during the WGIP regarding the violation of sacred sites and religious ceremonies - recommends that the Special Rapporteur explore the impact of external influences have on these communities' ability to practice their religious traditions.

Protection of the heritage of Indigenous Peoples (Res. 1996/37)

The Sub-Commission welcomes the priority given to the protection of traditional knowledge of IPs by the State parties to the Convention on Biological Diversity, and requests the urgent convening of a technical meeting of the Special Rapporteur with representatives of WIPO, UNESCO, UNEP, UNDP, FAO and WTO to consider their possible contribution, facilitate cooperation and coordination.

Study on indigenous land rights (Res. 1996/38)

The Sub-Commission requested Ms Daes to conduct a comprehensive study on the problem of recognition of and respect for indigenous land rights including existing national laws, policies and procedures and to make constructive, action-oriented recommendations.

Discrimination against Indigenous Peoples(item 14)
Report of the Working Group on Indigenous Populations on its 14th session


More than 721 participants from governments, UN bodies and agencies, from non-governmental and Indigenous organizations (with or without consultative status at ECOSOC) attended this year's WGIP. According to the new approach, four of the nine sessions were devoted to health and IPs (with 125 oral interventions plus written statements) as special focus, two to standard-setting including the concept of "indigenous peoples" and the remaining time to the review of developments.

In her report, Ms Daes encouraged governments to ensure their territorial integrity by sharing power rather than by denying internal self-government to IPs. Land dispossession, and its devastating effects on nutritional changes, was identified as a basic reason for poor health conditions of the IPs. She congratulated governments who tried to improve indigenous health conditions by sending health specialists. She expressed hope for continued co-operation with the WHO (as during this WGIP) and other UN agencies.

Study on treaties, agreements and other constructive arrangements between States and indigenous populations.


After some general considerations about treaties and agreements with IPs under the aspects of historical research and international law the report analyzes developments in the following regions: North America, Central America, the Southern Cone, and Northern Europe.

While the political practices and doctrines can be based on detailed research throughout North American history, research on IPs of Latin America still lacks in-depth study. Two case studies on the effects of colonial government illustrate this: the British with the Misquito Indians and the Spaniards with the Kuna of Panama. The history of the Mapuche in Chile (and Argentina) serve as a case study for South America. The limitations of a "constructive arrangement" are shown in the relationship between Denmark and the Greenland Home Rule.

Protection of the heritage of indigenous peoples.

(E/CN.4/Sub.2/1996/22) Supplementary report by Ms Daes.

Before analyzing recent environmental treaties and trade agreements in detail, the Special Rapporteur congratulated the WIPO for preparing an international symposium on the preservation and legal protection of folklore, although it is not part of its mandate. She also highlighted UNESCO's intersectoral task force and its plan to edit the "annual report" within its biennial cultural reports.

UNCED's recognition of the need for protecting traditional ecological knowledge and conservation practices of IPs has been addressed by the Convention on Biological Diversity, by the Convention on Desertification, by the Intergovernmental Panel on Forests, and by FAO's Global Plan of Action regarding utilisation of plant genetic diversity. Even the WTO, through Trade-Related Aspects of Intellectual Property Rights (TRIPs), allows member States to accord greater protection to the heritage of IPs than they are required to give to intellectual property in general - provided they also protect IPs of other States. TRIPs also allows States to exclude the traditional ecological and medical knowledge of IPs from being patented. In her conclusion, Ms Daes asked for a continuing mandate to exchange information with all agencies of the UN system and for full and effective participation of IPs. She stressed the need for special funds for this purpose.

Statement by the independent expert
Mr Bengoa

- considered the WGIP's focus on health this year as extremely important for the following reasons: the comparatively bad health conditions among IPs; the increasing re-evaluation of their knowledge of traditional medicine and experience, thus protecting IPs’ intellectual property against robbery. Explaining the close link of HUGO project with over 100 uninformed IPs, he recommended to study this issue further;
- congratulated Ambassador Urrutia for facilitating the first real discussion of contents among the member States of the Commission of Human Rights during the Working Group on the Draft Declaration last November 1995. After ten years of preparation, the discussion with the real decision-makers has replaced the "blind" discussions among powerless experts;
- spoke of the wide spectrum of divergent opinions among the governments and between these and the IPs, and regrets that the "ghost of territorial secession" has haunted some governments. These have deviated and dangerously complicated discussions on the matter and on the question of collective rights;
- believed the reality to be easier and clearer than the complicated conceptual struggle;
- recommended therefore a seminar for governments, experts and indigenous representatives in order to find a common point of agreement. The ongoing experience with the Inter-American Declaration of Rights of IPs should be used by the Latin American partners to participate more actively in the advancement of the world-wide Declaration.

Statement by the representative of ILO

- reported that ten countries so far ratified ILO Convention 169;
- described the Guatemala peace process as sign of the increasing impact of ILO standards;
- informed the group that the ILO expert committee had expressed concern about indigenous access to land and resource rights, displacement and resettlement;
- raised the issue of compensation for the loss of traditional lands, when examining the situation of Argentina, Bangladesh, Brazil, India, Panama, Colombia and Mexico.

Statements by observergovernments

Chile

The representative from Chile referred to the valuable report on the 14th session of the WGIP, pointing, in particular, to the sign of goodwill and the spirit of cooperation which dominated the discussions on health and IPs. He expressed confidence and hope for progress in the establishment of priorities for the Decade. He offered his cooperation for the difficult task in order to reach a viable agreement on the Declaration. Above all, he repeated the invitation of his country to host the second workshop on the Permanent Forum, a top priority of the Decade. Referring to the concept of IPs, he confirmed his government's conviction that this is not a prerequisite for the speedy progress of both the Declaration and the Permanent Forum.

Peru

The representative of Peru, after enumerating all the indigenous rights recognized by the Peruvian constitution, invited the participants to a constructive dialogue and to be pragmatic and politically responsible. Rapid solutions are needed instead of fruitless prolongations at the expense of the IPs themselves.

Referring to the delicate question of the concept of IPs in Peru, he is convinced that constructive dialogue could lead to "high levels of self-government with the greatest autonomy and independence." In return, these high levels should not question the nation-state, territorial integrity, security and sovereignty. He also recommended regional and sub-regional meetings so that IPs may exercise their international capacities.
Statements by non-governmental organizations

Saami Council

Some governments should not fear the term "peoples" due to its reference to self-determination, since the denial of indigenous rights could undermine a nation-state even more. IPs possess the right of self-determination regardless of whatever the final Declaration may state. It welcomes in particular the recommendations to study indigenous land rights and to focus on environment and land of IPs at the WGIP's next session. It recommends the establishment of the Permanent Forum in addition to the WGIP with a broad mandate of monitoring, policy development, co-ordination and programming. It did not recommend to change the date of the International Day of the World's IPs to 1st of August as being too Geneva-focused.

World Council of Churches (WCC)

The representative expressed his disappointment that the WGIP has still not been renamed "Working Group of Indigenous Peoples", as the indigenous participants have asserted for years. The WCC is developing consultative models of partnership with IPs to implement processes for decolonization for both the Church and their constituencies, seeking change amongst non-indigenous and Indigenous Peoples within the churches. Since IPs cannot tear down the wall of colonisation by themselves, both the churches and the State have to accept that the alternatives offered by IPs are legitimate and can replace the status quo that perpetuate the domestication of IPs.

Liberation

Reported on the continuous military control of the Chittagong Hill Tracts, one-tenth of the country's territory and where one-third of the Bangladesh military and paramilitary forces are stationed. It requested the immediate release of the secretary of the Hill Women's Federation, who was abducted from her home in June (according to an Amnesty International report).

American Association of Jurists (AAJ)

Deplored the several concrete cases in Latin America:

- in Brazil, where the new decree 1775 allows any person or institution to question the process of land demarcation guaranteed by the constitution of 1991;
- in Peru, where the state is trying to oblige its indigenous land owners to sell their land at a low price, exerting pressure on them with the complicated and contradictory regulations of law 26505 of 1995, which was republished in 1996;
- in Colombia, where six indigenous leaders were assassinated within two months in the department of Cordova. In revolt against these assassinations and against the invasion of indigenous territory by oil companies, indigenous communities from ten departments occupied the building of the Bishops' Conference. The study of the construction of an inter-oceanic channel has been commissioned by the government without consulting the indigenous and black peoples living in these areas. The AAJ deplored Colombia's preparation for the channel construction, which might even employ nuclear power, while pleading for a profound study of the African Americans' situation and for the participation in the working group on minorities.

The AAJ condemned the continued incarceration of the Native American (Sioux) Leonard Peltier in the U.S.A. His sentence should be reviewed because it was based on falsified proofs.

On the discussions on health during the WGIP, AAJ pointed out the serious contradictions between the health reports of the government representatives and the retention of such basic resources as clean water for IPs.
Pax Romana

- reported on the contradictory position of Guatemala, who invites the refugees to return, while at the same time stops the system of credits for buying the necessary land;
- therefore recommended to consider also the possibility of staying in Mexico, since COMAR (Comisión Mexicana de Ayuda al Refugiado) found out that 72 per cent of the Guatemalan refugees in the camps of Quintana Roo and Campecho want to stay, many of them being already Mexicans by birth.

Latin American Federation of Associations of Relatives of Disappeared Detainees

- asked for help from the UN and NGOs against the violence of the military in Mexico, under the pretext of the revolts of Chiapas and Guerrero, terrorizing indigenous peoples and peasants with arbitrary imprisonments, confessions under torture and abduction;
- informed the group that the lack of basic services not only leads to illness and early death, but also aims at the extermination of IPs in order to get hold of their best lands and natural resources.

Movement Against Racism and for Friendship Among Peoples

- in spite of much comprehension for some governments' fear of secession, it stressed the need for self-government, equal participation through freely-elected representatives of indigenous peoples;
- insisted that only participation and negotiation can lead to peace and freedom. An example for the non-existence of these conditions is seen in Myanmar (Burma), even after the SLORC has signed agreements with 15 resistance groups in indigenous territories. The impunity of the most wealthy dealer of opium is assured, while the IPs are accused of producing opiates. If there were to be a true dialogue with the freely elected indigenous representatives the opium production could be expected to drop to zero. But so far, miserable health care, lack of schooling in their own language, forced labour, and the displacement of whole villages continue as they have been observed by many NGOs and the UN Special Rapporteur. Even an AIDS epidemic is to be feared because of forced prostitution in Thailand and because of the increasing use of heroin with syringes.

International Organization of Indigenous Resource Development

- the Four Cree Nations of Hobbema considered their preparation of the WIN-games (cultural events and traditional games) an important contribution to the Decade. They did, however, condemn the theft of cultural spirit, music or knowledge which occurred during the Atlanta Olympics and urge the Sub-Commission to investigate the context. They repeated their recommendation for a global indigenous health conference in Treaty 6 Territory.
- concerning the study on land rights, they requested the appointment of an indigenous expert or a current member of the WGIP with good knowledge of past information presented by IPs.
- considered paragraph 176 of the UN procedures and mechanisms to seem to finally reflect indigenous views and therefore should remain as it is, even if it was just an editorial mistake;
- appreciates Mr Martínez' third report and looks forward to the final conclusions in 1997;
- suggested to investigate in situ the Treaty No. 6 situation as a practical example.

Elimination of racial discrimination (Item 5)

Pro-Kanaka Maoli Independence Working Group

- denounced the recent imposed "plebiscite" in Hawaii as a denial of the right to self-determination, just as had been the case with a similar plebiscite in 1959, which was used to remove Hawai'i from the UN list of Non-Self-Governing Territories eligible for decolonization. In fact, the extinction of the Kanaka Maoli people has been projected for the year 2044 by the US Congress Office of
Technology Assessment. Daily discrimination is illustrated by an extremely high infant mortality, the shortest life expectancy and a reduction of Maoli by 80 per cent over a period of time. Their women have the second highest rate of breast cancer in the world. Water has been privatized in violation of Maoli and U.S. law, and streams are being diverted from community farming and contaminated by sewage, pesticides and toxic waste. In addition, the US military treat them in a discriminatory way, dismantling chemical weapons and depositing nuclear waste on their lands and waters.

Society for Threatened Peoples

- reported on the untold crime perpetrated on the Naga people from both Indian and Burmese military forces;
- regretted that there is no international action to check the persisting dangerous situation in Nagaland and asked the Commission to send a fact-finding mission;
- denounced, in particular, the cruelty with which captured Naga people and officials are tortured to death in Indian Army custody, whereas Naga forces treated Indian armed personnel well and released all of them. In spite of the enormous crimes committed on innocent Naga civilians, Nagas have not retaliated on the Indian or Burmese civilians, though thousands of Indians are being settled in Nagaland.

Transnational Radical Party

- stressed the need to investigate "underground" discrimination which is primarily the case in big countries, where the regional authority might discriminate while the central government denying responsibility, for example India, Russia, Ukraine (Crimea) and Tanzania (Zanzibar). The pretext of discrimination is often not openly racial, but rather the insufficient knowledge of the official language, permanent settlement, etc. Non-intervention by government and the refusal to prosecute offenders promote violations against specific ethnic groups, while projecting an image of tolerance and compliance with human rights standards. Thus, the Ukrainian government tolerated the Crimean government's restriction on repatriation and resettlement of Crimean Tatars, and failed to grant Ukrainian citizenship to over 200,000 Crimean Tatars who returned to their homeland since November 1991.

International Association of Educators for World Peace

- drew attention to the ongoing discrimination of the Dalit, the "Untouchables" in India, the Ogoni in Nigeria, and the Batwa, the Pygmies of the Rwanda forest belt. The 500,000 Ogoni people live in a militarized zone without hospitals, electricity, piped water, schools and roads, while US$ 30 billion worth of crude oil has been exploited from their territory since 1958. The oil proceeds are being used to develop other parts of Nigeria.

Resolutions and decisions

- Resolution 1996/8 on racism and racial discrimination.

Violations of human rights and fundamental freedoms (Item 6)

Mexico

Since the Zapatist insurrection of January 1994 in Chiapas, the number of private militia-paramilitary groups paid by landowners (or caciques) - has been steadily increasing. The attacks of the guardias blancas committing robbery, torture and murder remain unquelled in the states of Chiapas, Oaxaca,
Tabasco and Guerrero without being challenged (reported by Pax Romana (PR)). In Chilon, Chiapas, where 95 per cent of the population belong to the Tzeltal people, the guardias blancas took control of the City Hall on 18 April 1996 and proclaimed the New City Council, without any reaction whatsoever from the federal authorities. The protests of the inhabitants have been violently suppressed, particularly in the area of Bachajon, where six deaths and 23 houses were burnt. Officials invited to witness this have been denied freedom of movement.

This type of violations has become common in Chiapas, especially in the areas populated by IPs (reported by World Organization Against Torture (WOT)). The underlying problem is the struggle for the possession of land that IPs have been denied by the caciques.

PR requests the Sub-Commission to intercede with the Mexican government in order to re-establish respect for the rule of law, and to rapidly pass legislation in accordance with the peace agreements signed in February 1996 in Chiapas, guaranteeing the rights of IPs.

The International Educational Development/Humanitarian Law Project (IED/HLP), together with 43 Mexican human rights organizations affiliated with the network "Todos los derechos para todos", denounced the increasing violations committed with impunity by the Mexican police. Documented cases of summary executions, torture and arbitrary arrests have become common in the poorer states: Chiapas, Oaxaca, Hidalgo, Veracruz, Mexico State, Guerrero, Chihuahua and Morelos. IED/HLP and WOT urged the Sub-Commission to adopt a resolution on the following concerns: the new national security legislation increasing the role of the military in civilian society, the constant insecurity faced by farmers and community leaders, the corruption within the police and the criminal justice system. Both organizations urged the Mexican government to put an end to the violations and to take their authors to court. They requested the Commission to appoint a special rapporteur to investigate the situation in Mexico.

**Brazil**

France-Libertés (FL) denounced:

- the massacre of El Dorado (in the state of Para), resulting in 19 deaths from neck wounds, and 51 wounded, in April 1996. This occurred during a peaceful demonstration of 1500 landless farmers demanding to expedite agrarian reform. Over the last ten years, 13 such massacres have taken place.
- the impunity with which the perpetrators commit this type of violations: very few go on trial, witnesses are under constant threat of murder and are not protected; inquests and judgements are not impartial.

FL and the deputy of the state of Arnapa request the Sub-Commission to enquire from the Brazilian government about the progress of the inquest on this massacre, the measures taken to guarantee both the security of witnesses, and the arrest of the perpetrators.

**Pax Christi International (PCI)** noted that the El Dorado murders have provoked a vast movement of support from churches, political parties and trade unions.

**Colombia**

WOT noted that the permanent office to be established in Colombia by the High Commissioner for Human Rights, as requested by the Commission on Human Rights last April 1996, had not been created yet. Gross human rights violations committed by guerilla and paramilitary groups, the police and the military continue with impunity while political, social and human rights activists are prosecuted for voicing their discontent. WOT asked for immediate action.

**Myanmar**

According to War Resistant International (WRI), the Karen Human Rights Group (KHRG),
Volunteers for the Displaced Shan (VDS) and Human Rights Watch (HRW), a new campaign of forced relocations has been launched by the military regime, the State Law and Order Restoration Council (SLORC). Since March 1996 more than 100,000 Karen and Shan people (at least 183 villages and 20 to 30,000 people in the Karenni State, 450 villages and 50 to 80,000 people in the Shan State) who stayed in their villages after the deadline have been forcefully displaced by the Burmese Army and some have been executed. Most were prevented from taking with them their own rice supplies and livestock. Some villages were burned. At the relocation camps, people are crowded into churches, schools or had to build shelters for themselves. No one received assistance or medical supplies from the military, and the rice provided to each family was barely enough to survive. A lot of villagers were submitted to forced labour (road and railway construction/development).

At least 3,000 Karen have fled to refugee camps in Thailand, while more than 15,000 Shan in the same situation are now considered as "illegal immigrants", there being no camps for Shan people in Thailand. They are either arrested and thrown in jail, or sent back to Myanmar.

Relocations are usually planned by SLORC as a means to suppress any help the villagers may give to those who are considered rebel armies. In the Shan State, the motivation appears to be related to the creation of new armies by the remnants of drug lord Khun Sa's troops, who surrendered in December 1995. In Karenni, pressure is being put on the Karenni National Progressive Party (KNPP) who continues to fight government troops. In both states, relocations are related to the improvement of infrastructure for tourism.

HRW requests the SLORC to cease these relocations and to allow international organizations to visit the areas, assist the displaced people, and negotiate their safe return to their homes. It urged as well the Thai government to give refuge and assistance to the people fleeing their country. VDS made an appeal to the UNHCR to take immediate action and to ask the Thai government to set up refugee camps for the Shan and allow access to NGOs. WRI urged the Sub-Commission to express its concern for these violations, and urged both the Sub-Commission and the UN General Assembly to take up their economic, social and cultural consequences in their future resolutions.

Rwanda

Survival International denounced the status of the Batwa people. They are marginalized in their own country, victims of deforestation and dispossessed of their land. Caught in the middle of the war between the Hutu and the Tutsi, more than 10,000 have died and a similar number are in refugee camps, while 3,000 are in jail charged with genocide. He requested the immediate appearance in court of the imprisoned Batwa and financial support to support their legal defence.

WOT expressed its concern about the situation in the Great Lake region and reiterated its recommendation for the convening of a diplomatic conference with all parties concerned.


Other resolutions and decisions

- Decision 1996/106: Monitoring the transition to peace in Guatemala.

Other issues and meetings

Committee against Torture
The reports of the following governments will be considered at the Committee's next session from 11 to 22 November 1996: Algeria, Russian Federation, Republic of Korea and Uruguay.

Contact: Mr Bruni, tel. (+41 22) 917 3962, fax: 917 0099

Voluntary Fund for the International Decade

In accordance with resolution 50/157, the Advisory Group of the Voluntary Fund for the International Decade held its first meeting from 29 April to 1 May 1996 during which it decided to draw up guidelines and a questionnaire for financial support (see E/CN.4/Sub.2/AC.4/1996/4) and to consider the adoption of projects put forward by and on behalf of the IPs. It recommended that the Centre for Human Rights give priority to the following proposals: to organize a second workshop on the Permanent Forum; to develop a project for scholarships for indigenous leaders in training on human rights in the UN in conjunction with doCip; to sponsor, in conjunction with UNESCO, a human rights training programme for indigenous representatives and government delegates of Peru and Ecuador; to provide technical support for a workshop on the Draft Declaration of IPs of the Pacific and Asia region proposed by the government of Fiji; and to assist the indigenous project of the East Africa Regional Information Office.

Membership: The five members of the Voluntary Fund for IPs, three donor countries (New Zealand, Japan, Denmark), the UNDP, and Ms Daes, Chairperson of the WGIP.

Committee on Economic, Social and Cultural Rights

From 18 November to 6 December 1996, the Committee will consider, among others, the reports of the following governments: Dominican Republic, Portugal (Macao), Belarus, Finland and United Kingdom (Hong-Kong). It will also review the implementation of the Covenant by a non-reporting State: Honduras.

From 28 April to 16 May 1997, the governments of Guyana, Zimbabwe, Russian Federation and Peru will present their reports. The situation in the Central African Republic, a non-reporting State, will also be discussed.

Contact: Mr Tikhonov, tel. (+41 22) 917 3968, fax 917 0099

Committee on the Rights of the Child

At its 14th session from 6 to 24 January 1997, the Committee will consider, among others, the reports of the following countries: Ethiopia, Myanmar, Panama and New Zealand.

Contact:
Ms Blyth-Kubota, tel. (+41 22) 917 3956
Ms Raadi, tel. 917 3359, fax 917 0099

Committee on the Elimination of Racial Discrimination

The Committee's next session will take place from 3 to 21 March 1997 during which the reports of the following countries will be reviewed: Guatemala, Panama, Algeria, Pakistan, Belarus, Mexico...

Contact: ARIS (Anti-Racism Information Service) Tel. (+41 22) 740 35 30, fax 740 3565
The International Day of the World's Indigenous Peoples

The International Day of the World's Indigenous Peoples (9 August) was marked by a message from the UN Secretary-General who called for a conscious shift in national and international priorities towards the promotion of the legitimate demands of IPs. The day was a celebration of the rich cultural diversity of IPs. The more general concerns shared by all IPs is environmental degradation and destruction, which are being addressed by the concrete actions of the programme of the International Decade. Direct participation and new channels for consultation remain key objectives of the International Decade. Ms Daes called on the participants to feel and share the suffering of the IPs on that special day.

Committee on Human Rights

The Committee's next sessions will take place:

- in Geneva, from 21 October to 8 November 1996, where, among others, the reports of the governments of Denmark, United Kingdom (Hong-Kong), Gabon and Peru (continuation) will be considered.

Contact: Mr Tistounet, tel. (+41 22) 917 3965, fax 917 0099

Economic, social and cultural rights (Item 8)

The following reports may be of interest to Indigenous Peoples' organizations:

- Report by the Secretary-General on the impact of transnational corporations on the enjoyment of ESC rights and the right to development, including science and technology, transfer of technology and intellectual property rights, international legal framework relating to TNCs and proposals for a new international regulatory framework, and international cooperation (E/CN.4/Sub.2/1996/12).
- Final report on human rights and extreme poverty by the Special Rapporteur, Mr Despouy, in which the activities of United Nations Development Programme, World Bank, International Monetary Fund, World Summit for Social Development in light of sustainable development are reviewed (E/CN.4/Sub.2/1996/13). (Also see resolution 1996/23).
- Provisional report on the relationship between the enjoyment of ESC rights and income distribution by the Special Rapporteur, Mr José Bengoa, dealing with the situation at both international and national levels, and the link with education and discrimination (E/CN.4/Sub.2/1996/14). (Also see resolution 1996/26).
- Second interim report on the question of the impunity of perpetrators of ESC rights violations by the Special Rapporteur, Mr Guissé, including violations of the right to development, the right to a healthy environment and collective rights of vulnerable groups, and measures to combat impunity (E/CN.4/Sub.2/1996/15). (Also see resolution 1996/24).
- Resolution 1996/25 on the realization of ESC rights.

International fora on biodiversity and environmental issues

I. Third Conference of Parties: Convention on Biological Diversity

30 October-1 November 1996: Buenos Aires (Argentina)

Indigenous Experts' Seminar on Biodiversity

2-3 November 1996: Buenos Aires (Argentina)

International Indigenous Forum on Biodiversity.
These meetings arise from resolutions adopted at the Preparatory Meeting convened on 24-25 September 1996 in Buenos Aires within the framework of the Third Conference of Parties (COP3). They are meant to be a contribution to the content and the implementation of the Convention on Biological Diversity (CBD). A global indigenous proposal will be discussed, with special emphasis on Article 8(j). The basis is that, through the principle of establishing a new partnership articulated under the International Decade, many States understand the efficiency of indigenous systems of resource management as a natural ally in the struggle to conserve a sound natural world as well as sound human societies. Organized by: International Alliance of Indigenous-Tribal Peoples of the Tropical Forests, Coordinación de Organizaciones Indígenas de la Cuencia Amazoníca, World Council of Indigenous Peoples, Biodiversity Network, Consejo de Todas las Tierras, SAIIC-Abya Yala Foundation, and the local coordinators, Coordinación de Organizaciones Mapuche (Neuquén, Argentina), Comisión de Organizaciones Indígenas Residentes en Buenos Aires and Asociaciones Indígenas de la República Argentina. A proposal will be drafted to the COP for the adoption of an Inter-sessional Working Group to focus on IPs’ inputs, considering the Medium-Term Programme of Work established at COP1.

Contact: Jorge Nahuel (Coordinación de Organizaciones Mapuche), Catamarca 234-8J, 1213 Buenos Aires, Argentina, tel/fax: (+54-1)931-2254, e-mail: asoproga@mbox.servicenet.com.ar

2-3 November 1996: Buenos Aires, Argentina

**Fifth Global Biodiversity Forum (GBF5)**

Workshops include: Agriculture and Biodiversity; Investing in Biodiversity; Integrating Biodiversity into Land Management. Sponsored by the IUCN.

Contact: IUCN-World Conservation Union, Jeffrey McNeely, Chief Scientist, 28 rue Mauverney, CH-1196 Gland, Switzerland, tel: (+41-22) 999-0001, fax: (+41-22) 999-0025, e-mail: m@hq.iucn.org

4-15 November 1996: Buenos Aires, Argentina

**Third Conference of Parties (COP3) of the CBD**


Contact: CDB Secretariat in Buenos Aires, Secretaría de Recursos Naturales y Ambiente Humano, Programa de Desarrollo Institucional Ambiental, Sra. María Julia Alsogaray, San Martín 459, 1004 Buenos Aires, Argentina, tel: (+54-1) 348-8446/8448, fax: (+54-1) 348-8443

**II. Intergovernmental Panel on Forests (CBD)**

9-13 December 1996: Leticia (Colombia):

**Inter-sessional Meeting of the Intergovernmental Panel on Forests (IPF)**

Indigenous Peoples, Forest Communities, and Forests; sponsored by the government of Denmark and Colombia; organized by the International Alliance of Indigenous-Tribal Peoples and Amazon organizations (COICA, ONIC, OPIAC).

February 1997: New York (U.S.A)

**Fourth Intergovernmental Panel on Forests (IPF4)**

United Nations Commission on Sustainable Development

See Provisional Agenda and «Programme Element 1.3: Traditional Forest-Related Knowledge» (E/CN.17/IPF/1996/16).

Contact: Elizabeth Barsk-Rundquist, UN Department for Policy Coordination and Sustainable Development, tel (+1-212) 963-3262, fax: (+1-212) 963-1795, e-mail: barsk-rundquist@un.org, home page: http://www.un.org/DPCSD

June 1997
Special Meeting of the UN General Assembly

5-year review on the implementation of Agenda 21 as a mandated follow-up to UNCED (Rio Earth Summit).

Sources: WWF-International

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Fellowship programme for indigenous organizations and communities

A joint pilot programme of the UN Centre for Human Rights and doCip

The aim of the Indigenous Fellowship Programme is to give indigenous individuals the opportunity to gain knowledge and skills in the field of international human rights in general and on Indigenous Peoples rights in particular in order to assist their organizations and communities in protecting and promoting the human rights of their people.

The Indigenous Fellows will be based at the UN Centre for Human Rights as well as at the non-governmental organization doCip. They will also have the opportunity to establish contacts with other inter-governmental and non-governmental organizations. After an introduction to relevant Geneva based bodies and human rights instruments and procedures, the Fellows are invited to study a theme or human rights procedure of special interest to their organization/community.

The Fellowship runs from 15 May to November 1997. Three Fellowships will be awarded for 1997. the Fellowship covers return travel, living allowance for a six-month period in Geneva, accommodation and health insurance. The programme also covers a language course of basic English in the home country, if necessary.

Selection criteria

a. the organization is expected:
   ○ to nominate a candidate who is committed and able to work as a multiplicator of the knowledge and skills gained during the Fellowship in Geneva when he/she resumes his/her involvement with the organization/community;
   ○ to report on the candidate's activities and his/her usefulness to the organization/community, six months and 12 months after the end of the candidate's Fellowship;
   ○ to be ready, if necessary, to support the Fellow's dependants during the Fellowship.

b. for the Fellow
   ○ He/she is proposed and nominated by the respective organization/community.
   ○ He/she has basic knowledge of the English language. If necessary, the Fellowship includes a basic English language course in the home country prior to the arrival in Geneva.
   ○ He/she accepts to live continuously in Geneva, for a six-month period.
   ○ He/she resumes his/her involvement with the organization/community after his/her return.

Acknowledgments

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